Collection of Global Course Syllabi Relating to Internally Displaced Persons

by Gimena Sánchez-Garzoli

September 2004

Foreword

The Brookings-SAIS Project on Internal Displacement expresses its appreciation to all of the experts from different parts of the world who have contributed their courses to this collection of global syllabi on internal displacement. We are especially grateful to Michael Cernea of the World Bank for preparing an insightful commentary on teaching about displacement.

Appreciation is due to Gimena Sánchez-Garzoli for researching and identifying courses that relate to internal displacement throughout the world and for compiling this collection. It should be noted that this collection does not include all courses that deal with the subject of internal displacement. Rather it is the first effort that brings together a broad sampling which highlights how instructors have integrated the subject matter into their curriculum.

We hope that this collection will serve to stimulate further development of courses and trainings materials on internal displacement. Such courses are vital to raising global awareness of the plight of the internally displaced worldwide and building the knowledge base necessary for finding durable solutions to their protection and assistance concerns.

Roberta Cohen   **Francis M. Deng**

Co-Directors
The Brookings-SAIS Project on Internal Displacement

Introduction

This collection is intended to serve as a resource for academics, researchers and trainers interested in developing courses and training materials pertinent to internally displaced persons (IDPs) and to encourage worldwide efforts to create courses inclusive of this subject.

University faculty in different parts of the world have asked the Brookings-SAIS Project to undertake this compilation in order to stimulate additional courses and provide an exchange of ideas on how best to teach the different aspects of internal displacement and integrate the subject into broader coursework.

Since 1997, a growing number of academic institutions around the world have begun to include the subject of internal displacement in their course work. At the City University of New York (CUNY), Dr. Francis M. Deng, Representative of the UN Secretary-General on Internally Displaced Persons, introduced the first course exclusively devoted to the subject of internal displacement in 2002. In preparation for this course, I developed a *Selected Bibliography on the Global Crisis of Internal Displacement*, published by the Project in December 2001. The widespread interest in the bibliography and Dr. Deng's course further influenced the decision of the Brookings-SAIS Project to compile syllabi from around the world relevant to the subject of internal displacement.

The course syllabi found in this collection were sent in by faculty and trainers in different countries in response to an announcement that was circulated to over 300 academics and researchers engaged in the field of forced migration and other relevant course subjects. The announcement went to numerous universities, non-governmental and international organizations in Africa, Asia, Europe, the Americas, and the Middle East in the course of 2002–3.

The collection is divided into two sections: courses exclusively focused on internally displaced persons; courses on broader subjects that include internally displaced persons; training programs; and certificate programs. The diversity of the university course syllabi demonstrates that internal displacement is a multi-faceted issue of relevance to several fields of study, including anthropology, law, public health, political science and development.

The subject of forced migration has begun to be taught in Western industrialized states (Canada, Italy, Norway, Spain, UK and USA) where there is growing academic interest in the issue. It is also taught in countries with significant populations of displaced persons, such as Colombia, India, Mexico and Sri Lanka. In Colombia, an academic field of study has been developing in an effort to address the concerns of IDPs and analyze the country's legal and national response to the problem. In India, the Mahanirban Calcutta Research group has decided to launch its annual forced migration course in order to bring forward a South Asian perspective on how to conceptualize and address the concerns of forced migrants.

In addition to university course syllabi, this collection includes training modules on internal displacement and on the Guiding Principles on Internal Displacement, the first international standards for IDPs. The modules reproduced include those used by the Norwegian Refugee Council (NRC)'s Global IDP Database and by the agencies in the United Nations Inter-Agency Standing Committee (IASC). To date, the NRC has conducted training workshops in Angola, Burma, Burundi, Colombia, Georgia, India, Indonesia, Nepal, Nigeria, Liberia, Philippines, Sierra Leone, and Uganda (see www.idpproject.org). OCHA's Internal Displacement Unit regularly uses the IASC training modules to train UN staff and local actors to better understand and respond to IDPs. In particular, the Unit's training has served to support the development of national policies that address the protection and assistance concerns of the internally displaced. To date, the IDP Unit has conducted training in many countries (for the reports of the Unit training, including lessons learned, see www.reliefweb.int/idp).

The author wishes to thank the faculty members and trainers who submitted their syllabi and modules for inclusion in this compilation. Appreciation also goes to the staff of the Brookings-SAIS Project on Internal Displacement and to Co-Director Roberta Cohen for encouraging and editing this volume. We are aware that there may be other universities with courses not listed here and would therefore appreciate receiving any additional syllabus or training materials. The Brookings-SAIS Project's support of educational initiatives on the subject of internally displaced persons is an ongoing effort. I would therefore very much appreciate receiving from you any syllabus or training materials, for future editions.

Internal displacement can now be found in more than 50 countries throughout the world. There are an estimated 25 million persons displaced due to conflict alone most of whom are in urgent need of protection and assistance. These large numbers of women, men and children who find themselves in this complicated and vulnerable state point to the need for increased education on this subject. Further development of course syllabi on internally displaced persons (IDPs) is encouraged in order to stimulate more effective global, regional and national strategies among the actors. Education is the first step in the process of consciousness raising and providing inspiration for action.

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Teaching About Population Displacement: Reflections About a Collection of Syllabi

Michael M. Cernea[1]

Social science research on population displacement has vastly expanded in recent decades, in all respects: more published empirical investigations; broader territorial coverage; increasing efforts towards theory building; methodological innovations in research; and visibly stronger influence on actual policies and on operational programs. Now, due to the present compendium of University syllabi, we receive convincing testimony about yet another dimension of this growth: the expansion and diversification of academic teaching about displacement and resettlement. This is an important body of research-accumulated knowledge about displacement, not only claiming, but also legitimately staking, its own territory in the academy. Specialized university courses multiply, achieve clearer didactic structure and — most importantly — gain access to more minds eager to learn.

The present compendium of University syllabi, tenaciously collected and organized by Gimena Garzoli-Sánchez for the Brookings-SAIS Project on Internal Displacement, is indeed a very timely and important academic publication. It makes possible for the first time an intellectual stock-taking of the progress accomplished to date in the academic reproduction and communication of knowledge about population involuntary displacement. It also enables the exchange of experiences, between those at great distance of each other from the US to Bangladesh, from China to South Africa, from India to Norway, and to and from many other countries — who now teach, or would teach these topics in the future. The international community of scholars, researchers and practitioners in this domain therefore owe a debt of gratitude to the Brookings-SAIS Project and its leaders, Francis Deng and Roberta Cohen, and to Garzoli-Sánchez as editor, for undertaking this stock-taking and making the results publicly available. This contributes to intellectual exchange and reciprocal learning, gathers building-blocks for promoting more such courses elsewhere in the world, and helps develop a shared conceptual vocabulary and interdisciplinary exchanges.

Even a brief immersion in this rich collection stimulates many ideas on how this line of teaching can be advanced further. I share some personal thoughts here, in the hope that they may trigger a broader discussion about the substance of educating skilled professionals in refugee assistance, reducing and mitigating development-caused displacement, risk-management, and development and reintegration.

The Typology of Population Displacements

What are the basic concepts and propositions around which these syllabi revolve? To what extent is there a common theoretical foundation to these courses?

The syllabi in the present volume explore various *types* of displacement processes. To define and categorize them, they use, by and large, the same broad concepts, yet not always in the same sense. One

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[1] Research Professor of Anthropology and International Affairs, George Washington University, Washington, DC.

basic conceptual distinction holds, apparently, throughout most syllabi — the distinction between "refugees", as forcibly displaced people who have crossed a national border, and "internally displaced populations" who — although dislocated from their places of origin against their will — have not crossed a border and have relocated (temporarily or permanently) inside their own country. The syllabi reveal, however, divided teaching preferences when it comes to subsuming these two categories into one broader notion: the terms employed are either "forced migration" or, simply, "population displacement". Significant currency has been gained in recent years by the newly coined term "forced migration", as a big-tent concept able to encompass all forms of involuntary displacement. But there are perceived problems with this concept: the recourse to a qualifier ("forced") in addition to the noun (migration) and the risk of confusion, of inadvertent overlap and conceptual contamination with the classic concept of "population migration" that is voluntary (such as in "rural-urban migration", "international migration", etc.) has made some of the syllabi studiously avoid the ambiguities of the "forced migration" term.

Instead, we can clearly note the visible ascent of the clear and unqualified concept of "population displacement" as the encompassing term of choice, obviously not burdened by any overlap and contamination with "regular" migration. This ascent is primarily due to the expanding use, in teaching as well as in practice, of the UN "Guiding Principles on Internal Displacement[2] (recommended as reading in virtually all syllabi).[3] It is too early to conclude, however, and more scholarly discussion of these two broad concepts forced migration and population displacement will surely lead to more consensus as to which one is more precise, and adequate for both teaching and theory building. Yet clearly, terminology problems remain still acute in displacement research and teaching. The divide between researchers of refugee movements from wars and conflicts, on the one side, and researchers of development-caused displacement and resettlement, on the other side, and the gaps in connections between them are still far from being enduringly bridged, despite positive steps in this direction.[4] This perpetuates ambiguities in teaching, when the same concept (e.g., resettlement) is used in a certain one-sided sense, without care to at least signal the alternative meanings and uses of the same concept. Clearly, the "resettlement" of refugees, and the "resettlement" of development-displaced people are processes that differ profoundly in their dynamic and content, despite the use of the same term. One would hope that the obligation for stringency in classroom teaching will put constructive pressure towards more terminological precision and closer bridging of concepts used in various sub-areas of displacement research.

Internally Displaced Populations

To the observers of what Universities have been offering over the last 10 to 15 years on population displacement issues, one important new trend is fully obvious in the present compendium. Ten or more years ago the dominant theme was "refugees", while the populations internally displaced by the same causes did not come under the lens of research and teaching. Gradually, however, the research community realized the huge magnitude of internal displacement and its distinct status and charac-

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[2] Francis Deng, *Guiding Principles on Internal Displacement,* Addendum to the Report of the Representative of the Secretary-General, submitted pursuant to Commission on Human Rights resolution 1997/39, February 1998, UN Doc. E/CN.4/1998/53/Add.2.

[3] See in particular, Cohen, R. and Deng, F.M. 1998. *Masses in Flight: The Global Crisis of Internal Displacement.* Washington, DC: Brookings Press; and Cohen, R. and Deng, F.M. 1998. *The Forsaken People: Case Studies of the Internally Displaced.* Washington DC: Brookings Press.

[4] Cernea, Michael. 1996 "Bridging the Research Divide: Studying Refugees and Development Oustees". In T. Allen, ed. *In Search of Cool Ground: War, Flight, and Homecoming.* London: James Currey.

teristics, compared to cross-border displacement. Over time, this led to changes at Universities as well. Currently, the academic landscape is enriched by many courses about just such *internal* displacement, parallel with courses on trans-border refugees. This compendium did not propose to collect courses on refugees, even though refugee issues are far from absent and are included in the numerous academic offerings on conflict, war, and related issues. Yet definitely the multiplication of *internal* displacement courses, dedicated to the different forms such internal dislocations take, are a new trend.

Sure enough, there are many ways to tailor course content. Some faculty choose the intensive, focused approach, and offer well circumscribed courses on one or another type of displacement, while others prefer the broader approach, offering integrated courses that condense in one syllabus information on both refugees and internally displaced persons, promoting comparative examination. What seems to me novel and significant is primarily the distinctiveness acquired by internal displacement as an object of study. I think that this trend mirrors growing specialization within the field and portends the orientation for the future, without reducing the intrinsic importance of refugee studies.

Development-Caused Displacement

Another novel trend reflected in the present compendium is the presence of courses and sections of courses devoted to development-caused displacement. The subject is not new in academia. It has been, and continues to be, present in numerous courses dedicated to development in general. But in the area we consider, courses specially dedicated to development-imposed dislocations are gaining independent status. Obviously, this is not by happenstance. Available statistics indicate that development-displaced groups are massive and, in totality, represent the *single most numerous subcategory* among all internally displaced categories. This is well documented particularly for the most populous, and relatively politically stable countries, such as India, China, Brazil, and others. Research into development-caused displacement has also crafted in recent years a set of important new concepts apt to capture the inner typology of these processes: their characteristics by sector of displacement, by extent of dispossession, by type of resettlement, etc. However, this refined conceptual apparatus is still not fully reflected in most syllabi, and this may suggest an area of needed improvement.

In substance, the content of the development-displacement syllabi is heavily weighted toward the paradox that some of the development projects designed to achieve poverty reduction end up impoverishing (compensation payments notwithstanding) the populations they displace and relocate. The connection between the impact of internal displacement, on the one hand, and impoverishment risks, on the other hand, highlighted in a number of syllabi, proves instrumental for linking the theme of displacement to what is currently the most powerful paradigm in contemporary policies and politics: the poverty reduction paradigm. The inner links between the two are objective, inherent, and intrinsic. Yet they need to be made explicit and obvious in teaching about involuntary displacement as a controversial issue on internal and international agendas. That an increasing number of courses make this link with poverty and impoverishment bodes very well, in my view, for the relevance of this teaching and for equipping students intellectually and morally.

Ethics and Human Rights

Remarkably, ethical issues and human rights issues come up frequently as explicit themes in the syllabi and, in my value-laden view, this is indeed how such courses should be taught. The knowledge generated by research on displacement and communicated through teaching is never just knowledge

for knowledge, but is knowledge for action. This knowledge should inform measures to avoid or reduce displacement, and mitigate impoverishment and other perverse effects. The moral argument is germane to this orientation. Courses that emphasize it educate and better equip their students for practical operational work in this domain.

The Argument Against Teaching Displacement

While the interest in teaching and studying population displacement processes is measurably expanding, I have heard also — from some colleagues in the broader social science community — an odd argument against courses dedicated to this subject. This argument contends that refugee crises or internal population displacement are not "anthropological" enough to qualify as subjects for full-fledged academic courses. These would be rather topics "suitable for classes on social work", rather than for higher-level graduate courses in sociology or anthropology.

I couldn't disagree more with such an argument. It only reflects the detachment of some of our professional colleagues from major processes indelibly imprinted on today's world agenda, that which development, civil wars and environmental disasters posit for resolution.

In fact, population displacement resulting from violent conflicts or from "routine" development programs represents a *strategic window* into our societies and into the construction of our lives and future. Perhaps even more than some other topics, they allow students to understand profoundly the contradictory facets of progress, the good and the bad, the desirable and the undesirable, what is worth supporting, and what must be prevented or mitigated. It is surely necessary, for instance, for anthropologists to understand the structure of kinship systems, cross-cousin marriage patterns or funeral rites in various cultures, in order to grasp the architecture of social systems and how people live. But it is no less important, or less prone to intellectual endeavor and to theorizing, to study the thorny processes of civil wars and their causes, or the adverse displacement effects of some major development programs, which at the same time help secure energy, drinking water, transportation, health services, and other benefits. The intrinsic intellectual content of all syllabi in this compendium convincingly refute any contention that these issues are not a legitimate subject for academic endeavor.

Reaching Beyond the Immediate

Another observation along the same line, in light of the many provocative syllabi in this collection, is that population displacement courses, when taught to graduate students, offer many possibilities for reaching into intellectual areas that at first sight may seem unrelated. Yet the connections are deep and easy to make.

Speaking from the experience of my own course on development and population displacement, I'd mention that both its students and myself as instructor enjoyed opening wider "windows" into development issues, and into the contribution of related disciplines, like economics, geography, or even legal doctrines. Of course, the time for lectures is limited, but there are ways of involving graduate students themselves in developing the topics which the lecturer can only mention fugitively because of time limitations. In my course, I invited the students to choose topics for their final term papers among a wide range of themes which would require them to do independent library study beyond the intellectual territories that we managed to cover in the classroom. Such difficult topics proved

challenging and attractive. The subjects for term papers ranged over a vast spectrum: for instance, the relevance of Rawl's theory of justice to resettlement policies; or Amartya Sen's entitlement theory and the deprivation of displaced people of their income-earning capacities; or a comparison between India's original and revised Land Acquisition Acts of 1894 and of 1984 or a comparison among European, American, and African approaches to establishment of Natural Parks/Protected Areas, with or without the forced displacement of their resident populations; or the secondary analysis of findings reported in the anthropological literature about displacement caused by biosphere reserves in Latin America; or the origins of the doctrine of eminent domain law and its adequacy, inadequacy and effects today in expropriations done for development programs; and so on. Of course, the range of displacement topics is unlimited, and so is the potential for intellectual gain.

Learning for Practical Work

Some of the most interesting syllabi about internal displacement reproduced in this compendium clearly aim to equip students with concepts, methods, and knowledge potentially useful in practical work, during or immediately after completing their degrees, in assistance programs of people internally displaced by civil wars, development programs, or disasters. This gives more confidence to many students who love studying sociology or anthropology, for instance, but don't quite know exactly what kind of jobs they can perform, other than teaching, when they finish their studies. In light of the reviewed syllabi, it may be worth emphasizing this practical orientation within this family of academic course-offerings. While these are definitely not courses in social work, absorbing information and concepts usable as professional tools can only enrich students' preparation for value-oriented humanitarian work and for negotiating fickle job markets. Surely, not all students who take courses of the kind described will do practical work in this field. But those of them who would be much better prepared for such work, while those who won't would have gained an understanding of important processes buffeting our societies.

Non-University Training Courses

The Brookings-SAIS collection of syllabi brings us also a section containing training modules on internal displacement designed for non-University courses. This brought to mind a situation that I observed initially with surprise, but which I noticed again and again during my field work on development projects entailing displacement and resettlement. Frequently, the responsibility for implementing these components are entrusted to an operating "Resettlement Unit" or "Resettlement Cell". Having met many managers of such resettlement units, I discovered with astonishment that in the majority of cases it was for the first time in their professional careers that those individuals were called upon to conduct such multisided, complex social processes. Most had no prior experience, whatsoever. Nor was access to management training made available to them before being given their demanding managerial jobs. In the organizational structures of projects that are dominated primarily by technical expertise, the social content of managing resettlement tends to rank low on the totempole of project skills.

The inordinately high proportion of resettlement project managers who are in first contact with this kind of work is partly explained by a high rate of turnover. Many who had previously held such responsibility in a prior project, and failed, prefer to take on a different job in a subsequent project rather than continue in the same kind of work — so that even that hard accumulated experience is being lost. There isn't yet, in this kind of work, a professional "career line", which would encourage

and reward continuity, while also building lessons of past work into confronting similar challenges elsewhere. This situation is unfortunately compounded by the availability of only a few options for specialized, regular long term study of resettlement issues, or of sporadic opportunities for intensive short-term training on displacement and resettlement[5]. Good management, able to help improve the disrupted livelihoods of forcibly displaced populations, demands a combination of skills and knowledge that is neither possessed by many nor easy to acquire "on the job" without professional training. It is not surprising that inexperienced management turns out to be, as many project evaluation studies have revealed, one of the main causes of failure to achieve resettlers' socio-economic redress and development[6].

In sum, my empirical observations find that countless "managers of resettlement operations" practice their managerial jobs while being handicapped by unsystematic or absent training and preparedness for managing either the socio-cultural *substance* of such risky and complex processes, or their hard *logistics*. I see here a vast opportunity for those teaching academic classes on displacement and resettlement, and for Universities to consider extending their range of offerings, adding courses responsive to the needs of project managers, aid workers, volunteers in humanitarian assistance and so forth. Innovative institutional venues would need to be found, of course, but surely the teaching experience and knowledge embodied in the present compendium suggest that such expanded reach is feasible.

In conclusion, the above observations address only a few aspects of the many experiences revealed by the Brookings-SAIS compendium of syllabi. Further discussion can be expected to take place around this important publication, towards continuous improvement of academic teaching on population displacement issues.

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[5] Universities across the world, in both developed and developing countries, offer only very seldom training to practitioners (non-regular students) on issues of population displacement and resettlement. One important exception is China, where the National Research Center on Resettlement (NRCR) at the Hohai University in Nanjing does offer regular courses to project managers on resettlement issues. In turn, development agencies such as the World Bank or Asian Development Bank have organized short-term ad-hoc courses for project officials , very useful but providing only a drop into the large bucket of needs because established Universities do not aim yet to train full-time specialists in resettlement for work as planners, managers, project officers. In India a remarkable initiative was recently taken for facilitating "learning-at-distance" on resettlement: the India Ghandi Open University (IGNOU), and with assistance from the World Bank, has introduced postgraduate courses on resettlement by development projects. IGNOU currently offers an online "Post graduate certificate Program in management of Displacement, Resettlement and Rehabilitation", developed by the Sociology and Economics faculties of IGNOU's School of Social Sciences (see Kumar, Kapil and Swarankar, R.C. 2002 Evaluation Report on the Post-Graduate *Certificate Program in Management of Displacement, Resettlement and Rehabilitation.* IGNOU — New Delhi).

[6] Cernea, M. and Guggenheim, S. 1996. *Resettlement and Development. The Bankwide Review of Projects with Involuntary Resettlement,* 1986-1994, ESSD, The World Bank: Washington, DC. See also Picciotto, R. van Wicklin, W. and Rice T. 2001, *Involuntary Resettlement, Comparative Perspectives.* Transactions Publishers, New Brunswick — London.

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Training Modules on Internally Displaced Persons and the Guiding Principles on Internal Displacement 251

Degree Program in Internal Displacement 703

Courses Focused Exclusively on Conflict Induced Internal Displacement

Refugees and Internally Displaced Persons Regimes

Johns Hopkins School of Advanced International Studies (SAIS)
International Law Program

Prof. Francis M. Deng
TA: Gimena Sánchez-Garzoli
Spring 2003
United States of America

Course Description:

The principle of sovereignty as a concept of state responsibility to guarantee the protection and general welfare of citizens and those under state jurisdiction is becoming increasingly accepted in international law. And yet, this concept poses serious practical problems in countries experiencing ethno-cultural pluralism, often characterized by acute crises of national identity which create cleavages among the various ethnic, cultural, and religious groups in the country. While those who cross international borders and become refugees are protected by the 1951 Convention, the internally displaced fall into the vacuums of the national identity crisis.

What principles of international law provide a basis for their protection and assistance? What durable solutions (including the options of return, resettlement, and reintegration) are open to them? What normative standards can be applied to addressing the root causes of the tensions, conflicts, and egregious violations of human rights that generate displacement? What principles should govern the management of identity differences based on ethnicity, religion, language, and culture within a state? Should the overriding norm be to assimilate, integrate, or co-exist? And under what conditions are discriminated or marginalized groups entitled to the exercise of the right to self-determination, whether within or outside the state framework?

The course will explore these and other questions in the context of such theoretical and practical issues as the role of law as a regulator of political, economic, social, and cultural processes, involving values, institutions, and patterns of behavior, the status of individuals and groups as competing subjects of legal recognition, the principles for protecting and assisting minorities and those displaced within the borders of their own countries, and the search for durable solutions by addressing the roots of displacement.

Syllabus:

The course will be constructed around categories of issues and empirical questions. These will include, but will not necessarily be limited to, the following:

January 29

I.   Introduction to the Course

- Self-introductions by Prof. Deng and students.
- Strategic vision of the study of displacement.
- Course outline: subjects and themes.
- Conduct of the course: readings, papers and class presentations.

February 5

II.   Overview of the Crisis:

- Who are the internally displaced?
- Where are they located on the political map?
- What are their needs?
- How and by whom are their needs being met?
- What gaps exist in meeting their needs?
- What is the effect of national sovereignty on access to the internally displaced?
- What can be done to overcome the barrier of sovereignty and bridge the gaps?
- Can displacement be viewed as an opportunity for addressing the root causes?

Readings:

"Introduction" and "Global Overview" in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 1–72.

"Nowhere to Run, No Place to Hide," by Roberta Cohen, *Bulletin of the Atomic Scientists*, (November/December 2002), pp. 37–45. Available from www.brook.edu/fp/projects/idp/idp.htm

"Down the Rabbit Hole: The Strange Logic of Internal Flight Alternative," by Bill Frelick in *World Refugee Survey 1999*, U.S. Committee for Refugees, Washington, D.C., 1999, pp. 22–29.

"Exodus within Borders," by Roberta Cohen and Francis M. Deng, *Foreign Affairs*, vol. 77, no. 4 (July/August 1998), pp. 12–16.

"Dealing with the Displaced: A Challenge to the International Community," by Francis M. Deng, *Global Governance*, vol. 1, no. 1 (1995).

"Exodus within Borders," by Roberta Cohen and Francis M. Deng, *Foreign Affairs*, vol. 77, no. 4 (July/August 1998), pp. 12–16.

"Dealing with the Displaced: A Challenge to the International Community," by Francis M. Deng, *Global Governance*, vol. 1, no. 1 (1995).

Optional:

Special Issue: Internal Displacement, *Refugee Reports*, U.S Committee for Refugees, vol. 21, no. 6 (July 2000).

February 12

III.   Definitional Issues:

- By what causes is internal displacement defined?
- What is the significance of crossing international borders?
- What are the similarities and differences between IDPs and refugees?
- Do the similarities and differences justify different treatment or a unified response?

Readings:

Sections on protection in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 162–166, 176–181, 195–207 and 254–289.

Protection of Internally Displaced Persons, by the Inter-Agency Standing Committee (IASC), XXIInd Meeting, New York, December 6, 1999. Available at www.idpproject.org/pdf_files/ProtectionPolicyPaper.pdf

"Protecting the Internally Displaced," by Roberta Cohen, *World Refugee Survey 1996*, U.S. Committee for Refugees, Washington, D.C., 1997, pp. 20–27.

Optional:

"Convention and Protocol: Relating to the Status of Refugees," by UNHCR. Available at www.unchr.org

Students may wish to take a look at the following debate. Articles can be viewed at www.fmreview.org

"Tensions Between the Refugee Concept and the IDP Debate," by Michael Barutciski, *Forced Migration Review*, 3 (December 1998), pp. 11–14.

Responses to Barutciski's article:

"How Tense is the Tension Between the Refugee Concept and the IDP Debate?," by Bonaventure Rutinwa, *Forced Migration Review*, 4 (April 1999), pp. 29–31.

"What May Be Borrowed; What is New?," by Michael Kingsley-Nyinah, *Forced Migration Review*, 4 (April 1999), pp. 32–33.

"Rights and Borders," by Jon Bennett, *Forced Migration Review*, 4 (April 1999), p. 33.

"Protection and Assistance to IDPs," by Marc Vincent, *Forced Migration Review*, 4 (April 1999), p. 34.

Barutciski's Reply:

"Questioning the Tensions Between the 'Refugee' and 'IDP' Concepts: A Rebuttal," by Michael Barutciski, *Forced Migration Review*, 4 (April 1999), p. 35.

Barutciski's Reply:

"Questioning the Tensions Between the 'Refugee' and 'IDP' Concepts: A Rebuttal," by Michael Barutciski, *Forced Migration Review*, 4 (April 1999), p. 35.

February 19

IV.   Normative Framework

- Do existing international human rights and humanitarian standards provide adequate bases for protecting and assisting the internally displaced?
- If not, what are the gaps?
- Can these gaps be better bridged through the interpretation and implementation of existing standards or is a new normative framework needed?
- If a new framework is needed, what form should it take, a legally binding instrument or a non-binding tool for interpreting and facilitating the implementation of existing standards?
- Under what circumstances could the Guiding Principles on Internal Displacement become customary law or is a new legally binding instrument needed?

Readings:

"Legal Framework," by Robert K. Goldman and Walter Kälin in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 73–125.

The Guiding Principles on Internal Displacement, United Nations Office for the Coordination of Humanitarian Assistance (OCHA), 1998 and United Nations Commission on Human Rights, Addendum to the Report of the Representative of the Secretary-General, Mr. Francis M. Deng, E/CN.4/1998/53/Add. 2, February 11, 1998. Available at www.unhchr.ch/html/menu2/7/b/principles_lang.htm

The Handbook For Applying the Guiding Principles on Internal Displacement, by Susan Forbes Martin, The Brookings Institution Project on Internal Displacement and United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2000. Available at www.reliefweb.int/ocha_ol/pub/IDPprinciples.PDF

Manual on Field Practice in Internal Displacement, Inter-Agency Standing Committee Policy Paper Series No. 1, Office for the Coordination of Humanitarian Affairs (OCHA), 1999. Available at www.reliefweb.int/ocha_ol/pub/IDPManual.pdf

Optional:

Guiding Principles on Internal Displacement: Annotations, by Walter Kälin, The American Society of International Law and The Brookings Institution Project on Internal Displacement, Washington, D.C., 2000.

Report of the Vienna Colloquy on the Guiding Principles on Internal Displacement, Vienna, Austria, September 2000, by the Brookings Project on Internal Displacement. Available at www.brook.edu/fp/projects/idp/conferences/vienna200009/summary.htm

"Property Restitution and the Development of A Normative Framework for the Internally Displaced," by Simon Bagshaw, *Refugee Survey Quarterly*, vol. 19, no. 3 (2000).

February 26

V.   Institutional Framework

- Do existing international human rights, humanitarian and development agencies provide adequate coverage for the protection and assistance needs of the internally displaced?
- If not, what gaps exist in the present institutional arrangements for their protection and assistance?
- What alternative arrangements are needed to provide comprehensive coverage?

- In particular, should a new agency be created for the IDPs, along the lines of UNHCR, or should an existing agency be assigned full responsibility for them, or should a lead agency be designated in a given displacement situation, or is the collaborative approach involving all relevant agencies the appropriate alternative?

Readings:

"Institutional Arrangements" in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 126–186.

"UNHCR and Internal Displacement: Stepping into a Legal and Political Minefield," by Guy S. Goodwin-Gill, *World Refugee Survey 2000*, U.S. Committee for Refugees, Washington, D.C., pp. 26–31.

"Whither International Efforts for Internally Displaced Persons?," by Thomas G. Weiss, *Journal of Peace Research*, vol. 36, no. 3 (May 1999), pp. 363–373.

Students should take a look at the Internal Displacement Unit of the UN Office for the Coordination of Humanitarian Affairs (OCHA) website: www.reliefweb.int/idp/

Optional:

"Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees, 6 March 2000," by UNCHR in *Refugee Survey Quarterly*, Special Issue on Internal Displacement in Asia, vol. 19, no. 2 (2000), pp. 271–280.

March 5

VI.   National and International Response

- What variations are there in the way national authorities respond to the needs of their internally displaced populations?
- What factors determine the extent to which national authorities respond positively or negatively to the needs of their displaced populations?
- In particular, what role do ethnic, racial, religious, cultural or class differences play in the response by national authorities?
- To what extent is response to displacement caused by inter-state conflict different from that caused by internal conflict?
- How should the international community address the paradox of internal displacement being perceived as primarily the responsibility of the state, while, oftentimes, the state not only neglects its displaced populations, but may in fact cause the displacement, persecute the displaced, and then shield itself from international scrutiny through the conventional notion of national sovereignty?
- How should the international community engage non-state actors in the context of national sovereignty?

Readings:

"Regional Responses" in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 213–238.

"The Role of Nongovernmental Organizations" in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 187–212.

Seminar on Internal Displacement in Southern Sudan, The Brookings-SAIS Project on Internal Displacement and the United Nations Children's Fund (UNICEF), November 2002. Available from
www.brook.edu/fp/projects/idp/idp.htm

March 19

VII.   Vulnerable Groups

- Given the fact that conflicts affect all those in the conflict zone, should a distinction be made between those who have fled from their areas of normal residence (IDPs) and those who have remained?
- On what basis should such a distinction be made?
- What categories of the internally displaced (e.g. women, children, the elderly, the disabled) need special attention because they are particularly vulnerable?
- What are their distinctive needs and how can they be met effectively?

Readings:

"Protecting Internally Displaced Women and Children," by Roberta Cohen, *Rights Have No Borders: Worldwide Internal Displacement*, Earthscan Publications, Ltd, London, 1998, pp. 63–74.

"The Needs of Internally Displaced Women and Children: Guiding Principles and Considerations," by James Kunder, Office of Emergency Programmes Working Paper Series, UNICEF, 1998.

Older Displaced People: at the back of the queue, Forced Migration Review, 14 (July 2002). Available at www.fmreview.org

Optional:

Displaced Children and Adolescents: Challenges and opportunities, Forced Migration Review, 15 (October 2002). Available at www.fmreview.org

War Brought Us Here: Protecting Children Displaced Within Their Own Countries By Conflict, by Andrew Mawson, Rebecca Dodd and John Hilary, Save the Children (UK), London: UK, 2000.

March 26

VIII. Comparative Case Studies

- Building on a number of variables about the manifestation of the displacement crisis (such as the causes of displacement, the intensity of the crisis, the response of the national authorities), which country cases would best represent comparative samples?
- To what extent does the nature of the conflict causing displacement (such as ethnic, religious, class, regional, or interstate conflicts) affect both the magnitude of the crisis and the response of the national authorities?
- How does the response of the national authorities to displacement caused by natural disasters differ from that caused by conflict?
- How do the above factors influence international response and the receptivity of the national authorities to it?
- What challenges does displacement in failed or collapsed states present to the international community?

Readings:

"Africa," "The Americas," "Asia and the Pacific," "Europe," and "The Middle East" section of "Global Overview" in Internally Displaced People: A Global Survey, 2nd Edition, Global IDP Project of the Norwegian Refugee Council, Earthscan Publications, London, 2001, pp. 25–29, 83–87, 101–104, 133–138, 169–172.

"The Sudan: Cradle of Displacement," by Hiram A. Ruiz in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 139–174.

"Dealing with the Displacement and Suffering Caused by Yugoslavia's Wars," by Thomas G. Weiss and Amir Pasic in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 175–231.

Optional:

"The Sudan: A Nation Divided," in *Protecting the Dispossessed: A Challenge for the International Community*, by Francis M. Deng, Brookings Institution Press, Washington, D.C., 1993, pp. 63–81.

April 2

IX.   Burundi, former-Yugoslavia, Sudan and Sri Lanka: The Ethnic Factor

- What are the similarities and differences in the four conflict situations?
- What are the similarities and differences in the national response to the displacement crises?
- What is the role of the international community in these countries?

Readings:

"Burundi: A Patchwork of Displacement," by the U.S. Committee for Refugees in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 15–56.

"Sri Lanka's Vicious Circle of Displacement," by H. L. Seneviratne and Maria Stavropoulou in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 359–398.

Optional:

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Forced Relocation in Burundi*, E/CN.4/2001/5/Add. 1, March 6, 2000.

"Presence ergo Protection? UNPROFOR, UNHCR and ICRC in former Yugoslavia." Erin Mooney, *International Journal of Refugee Law*, vol. 7 (1995), p. 436.

"Profiles in Displacement: Sri Lanka — Report of the Representative of the Secretary-General, Francis M. Deng, to the Commission on Human Rights (1994)," in *Refugee Survey Quarterly*, vol. 14, nos. 1&2 (1995), pp. 1–44. Also available as UN Doc E/CN.4/1994/44/Add.1.

April 9

X.   Colombia, Mexico and Peru: The Class Factor

- What are the similarities and differences in these conflict situations?
- What are the similarities and differences in the national response to the displacement?
- What is the role of the international community in these countries?

Readings:

Internal Displacement in the Americas: Some Distinctive Features, by Roberta Cohen and Gimena Sánchez-Garzoli, Occasional Paper, Brookings-CUNY Project on Internal Displacement, May 2001. Available from www.brook.edu/fp/projects/idp/idp.htm

Americas section of "Global Overview" in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 64–71.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Follow up Mission to Colombia*, E/CN/4/2000/83/Add.1, January 11, 2000.

"Will Peru's Displaced Return?," by Maria Stavropoulou in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, (1998), pp. 455–494.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Mexico*, E/CN.4/2003/86/Add.3.

Optional:

Internal Displacement in Colombia: Workshop on Implementing the Guiding Principles on Internal Displacement, Summary Report, May 27–29, 1999-Bogota, Colombia, Bjorn Pettersson, Brookings Institution Project on Internal Displacement, Grupo de Apoyo a Organizaciones de Desplazados (GAD), and the U.S. Committee for Refugees, UN Document: E/CN.4/2000/83/Add. 2.

"In Search of Hope: The Plight of Displaced Colombians," by Liliana Obregon and Maria Stavropoulou in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 399–454.

April 16

XI.   Liberia, Sierra Leone, Somalia and East Timor: Failed and Collapsed States

- Whose responsibility is it to provide protection and assistant to displaced persons in failed or collapsed states?
- How can national, regional and international actors share the responsibility of protecting and assisting the internally displaced in failed or collapsed states?

Readings:

"Liberia: A Nation Displaced," by Colin Scott in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 97–138.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: East Timor*, E/CN.4/2000/83/Add.3, April 6, 2000.

"Somalia: From Disintegration to Reconstruction," in *Protecting the Dispossessed: A Challenge for the International Community*, by Francis M. Deng, Brookings Institution Press, Washington, DC, 1993, pp. 51–63.

Optional:

Workshop on the UN Guiding Principles: Freetown, Sierra Leone, 10–14 March 2001, by the Global IDP Project of the Norwegian Refugee Council, 2001. Available at www.idpproject.org

April 23

XII. Armenia, Georgia and Azerbaijan: The External Factor
- What are the similarities and differences in these conflict situations?
- What are the similarities and differences in the national response?
- What is the role of the international community?
- When does displacement end?

Readings:

"Internal Displacement in the North Caucasus, Azerbaijan Armenia, and Georgia," by Thomas Greene in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 233–311.

An IDP No More? Exploring the Issue of When Displacement Ends, by Erin Mooney Discussion paper for the Brainstorming Session on When Internal Displacement Ends, co-sponsored by the Brookings-CUNY Project on Internal Displacement and the Institute for the Study of Forced Migration, Georgetown University, Washington, DC, April 2002.

Optional:

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Georgia*, E/CN.4/2001/5/Add. 4, December 19, 2000.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Armenia*, E/CN.4/2001/5/Add. 3, November 6, 2000.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Azerbaijan*, E/CN.4/1999/79/Add. 1, January 25, 1999.

April 30

XIII. Opportunity in Crisis
- If internal displacement effectively draws attention to the deep rooted, structural problems that underlie the conflicts and human rights violations in the affected country to what extent can the search for durable solutions address these deep rooted problems?
- How can national response to internal displacement be prioritized so that urgent needs are addressed on an emergency basis while longer term solutions are sought? What role should the international community together play in seeking remedies to these structural problems toward an all-inclusive universal goal of human dignity?

Readings:

The Internally Displaced People of Iraq, by John Fawcett and Vincent Tanner, Occasional Paper, Brookings-SAIS Project on Internal Displacement, October 2002. Available from
www.brook.edu/fp/projects/idp/idp.htm

Optional:

"September 11: Has Anything Changed?" *Forced Migration Review*, 13 (June 2002). Available at
www.fmreview.org

Concluding Appraisal

- In retrospect and reflecting on the displacement crisis, how much progress has the international community made in providing protection for and assistance to the internally displaced?
- What gaps still exist in the legal and institutional frameworks for providing a comprehensive system of protection and assistance?
- To what extent does sovereignty still act as a barrier to international response to the crisis of internal displacement?
- What needs to be done to overcome the barrier of sovereignty in order to provide effective, comprehensive coverage for the needs of the internally displaced?

Readings:

Sections on return, resettlement, reintegration and development in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 285–304.

Rethinking 'Relief' and 'Development' in *Transitions from Conflict*, by Steven Holtzman, Brookings Project on Internal Displacement, January 1999.

Course Readings:

Masses in Flight: The Global Crisis of Internal Displacement, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998.

The Forsaken People: Case Studies of the Internally Displaced, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998.

Internally Displaced People: A Global Survey, 2nd Edition, Global IDP Survey of the Norwegian Refugee Council, Earthscan Publications, London, 2001.

Additional Readings:

Exodus within Borders: An Introduction to the Crisis of Internal Displacement, by David A. Korn, Brookings Institution Press, Washington, D.C., 1999.

World Refugee Survey (2002), U.S. Committee for Refugees, Washington, D.C.

The Responsibility to Protect, Report of the International Commission on Intervention and State Responsibility, International Development Research Center, Ottawa, 2001.

Protecting the Dispossessed: A Challenge for the International Community, by Francis M. Deng, Brookings Institution Press, Washington, D.C., 1993.

Rights Have No Borders: Worldwide Internal Displacement, edited by Wendy Davies, Global IDP Survey/Norwegian Refugee Council, 1998.

Another good resource is the Brookings-SAIS Project on Internal Displacement website (see www.brook.edu/fp/projects/idp/idp.htm).

Many of the UN Reports can be found at the UNHCHR site devoted to Dr. Deng's mandate as Representative of the Secretary General on Internally Displaced Persons: www.unhchr.ch/html/menu2/7/b/midp.htm

Students are also encouraged to read additional materials on the subject of internal displacement. For information on additional items on this subject, consult *Selected Bibliography on the Global Crisis of Internal Displacement*, by Gimena Sánchez-Garzoli, Brookings-CUNY Project on Internal Displacement, December 2001.

Contact Information for Francis Deng:

The Brookings-SAIS Project on Internal Displacement
Center for Displacement Studies
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Johns Hopkins University
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Washington, DC 20036
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Fax: (202) 797-6003
Email: gsanchez@brookings.edu

Courses and Seminars on Broader Subjects That Include Internal Displacement

Humanitarian Crisis in the 1990s:
The Challenge to Address the Protection and Assistance Needs of Refugee and Internally Displaced Populations and Root Causes of Refugee Flows through Preventive Action

**Johns Hopkins University
School for Advanced International Studies**

Profs. Le Xuan Khoa and Judith Mayotte
1997
United States of America

Course Description:

In a world population of 5.8 billion, roughly one out of every 115 to 120 persons is displaced by war, civil strife, or persecution. While we continue to hope refugee flows will abate, we see sore people on the move. In 1960 there were 1.4 million refugees. By 1980 the number swelled to 82 million. In our world today there are between 15 and 20 million refugees and approximately 25 to 30 million internally displaced civilians. Fully 80 percent of the displaced are women and children.

Today, refugee movements from countries in distress are greater in numbers, frequency, and complexity. The vast majority of people who are displaced, are displaced because of generalized violence. While individuals per se may not be targeted, whole communities are forced to flee armed, civil conflict because their lives are totally disrupted. To destroy the source of livelihood, opponents kill villagers, burn villages, steal cattle, destroy crops, poison water sources, and strew landmines. Civilians become targets of war, part of the military strategy in these civil wars even though the Geneva Conventions expressly forbid the purposeful uprooting of civilian populations.

The cost in human lives and money is immense. 'When a large-scale humanitarian crisis arises, such as we witnessed in Rwanda, the UNHCR, NGOs, and governments must respond rapidly to assist and protect massive numbers of people, often in critical condition, who are crossing international borders at the same time.

Today, more victims of conflict become internally displaced within their own borders than seek asylum by crossing an international border. For the internally displaced there is no U.N. body mandated to protect and assist them as there is for refugees who cross an international border. With more than 25–30 million civilians internally displaced, the international community is forced to grapple with the complex issue of conflict between national sovereignty on the one hand, and protection of the basic human rights of and humanitarian access to the internally displaced, on the other. It is crit-

ical that humanitarian relief workers have unlimited, uninterrupted, and unimpeded access to internally displaced civilians.

Millions of refugees are returning home to devastated homelands after years in exile. In countries like Mozambique, Eritrea, Ethiopia, and Bosnia-Herzegovina, reconstruction and reconciliation is critical if these countries are not to tip over again into conflict.

If we do not want to witness one humanitarian crisis after another, each more brutal than the one before, we must set new priorities and principles and find new. nonviolent ways to respond to conflict. In reshaping the future, one of our greatest challenges is to work for conflict resolution and crisis prevention. Addressing root causes of conflict is essential.

During the thirteen weeks of this course, we will address the many issues surrounding the forced displacement of people caused by war, civil strife, and persecution. We will seek ways to better protect and assist those who are displaced and consider how conflict resolution and preventive action can become a key element in US. foreign policy and in the activities of grass roots NGOs.

Syllabus:

Week 1:

Overview of World Refugee Movements

A complex variety of conflict and political situations cause massive numbers of people from almost every continent to flee their homes to survive. Increasingly, the movements of refugees and internally displaced civilians are having a greater impact on international peace and security.

Myron Weiner. "Bad Neighbors, Bad Neighborhoods: An Inquiry Into the Causes of Refugee Flows," *International Security.* Volume 21, No. 1 (Summer 1996), 5–42.

Alan Dowty and Gil Loescher. "Refugee Flows As Grounds For International Action," *International Security.* Volume 21, No. 1 (Summer 1996), 43–71.

United Nations High Commissioner for Refugees (UNHCR). *The State of the World's Refugees 1993.* New York: Penguin Books, 1993.
a.   Introduction, "The Challenge of Protection," 1–12.
b.   Chapter 1, "The Dynamics of Displacement," 13–30.
c.   Annex I, "Refugee Statistics," 145–161.
d.   Annex II, "International Instruments and Their Significance," 162–168.
e.   Annex III, "The Work of UNHCR," 169–178.

UNHCR. *The State of the World's Refugees 1995.* New York: Oxford University Press, 1995.
Introduction, "Searching for Solutions," 11–17.
a.   Chapter 1, "Changing Approaches to the Refugee Problem," 19–55.
b.   Conclusion, "Investing in the Future," 233–243.

Gil Loescher. "The International Refugee Regime," *Journal of International Affairs,* Volume 47, No. 2 (Winter 1994), 351–377.

Aristide R. Zolberg, Astri Suhrke, Sergio Aguago. *Escape From Violence: Conflict and the Refugee Crises in the Developing World.* New York: Oxford University Press, 1989
a.　　　Chapter 1, "Who Is a Refugee?" 3–33.
Look over the following:
b.　　　Chapter 2, "Ethnic Conflict in the New States of Sub-Saharan Africa," 37–71.
c.　　　Chapter 3, "In the Long Shadow of South Africa," 72–102.
d.　　　Chapter 9, "Patterns of Social Conflict and Refugee Movements," 227–257.
e.　　　Chapter 10, "Toward a Better International Refugee Regime," 258–282.

W.R. Smyser. *Refugees: Extended Exile.* New York: Praeger, 1987, 1–121.

Gil Loescher and Laila Monahan (editors). *Refugees and International Relations.* New York: Oxford University Press, 1989.
a.　　　Gil Loescher, "Introduction: Refugee Issues in International Relations," 1–34.
b.　　　Jean Pierre Hocke, "Beyond Humanitarianism: The Need for Political Will to Resolve Today's Refugee Problem," 37–48.
c.　　　Gervase Coles, "Approaching the Refugee Problem Today," 373–410.

Week 2:

Refugees, Refugee-life Populations and Internally Displaced Persons

While the 1951 U.N. Convention and the 1967 Protocol relating to the Status of Refugees is the least definition of who is a refugee, its adequacy in addressing the nature and needs of contemporary refugee and internally displaced populations is questionable. How can we reshape current refugee law and structures to meet today's needs?

UNHCR. *Collection of International Instruments Concerning Refugees.* UNHCR: Geneva, 1979.
a.　　　Universal Instruments. Section I - "Refugees and Stateless Persons," 3–98.
b.　　　Universal Instruments. Section II - "Human Rights," 99–1.78.
c.　　　Regional Instruments. Section I - "Africa," 193–206.

United Nations. *Charter of the United Nations.*
a.　　　Chapter VI, "Pacific Settlement of Disputes."
b.　　　Chapter VII, "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression."

UNHCR. *The State of the World's Refugees 1995.* New York: Oxford University Press, 1995. Chapter 2, "Protecting Human Rights," 57–95.

Arthur C. Helton. "Displacement and Human Rights: Current Dilemmas in Refugee Protection," *Journal of International Affairs.* Volume 47, No. 2 (Winter 1994), 379–398.

James C. Hathaway. "Can International Refugee Law Be Made Relevant Again?" U.S. Committee for Refugees. *World Refugee Survey 1996.* 14–19.

Charles William Maynes and Richard S. Williamson (editors). *U.S. Foreign Policy and the United Nations System.* New York: W.W. Norton and Company, 1996. Chapter 6 Fred Cuny. "Refugees, Displaced Persons, and the United Nations System," 187–211.

Howard Adelman and John Sorenson (editors). *African Refugees Development Aid and Repatriation.* Boulder: Westview Press, 1994. Chapter 1, Chris Bakwesegha, "Forced Migration in Africa and the OAU Convention," 3–17.

Roberta Cohen. "Refugees and Human Rights," Refugee Policy Group Issue Paper (February 1995), 1–21.

Kathleen Newland. "Refugees: the Rising Flood," *World Watch.* (May/June 1994), 10–20.

Dick Kirschten. "No Refuge," *National Journal,* No. 37 (September 10, 1994), 2068–2073.

Rosemarie Rogers and Emily Copeland. *Forced Migration: Policy Issues in the Post Cold War World.* Medford, MA: The Fletcher School of Law and Diplomacy, Tufts University, 1993. ,
a.   Section I, Chapter 4, "The Evolution of the International Refugee Regime,' 25–40.
b.   Section II, "Rethinking Current Approaches to Asylum, The Three Durable Solutions, and Special Population Groups," 49–87.
c.   Section III, "Toward a Comprehensive Approach to Forced Migration," 96–135.

United Nations. *The United Nations and Human Rights 1945–1995.* The United Nations Blue Book Series. New York: United Nations Publications, 1995. Sections for reading to be determined.

Week 3:

Refugee Women and Children

Women and children comprise 80% of the world's refugee and internally displaced populations. It is critical that their particular needs are addressed. Various guidelines are in place. These must be implemented in the field.

Christina M. Schultz, "Promoting Economic Self-Reliance," Journal of International Affairs, Volume 47, No 2 (Winter 1994), 557–578.

Judy Mayotte. *Disposable People?: The Plight of Refugees.* Maryknoll, NY: Orbis Books, 1992. Chapter 5, "Refugee Women," 147–189.

Susan Forbes Martin. *Refugee Women.* Atlantic Highlands, NJ: Zed Books, 1991, 1–104.

Gil Loescher and Laila Monahan (editors). *Refugees and International Relations.* New York: Oxford University Press, 1989. Genevieve Camus-Jacques, "Refugee Women: The Forgotten Majority," 141–158

Roberta Cohen. *Refugee and Internally Displaced Women: A Development Perspective.* Washington, D.C.: The Brookings Institution — Refugee Policy Group Project on Internal Displacement, 1995, 1–35.

UNHCR. *Guidelines On the Protection of Refugee Women.* Geneva: UNHCR, July 1991, 1–67. (Look over rather than read the entire document.)

UNHCR. *Sexual Violence Against Refugees — Guidelines on Prevention and Response.* Geneva: UNHCR, March 1995, 1–64. (Look over rather than read the entire document.)

Rosemarie Rogers and Emily Copeland. *Forced Migration: Policy Issues in the Post Cold War World.* Medford, MA: The Fletcher School of Law and Diplomacy, Tufts University, 1993. Chapter 10, "Refugee Women and Children," 88–95.

UNHCR. *Convention On the Rights of the Child.* New York: United Nations Department of Public Information, 1991, DP/1101-May 1991-1OM, 1–54.

UNHCR. *Refugee Survey Quarterly.* Volume 14, Special Issue (Summer 1995).
a.   "Declaration on the Elimination of Violence Against Women," 195–200.
b.   "Note on Certain Aspects of Sexual Violence Against Refugee Women," 201–220.
c.   "Note on Refugee Women and International Protection," 221–238.
d.   "UNHCR Policy on Refugee Women," 239–246.

UNHCR. *Refugee Children Guidelines On Protection and Care.* Geneva: UNHCR, 1994, 5–176.

UNICEF. *The State of the World's Children 1996.* New York: Oxford University Press, 1996. Chapter 1, "Children in War," 12–41.

UNICEF. *The Impact of Armed Conflict on Children.* (Graca Machel study to be published early 1997.)

Guy Goodwin-Gill and Ilene Cohn. *Child Soldiers The Role of Children in Armed Conflict.* New York: Oxford University Press, 1994, 3–181.

Human Rights Watch/Africa. *Children of Sudan Slaves Street Children, and Child Soldiers.* Washington, D.C.: Human Rights Watch, 1995, 1–88.

Human Rights Watch/Africa. *Easy Prey: Child Soldiers in Liberia.* Washington, D.C.: Human Rights Watch, 1994, 1–56.

"On the Protection and Care of Unaccompanied Refugee Children," Proceedings from a Conference in Bellagio, Italy 1994, 1–33.

Week 4:

Assistance to Refugees in Situations of First Asylum

In refugee camps and detention centers in countries of asylum. UNHCR and NGOs are responsible for planning, providing and distributing adequate basic human needs, such as food, shelter, potable water, clothing, sanitation, and medical treatment. to refugees. In addition, they must be concerned with maintaining order in refugee camps as well as encouraging education and vocational training. UNHCR and NGOs most work with host governments who often want to coerce voluntary repatriation by making living conditions in the camps inhospitable and reducing NGO assistance programs. Refugees must also be protected against gang members. armed insurgents. and local security forces and/or camp guards.

UNHCR. *The State of the World's Refugees 1993.* New York: Penguin Books, 1993. Chapter 2, "Asylum Under Threat," 67–82.

Peter Sollis, "The Relief-Development Continuum: Some Notes on Rethinking Assistance for Civilian Victims of Conflict." *Journal of International Studies,* Volume 47, No. 2 (Winter 1994), 451–471.

Judy Mayotte, *Disposable People?: The Plight of Refugees.* Maryknoll, NY: Orbis Books, 1992. Chapter 2, "Closed In," 35–92.

Gil Loescher and Laila Monahan (editors). *Refugees and International Relations.* New York: Oxford University Press, 1989. Randolph Kent, "Emergency Aid: Politics and Priorities," 63–84.

Andrew Natsios, "U.S. Foreign Policy and Complex Humanitarian Emergencies," *USCR World Refugee Survey 1995,* 8–14.

Larry Minear and Thomas G. Weiss. *Mercy Under Fire War and the Global Humanitarian Community.* Boulder: Westview Press, 1995, 1–226. (Applicable to both Weeks 4 and 5)

Jeffrey Clark, "The U.S. Government, Humanitarian Assistance, and the New World Order: A Call for a New Approach," USCR Issue Paper, September 1991, 1–15.

Week 5:

Assistance to Internally Displaced Persons: Conflicting Policies by Governments and by International Relief Agencies

There are a number of reasons why protection and access to internally displaced civilian is difficult and, in some cases, almost impossible for international organizations and NGOs gad extremely costly. Oftentimes, the internally displaced are trapped in the midst of armed conflict or live in a country there all governance has broken down. In some cases, the very governments charged with protecting its citizens may refuse access to those in territory held by rebel factions.

UNHCR. *The State of the World's Refuges 1993.* New York: Penguin, 1993.
a.   Chapter 4, "Protection In Times of Armed Conflict," 67–82.
b.   Chapter 8, "Broadening the Focus of Protection," 139–144.

Judy Mayotte. "Civil War in Sudan: The Paradox of Human Rights and National Sovereignty," *Journal of International Affairs,* Volume 47, No. 2 (Winter 1994), 497–524

Roberta Cohen and Jacques Cuenod. *Improving Institutional Arrangements for the Internally Displaced.* Washington, D.C.: The Brookings Institution — Refugee Policy Group Project on Internal Displacement, 1995, 1–87.

Roberta Cohen, "Protecting the Internally Displaced," USCR *World Refugee Survey 1996.* Washington, D.C.: Immigration and Refugee Services of America, 1996, 20–27.

Tom Argent, "The Usual People: Refugees and Internally Displaced Persons From Sierra Leone," USCR Issue Paper, February 1995, 1–11.

Roger Winter, "Caught In the Spiral of Violence: Burundi's Uprooted People," USCR Issue Paper, August 1995, 1–28.

Week 6:

The Role of Non-Governmental Organizations (NGOs)

Today, when a large-scale humanitarian crisis arises, such as we witnessed in Rwanda, the UNHCR and NGOs must respond rapidly with necessary protection end material assistance. Humanitarian organizations that respond to humanitarian emergencies today are severely stretched financially and challenged to their utmost to respond adequately.

Barry R. Posen, "Military Responses to Refugee Disasters," International Security. Volume 21, No. 1 (Summer 1996), 72–111.

UNHCR. *The State of the World's Refugees 1993.* New York: Penguin Books, 1993. Chapter 5, "Responding to Refugee Emergencies," 83–102.

UNHCR. *The State of the World's Refugees 1995.* New York: Oxford University Press, 1995. Chapter 3, "Keeping the Peace," 97–141.

David Rieff, "The Humanitarian Trap," *World Policy Journal.* Volume XII, No. 4 (Winter 1995/96). 1–11.

Farouk Mawlawi, "New Conflicts, New Challenges: The Evolving Role of Non-Governmental Actors," *Journal of International Affairs.* Volume 46, No. 2 (Winter 1993), 391–413.

Robert I. Rotberg and Thomas G. Weiss (editors). *From Massacres to Genocide: The Media, Public Policy and Humanitarian Crises.* Washington, D.C.: The Brookings Institution, 1996.
a.   Peter Shiras, "Big Problems, Small Print: A Guide to the Complexity of Humanitarian
          Emergencies and the Media," 93–114.
b.   John C. Hammock and Joel R. Charny "Emergency Response as Morality Play: The Media, the
          Relief Agencies, and the Need for Capacity Building," 115–135.

Clarke, Walter and Jeffrey Herbst. "Somalia and the Future of Humanitarian Intervention," *Foreign Affairs.* Volume 75 (March/April 1996), 70–85.

Jon Bennett et al *Meeting Needs: NGO Coordination in Practice.* London: Earthscan Publications, Ltd., 1995. "Introduction: Recent Trends in Relief Aid: Structural Crisis and the Quest for a New Consensus." xi–xxi. Look over other chapters according to your interest.

Kumar Rupesinghe. "Humanitarian Agencies and Armed Conflict," International Alert Discussion Paper (not dated), 1–11.

United Nations. *The United Nations and Somalia 1992–1996.* The United Nations Blue Book Series. New York: United Nations Publications, 1996. Sections for reading to be determined.

Week 7:

Repatriation of Refugees and Internally Displaced Persons

Repatriation is considered the most favored option of the three traditional solutions to refugee situations, the other two being third country resettlement and local integration. Repatriation most be voluntary, though this is being challenged today by incidents of forced repatriation. The newly created Orderly Return Program is controversial.

UNHCR. *The State of the World's Refugees 1993.* New York: Penguin Books, 1993. Chapter 6, "Going Home: Voluntary Repatriation," 103–120

Judy Mayotte. *Disposable People?: The Plight of Refugees.* Maryknoll, NY: Orbis Books, 1992.
a.   Chapter 3, "Cambodia Return," 93–124.
b.   Chapter 6, "Afghan Return," 191–216.
c.   Chapter 9, "Eritrea Return," 279–301.

Gil Loescher and Laila Monahan (editors). *Refugees and International Relations.* New York: Oxford University Press, 1989.
a.   Guy Goodwin-Gill, "Voluntary Repatriation: Legal and Policy Issues," 255–292.
b.   Fred Cuny and Barry Stein, "Prospects For and Promotion of Spontaneous Repatriation,"
          293–312.

U.S. Committee for Refugees. *World Refugee Survey 1993.* Washington, D.C.: American Council for Nationalities Service, 1993.

a.   Hiram Ruiz, "Repatriation: Tackling Assistance and Protection Concerns," 20–29.
b.   Patricia Weiss Fagen, "Peace in Central America: Transition For the Uprooted," 30–39.

Tom Argent. "If Peace is Real: The Return Home of Uprooted Angolans," USCR Issue Paper (December 1995), 1–35.

Court Robinson. "'Something Like Home Again': The Repatriation of Cambodian Refugees," USCR Issue Paper (May 1994), 1–68.

Jeff Drumtra. "No Place Like Home: Mozambican Refugees Begin Africa's Largest Repatriation," USCR Issue Paper (December 1993), 1–43.

Hiram Ruiz. "Go Home/Stay Put: Tough Options For Displaced Peruvians," USCR Issue Paper (June 1996), 1–32.

Contact Information for Le Xuan Khoa and Judith Mayotte:

Email: jamayotte@aol.com

History of Modern Civilization:
Through a Refugee Lens

University of Seattle

Prof. Judith Mayotte
1997
USA

Course Description:

People have always moved. We know from history that humans developed the first civilizations in the great river valleys to which they had migrated. They spread civilization far and wide from these initial locations. Movement has always been a key factor in the creation of new civilizations, new mixes of peoples. People are still on the move — in ever greater numbers, faster, and due to many different circumstances. Economics, better river valleys if you will, has always been the major factor, but violence and now anarchy make people move.

Today, forced migrations, which create movements of refugees and internally displaced civilians from and within countries in distress, are greater in numbers, frequency, and complexity. In this course, by looking at some of the contemporary forced movements of peoples and the historical underpinnings — political, social, economic, and religious — of why they fled their homes and homelands, we will come to understand how cultures are changed and evolve into new or altered entities.

In a world population of 5.8 billion, war, civil strife, or persecution displaces roughly one out of every 115 to 120 persons. The vast majority of people who are displaced, are displaced because of generalized violence. The cost in human lives and money is immense. Lives and cultures are irrevocably changed, for when wars end, millions of refugees return home to devastated homelands or resettle in different countries after years in exile.

During the course of the quarter, we will move through three phases of the refugee experience and analyze and interpret some themes common to societies changed through conflict. Among them will be the following:

1. As we consider why people flee, we will look at the evolution of altered societies — for example, the break-up of the former Yugoslavia and the emergence of the small African nation of Eritrea as an independent nation-state. We will consider, too, the impact of one nation's upheaval on an entire region, as Vietnam on Southeast Asia and Rwanda on Central Africa, as well as the paradoxical concurrent movement toward globalization and local or tribal loyalties.

2. In our considerations of life in exile, we will look at the effect of war on civilians, particularly the most vulnerable members of a population — women, children, the elderly and infirm. We will

take a hard look at the disregard for human rights and consider genocide as the ultimate affront to our common humanity.

3. In the aftermath of war, we will look at efforts by nations to reconstruct devastated lands and to reconcile with former enemies. We will see how, with the end of the Cold War, the United States and other developed nations are changing national strategic interests and reflect on the challenge before all nations to incorporate conflict resolution, preventive action and preventive diplomacy as vital elements of foreign and national policy.

Core Course Objectives:

History 121 is part of the Core Curriculum Phase I: Foundations of Wisdom. Thorough this course and our reflections on how the refugee experience is critical to our understanding of the forces and events that shape our modern world, you will be given the opportunity to form and sharpen your abilities to think critically and ethically.

Your readings, class discussions, and writing assignments will lead you into the historian's way of asking appropriate questions, interpreting texts, and dealing with significant issues so that you can apply this mode of thinking to other areas of learning.

Through the readings and your discussions and writing assignments, you will be able to reflect ethically on the human condition. Among others, you will deal with human rights issues, the diversity of peoples of history (refugees become peoples bereft of their histories), and responsibilities of the international community to insure a safe and habitable world for all peoples so that they will not have to flee to survive.

This course will prepare you well for courses in the Core Curriculum Phase II: Person in Society. This phase includes courses in political science, anthropology, and sociology, economics, and psychology.

Syllabus:

Calendar

Introduction: Who is a refugee?

September 24   Introduction

September 26   Who is a refugee?
     "The Refugee Experience" Video
     The State of the World's Refugees
               "The Challenge of Protection" 1–12
               "The Work of UNHCR" 169–178

September 29   Who is a refugee?
     The State of the World's Refugees
               "The Dynamics of Displacement" 13–29
     Mayotte, *Disposable People?*
               "Introduction" 1–10

Flight: Historical Background and Root Causes

October 1   *Cambodia*
  Mayotte, "Flight Cambodia" 14–33

October 3   *Afghanistan*
  Mayotte, "Flight Afghanistan" 128–145

October 6   *Eritrea*
  Mayotte, "Flight Eritrea" 221–241

October 8   *Rwanda*
  Issue: A Journal of Opinion 1995
  Catherine Newberry, "Background to Genocide in Rwanda" 12–17
  Alison Des Forges, "The Ideology Of Genocide" 44–47

October 10   *Bosnia-Herzegovina*
  Foreign Affairs, Mar/Apr 1995
           Warren Zimmermann "The Last Ambassador" 2–20

October 13   *Summary Discussion*

October 15   *Test*

Exile: Nations, Cultures and Traditions Irrevocably Changed

October 17   *Cambodia*
  Mayotte, "Closed In" 35–64

October 20   *Cambodia*
  Mayotte, "Closed In" 64–91

October 22–24   *Refugee Women*
  Mayotte, "Refugee Women" 147–189

October 27–29   *Refugee Children*
  UNICEF, "Impact of Armed Conflict On Children" 9–68

October 31/Nov 3   *Internally Displaced and National Sovereignty*
  Mayotte, "Urban Refugees," 243–277

November 5   *Summary Discussion*

November 7   *Paper research*

Return: Building a New Nation Through Reconstruction and Reconciliation

November 10   *Test*

November 12   *Cambodia*
Mayotte, "Cambodia Return" 93–124

November 14   *Afghanistan*
Mayotte, "Afghanistan Return" 191–216
PAPERS DUE

November 17   *Eritrea*
Mayotte, "Eritrea Return" 279–301
Mayotte, "Epilogue" 303–304
November 19   Rwanda
Philip Gourevitch, *The New Yorker*
        January 22, 1997, "The Return," 44–54
Philip Gourevitch, *The New Yorker*
        Aug. 4, 1997 "Continental Shift" 42–55

November 21   *Bosnia-Herzegovina*
Susan Woodward, *Current History,* March 1997, "Bosnia After Dayton: Year Two" 97–103
Cedric Thornberry, *Foreign Policy,* "Saving the War Crimes Tribunal," 72–85

November 24   *Summary Discussion*

Conflict Resolution and Preventive Action

December 1   *Conflict Resolution*
James Laue, "Resolution: Transforming Conflict and Violence," 1–20

December 3   *Preventive Action*
John Burton, "On the Need for Conflict "Prevention" iii–v, 1–16

December 5   *Preventive Action and U.S. Foreign Policy*
Reading to be announced

Final Test: Thursday, December 11, 1997, 12:00–1:50 p.m., Room 308 ADM

Course Readings:

Text: Judy Mayotte, *Disposable People?: The Plight of Refugees* Course Packet (available at Copy Mart, Madison and 11th)

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Introduction to the Study of Forced Migration

University of Oxford
Refugee Studies Centre, Queen Elizabeth House

Prof. Stephen Castles
Michaelmas Term 2002
Oxford, United Kingdom

Course Description:

This course presents a mainly sociological perspective on forced migration, while at the same time discussing briefly the perspectives of other key disciplines and examining the meaning of interdisciplinarity in social scientific research. A central theme of the course is that forced migration is an integral part of the relationship between poor and rich countries in the current context of globalisation and social transformation. This implies that forced migration is not just a product of internal wars and local impoverishment, but is also closely linked to the fundamental economic and political structures and processes of the contemporary world. The consequence for forced migration studies is the need to understand the relationship between the local and global in every specific displacement situation.

The first three weeks of the course examine macro-social relationships underlying forced migration processes. Weeks 4 and 5 focus on two specific types of displacement: environmental and development-linked mobility. The last three weeks deal with response to forced migration by states, international organisation and the forced migrants themselves.

Syllabus:

The course will be constructed around categories of issues and empirical questions. These will include, but will not necessarily be limited to, the following:

Week 1

Central issues in forced migration studies

Who is a refugee? Who is a forced migrant? Types of forced migration and basic statistics. The mechanisms for defining categories and assigning individuals to them. How are forced migrants produced? Individual agency, national regimes and international regimes. The nature of forced migration studies and the need for interdisciplinarity. Overview of the course and key questions for discussion.

Compulsory readings

Black, Richard. 2001. "Fifty years of refugee studies: from theory to policy." *International Migration Review* 35:57–78.

Chimni, B.S. 1998. "The geo-politics of refugee studies: a view from the South." *Journal of Refugee Studies* 11:350–74.

Look at one or more of these for statistical background

Cohen, Roberta and Deng, Francis M. 1998. *Masses in Flight: The Global Crisis of Internal Displacement.* Washington, DC: Brookings Institution Press. Chapter 2 "Global Overview" 15–72.

UNHCR. 2000a. *Global Report 2000: Achievements and Impact.* Geneva: United Nations High Commissioner for Refugees.

UNHCR. 2000b. *The State of the World's Refugees: Fifty Years of Humanitarian Action.* Oxford: Oxford University Press.

USCR. 2001. *World Refugee Survey 2001.* US Committee for Refugees, Washington, DC.

Background Readings

Castles, Stephen. 2001. "Studying social transformation." *International Political Science Review* 22:13–32.

Cernea, Michael M. 1991. "Involuntary resettlement: social research, policy and planning." Pp. 188–215 in *Putting People First: Sociological Variables in Rural Development*, edited by Cernea, Michael. Oxford and New York: Oxford University Press.

Gallagher, Ann. 2002. "Trafficking, smuggling and human rights: tricks and treaties." *Forced Migration Review*: 25–28.

Zolberg, Aristide. R., Suhrke, Astri, and Aguayo, Sergio. 1989. *Escape from Violence.* Oxford and New York: Oxford University Press.

Week 2

Globalisation, migration and the "asylum crisis"

Globalisation and transnationalism as the new context for population mobility. Why globalisation leads to mobility. The history of international migration and its links to colonialism, industrialisation and development. An overview of global migrations. Causes of migration. The role of social networks. The migration-asylum nexus. Labour demand, smuggling and trafficking. State migration control and its limits. The "migration crisis" and the "asylum crisis".

Compulsory readings

Bauman, Zygmunt. 1998. *Globalization: the Human Consequences.* Cambridge: Polity. Chapter 4 "Tourists and vagabounds," 77–102.

Castles, Stephen. 2000. "International migration at the beginning of the twenty-first century: global trends and issues." *International Social Science Journal*: 269–81.

Zolberg, Aristide R. 2001. "Introduction: Beyond the Crisis." Pp. 1–16 in *Global Migrants, Global Refugees: Problems and Solutions*, edited by Zolberg, Aristide R. and Benda, Peter M. New York and Oxford: Berghahn.

Look at one or more of these for statistical background

IOM. 2000. *World Migration Report 2000*. Geneva: International Organization for Migration.

OECD. 2001. *Trends in International Migration: Annual Report 2001*. Paris: OECD.

Background readings

Castells, Manuel. 1996. *The Rise of the Network Society*, Edited by Castells, Manual. Oxford: Blackwells. Chapter 6," The Space of flows", 376–418.

Castles, Stephen. 2003. "The international politics of forced migration." in *The Socialist Register 2003*, edited by Leys, Colin and Panitch, Leo. London: Merlin Press. (forthcoming, proof version available from Library).

Castles, Stephen and Miller, Mark J. 1998. *The Age of Migration: International Population Movements in the Modern World*. London: Macmillan. Chapter 1 "Introduction", 1–18 and Chapters 4, 5 and 6 for general background.

Cohen, Robin and Kennedy, Paul. 2000. *Global Sociology*. Basingstoke: Palgrave. Chapter 2 "Thinking Globally", 23–40 and Chapter11 "Population Pressures and Migration", 193–211.

Faist, Thomas. 2000. "Transnationalization in international migration: implications for the study of citizenship and culture." *Ethnic and Racial Studies* 23:189–22.

Held, David, McGrew, Anthony, Goldblatt, David, and Perraton, Jonathan. 1999. *Global Transformations: Politics, Economics and Culture*. Cambridge: Polity. , "Introduction", 1–28.

Portes, Alejandro, Guarnizo, Luis E, and Landolt, Patricia. 1999. "The study of transnationalism: pitfalls and promise of an emergent research field." *Ethnic and Racial Studies* 22:217–237.

Weiner, Myron. 1995. *The Global Migration Crisis: Challenges to States and Human Rights*. New York: Harper Collins.

Week 3

War, ethnicity and forced migration

Ethnicity, nationalism and war. Defining ethnicity and citizenship. Post-colonialism, nation-state formation and conflict. From inter-state war to internal war. From mass mobilisation to "virtual war" (Ignatieff). Transnational factors in internal wars (e.g. arms, oil and diamonds). Transnational refugee communities. Discussion of examples in Africa and former Yugoslavia.

Compulsory readings

Gallagher, T. 1997. "My neighbour my enemy: the manipulation of ethnic identity and the origins and conduct of war in Yugoslavia." in *War and Ethnicity: Global Connections and Local Violence*, edited by Turton, David. New York: Rochester University Press.

Summerfield, Dennis. 1999. "Sociocultural dimensions of war, conflict and displacement." Pp. 111–35 in *Refugees: Perspectives on the Experience of Forced Migration*, edited by Ager, Alastair. London and New York: Pinter.

Turton, David. 1997. "War and ethnicity: global connections and local violence in North East Africa and former Yugoslavia." *Oxford Development Studies* 25:7–94.

Background readings

Duffield, Mark. 2001. *Global Governance and the New Wars: The Merging of Development and Security*. London and New York: Zed Books.

Hutchinson, John and Smith, Anthony D. 1994. *Nationalism*. Oxford: Oxford University Press.

Hutchinson, John and Smith, Anthony D. 1996. *Ethnicity*. Oxford: Oxford University Press.

Ignatieff, Michael. 1994. *Blood and Belonging: Journeys into the New Nationalism.* New York: Vintage.

Ignatieff, Michael. 2000. *Virtual War: Kosovo and Beyond*. London: Chatto and Windus.

Kaldor, Mary. 2001. *New and Old Wars: Organized Violence in a Global Era.* Cambridge: Polity.

Van Hear, Nicholas. 1998. *New Diasporas: the Mass Exodus, Dispersal and Regrouping of Migrant Communities*. London: UCL Press. Chapter 2 "Migration crises and the making of diasporas" 1–52, plus other chapters for background.

Week 4

Development induced displacement and resettlement

The extent of DIDR. Large dams and other causes of displacement. The role of the World Bank and other multilateral institutions. The economics of DIDR. Cernea's "impoverishment risks and reconstruction model". Social and environmental assessments. National parks and population displacement. Models for resettlement. Resistance to involuntary resettlement.

Compulsory readings

Cernea, Michael M. 2000. "Risks, safeguards and reconstruction: a model for population displacement and resettlement." Pp. 11–55 in *Risks and Reconstruction: Experiences of Resettlers and Refugees*, edited by Cernea, Michael M. and McDowell, Christopher. Washington, DC: World Bank.

Gibson, Daniel, R. 2001. "The World Bank and displacement: the challenge of heterogeneity." Pp. 26–48 in *Carrots, Sticks and Ethnic Conflict: Rethinking Development Assistance,* edited by Esman, Milton J. and Herring, Ronald J.: University of Michigan Press.

Scudder, Thayer. 1996. "Development-Induced impoverishment, resistance and river-basin development." Pp. 49–74 in *Understanding Impoverishment: The Consequences of Development-Induced Displacement*, edited by McDowell, Christopher. Providence and Oxford: Berghahn Books.

Background readings

Appa, Gautam and Patel, Girish. 1996. "Unrecognised, unnecessary and unjust displacement: case studies from Gujarat, Inda." Pp. 139–50 in *Understanding Impoverishment: The Consequences of Development-Induced Displacement,* edited by McDowell, Christopher. Providence and Oxford: Berghahn Books.

Bank, World. 1996. *The World Bank Participation Sourcebook*. Washington, DC: World Bank.

Cernea, Michael. 1999. *The Economics of Involuntary Resettlement: Questions and Challenges*. Washington, DC: World Bank.

Dams, World Commission on. 2000. *Dams and Development: A New Framework for Decision-Making*. London: Earthscan Publications.

Picciotto, Robert, Wicklin, Warren van, and Rice, Edward. 2001. *Involuntary Resettlement: Comparative Perspectives*. New Brunswick and London: Transaction Publishers.

Roy, Arundhati. 1999. *The Cost of Living*. London: Flamingo.

Stiglitz, Joseph E. 1998. "Towards a new paradigm for development: strategies, policies and processes." in *1998 Prebisch Lecture UNCTAD*. Geneva: World Bank.

Week 5

Environmental change and forced migration

Environmental change as both a cause and a consequence of forced migration. Desertification and land degradation as causes of human displacement. How natural are natural disasters? The effects of refugee camps on the local environment. Example: *Transmigrasi*, environment and internal displacement in Indonesia.

Compulsory readings

Black, Richard. 2001. "Environmental refugees: myth or reality?" *UNHCR Working Papers*: 1–19.

Myers, Norman. 1997. "Environmental refugees." *Population and Environment* 19:167–82.

Wood, William B. 2001. "Ecomigration: linkages between environmental change and migration." Pp. 42–61 in *Global Migrants, Global Refugees*, edited by Zolberg, Aristide R. and Benda, Peter M. New York and Oxford: Berghahn.

Case study: Indonesia

Elmhirst, Rebecca. 1999. "Space, identity politics and resource control in Indonesia's transmigration programme." *Political Geography* 18:813–35.

Picciotto, Robert, Wicklin, Warren van, and Rice, Edward. 2001. *Involuntary Resettlement: Comparative Perspectives*. New Brunswick and London: Transaction Publishers. Chapter 5 "Poor planning and settler resistance in Indonesia", 73–96.

Tirtosudarmo, Riwanto. 2001. "Demography and security: transmigration policy in Indonesia." Pp. 19–227 in *Demography and National Security*, edited by Weiner, Myron and Russell, Sharon S. New York and Oxford: Berghahn Books.

Background readings

Black, Richard. 1998. *Refugees, Environment and Development*. London: Longman.

Cernea, Michael M. and McDowell, Christopher. 2000. *Risks and Reconstruction: Experiences of Resettlers and Refugees*. Washington, DC: World Bank.

Goldstone, Jack A. 2001. "Demography, environment and security: an overview." Pp. 38–61 in *Demography and National Security*, edited by Weiner, Myron and Russell, Sharon S. New York and Oxford: Berghahn.

Hauge, Wenche and Ellingsen, Tanja. 1998. "Beyond environmental scarcity: causal pathways to conflict." *Journal of Peace Research* 35:299–317.

Homer-Dixon, Thomas and Percival, Valerie. 1996. *Environmental Security and Violent Conflict: Briefing Book.* Toronto: University of Toronto and American Association for the Advancement of Science.

Lee, Shin-wa. 2001. *Environment Matters: Conflict, Refugee and International Relations.* Seoul and Tokyo: World Human Development Institute Press.

Myers, Norman and Kent, Jennifer. 1995. *Environmental Exodus: an Emergent Crisis in the Global Arena.* Washington, DC: Climate Institute.

Week 6

Forced migration regimes: defining and controlling refugees

The development of the international refugee regime, and the ways in which it has changed in the aftermath of the Cold War. National and multilateral policies on refugees, IDPs, asylum and management of emergencies The role of institutions in defining and controlling forced migrants. The refugee camp as a social institution.

Compulsory readings

Black, Richard. 1998. "Putting refugees in camps." *Forced Migration Review*:1–4. Plus other articles in this issue.

Keeley, Charles B. 2001. "The international refugee regimes(s): the end of the Cold War matters." *International Migration Review* 35:303–14.

Loescher, Gil. 2001b. "The UNHCR and world politics: state interests versus institutional autonomy." *International Migration Review* 35:33–56.

Zetter, Roger. 1991. "Labelling refugees: forming and transforming a bureaucratic identity." *Journal of Refugee Studies* 4:39–62.

Background readings

Crock, Mary and Saul, Ben. 2002. *Future Seekers: Refugees and the Law in Australia.* Sydney: Federation Press.

Loescher, Gil. 2001a. *The UNHCR and World Politics: A Perilous Path.* Oxford: Oxford University Press.

Long, L. 1993. *Ban Vanai: The Refugee Camp.* New York: Columbia University Press.

Malkki, L. 1995. "Refugees and exile: from 'refugee studies' to the national order of things." *Annual Review of Anthropology*: 495–523.

McMaster, Don. 2001. *Asylum Seekers: Australia's Response to Refugees.* Melbourne: Melbourne University Press.

Week 7

International humanitarianism

International humanitarian action as an industry and a career. Bureaucratisation and professionalisation of protection and assistance. Military intervention for humanitarian purposes as a new field for military and political activity. The changing political context for humanitarian action.

Compulsory readings

Duffield, Mark. 2001. *Global Governance and the New Wars: The Merging of Development and Security.* London and New York: Zed Books. (Chapter to be advised).

Helton, Arthur C. 2001. "Bureaucracy and the quality of mercy." *International Migration Review* 35:192–225.

Martin, Susan F. 2001. "Forced migration and professionalism." *International Migration Review* 35:226–43.

Background readings

Duffield, Mark. 1996. "The symphony of the damned: racial discourse, complex political emergencies and humanitarian aid." *Disasters* 20:173–93.

MacDonald, Flora. 2001. "Why is humanitarian action often a substitute for political will?" *International Migration Review* 35:12–29.

Melvern, Linda. 2000. *A People Betrayed: The Role of the West in Rwanda's Genocide.* London: Zed Books.

Roberts, Adam. 1996. *Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum.* Oxford: Oxford University Press.

Roberts, Adam. 1998. "More refugees, less asylum: a regime in transformation." *Journal of Refugee Studies* 11:375–95.

Sanderson, John M. 2001. "The need for military intervention in humanitarian emergencies." *International Migration Review* 35:117–123.

Week 8

Forced migrants: agency, resistance and citizenship

Forced migrants as active agents in rebuilding their communities and livelihoods. The problem of aid dependency. Resistance to displacement and to bureaucratic control. Forced migrants as global citizens.

Compulsory readings

Harrell-Bond, Barbara. 1999. "The experience of refugees as recipients of aid." Pp. 136–68 in *Refugees: Perspectives on the Experience of Forced Migration,* edited by Ager, Alastair. London and New York: Pinter.

Malkki, L. 1995. *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania.* Chicago: University of Chicago Press. (Chapter to be advised)

Harrell-Bond, Barbara. 1986. *Imposing Aid: Emergency Assistance to Refugees.* Oxford: Oxford University Press.

Hirschon, Renee. 1989. *Heirs of the Greek Catastrophe: The Social Life of Asia Minor Refugees in Pireaus*. Oxford: Clarendon.

Malkki, L. 1995. *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*. Chicago: University of Chicago Press.

Posey, Darrell, A. 1996. "The Kayapo Indian protests against Amazonian dams: successes, alliamces and un-ending battles." Pp. 123–138 in *Understanding Impoverishment: The Consequences of Development-Induced Displacement,* edited by McDowell, Christopher. Providence and Oxford: Berghahn Books.

Voutira, Eftihia and Harrell-Bond, Barbara. 2000. "'Successful' refugee settlements: are past experiences relevant?" Pp. 56–76 in *Risks and Reconstruction: Experiences of Resettlers and Refugees,* edited by Cernea, Michael M. and McDowell, Christopher. Washington, DC: World Bank.

General works for background reading (may also be listed for specific weeks)

Ager, Alastair. 1999. *Refugees: Perspectives on the Experience of Forced Migration*. London and New York: Pinter.

Castles, Stephen and Miller, Mark J. 1998. *The Age of Migration: International Population Movements in the Modern World*. London: Macmillan.

Cernea, Michael M. and McDowell, Christopher. 2000. *Risks and Reconstruction: Experiences of Resettlers and Refugees*. Washington, DC: World Bank.

Cohen, Roberta and Deng, Francis M. 1998a. *The Forsaken People: Case Studies of the Internally Displaced*. Washington, DC: Brookings Institution Press.

Cohen, Roberta and Deng, Francis M. 1998b. *Masses in Flight: The Global Crisis of Internal Displacement*. Washington, DC: Brookings Institution Press.

Duffield, Mark. 2001. *Global Governance and the New Wars: The Merging of Development and Security*. London and New York: Zed Books.

Harrell-Bond, Barbara. 1986. *Imposing Aid: Emergency Assistance to Refugees*. Oxford: Oxford University Press.

Course Readings:

IOM. 2000. *World Migration Report 2000*. Geneva: International Organization for Migration.

Loescher, Gil. 2001. *The UNHCR and World Politics: A Perilous Path*. Oxford: Oxford University Press.

McDowell, Christopher. 1996. *Understanding Impoverishment: The Consequences of Development-Induced Displacement*. Providence and Oxford: Berghahn Books.

Review, International Migration. 2001. *Special Issue: UNHCR at 50: Past, Present and Future of Refugee Assistance*. vol. 35. New York: Center for Migration Studies.

UNHCR. 2000. *The State of the World's Refugees: Fifty Years of Humanitarian Action*. Oxford: Oxford University Press.

Van Hear, Nicholas. 1998. *New Diasporas: the Mass Exodus, Dispersal and Regrouping of Migrant Communities*. London: UCL Press.

Weiner, Myron and Russell, Sharon S. 2001. *Demography and National Security.* New York and Oxford: Berghahn.

Zolberg, Aristide R. and Benda, Peter M. 2001. *Global Migrants, Global Refugees: Problems and Solutions.* New York and Oxford: Berghahn Books.

Zolberg, Aristide. R., Suhrke, Astri, and Aguayo, Sergio. 1989. *Escape from Violence.* Oxford and New York: Oxford University Press.

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Introduction to the Study of Forced Migration

University of Witwatersrand
Forced Migration Studies Programme

Prof. Rodreck Mupedziswa
Ongoing
South Africa

Course Description:

The aim of the course is to introduce students to the major issues associated with contemporary experiences of forced migration. These include the legal, political, economic, social and cultural consequences of forced migration, which find statement on international, national and local level of society. After sketching a concise appreciation of the national and international institutional frameworks that typically develop around situations of human displacement, the bulk of the course examines forced migration from the perspectives of the affected migrants themselves. In an attempt to develop an appreciation of regional dynamics, case studies are drawn mainly — though not exclusively — from Africa.

At the end of the course, students are expected to have achieved the following:

- A critical appreciation of the conceptual approaches and theoretical models that have been used to make sense of forced migration;
- A comprehensive understanding of the wide-ranging set of consequences of forced migration;
- A good overview of documented case material on forced migration and the nature of the responses that these situations have elicited;
- A strong sense of the potentials and ethical limitations of working in this section of the 'development industry' in a professional capacity, outside of a university environment.

Syllabus:

Part 1: Forced Migration: Conceptual and Theoretical Overview

Seminar 1:   Evolution of Forced Migration as a Global Crisis

Definition of a refugee/forced migrant, Distinction between voluntary and forced migration. Nature and types of forced migration. Development of the international refugee regime. Causes of displacement. Policies on refugees (national, regional and international issues). Bureaucratisation and professionalisation of protection and assistance in forced migration.

Cernea, M. (1991) 'Involuntary Resettlement: Social Research, Policy and Planning' in M. Cernea (ed.) Putting People First: Sociological Variables in Rural Development (2nd edition), Washington DC, Oxford University Press for the World Bank.

Crisp, J. (2000) 'Africa's Refugees: Patterns Problems and Policy Challenges' Journal of Contemporary African Studies, 18, 2, pp. 157–178.

De Wet, C.J. (2000) 'Can Everybody Win? Economic Development and Population Displacement' unpublished paper presented at a workshop on 'Involuntary Resettlement: Risks, Reconstruction and Development', Rio de Janeiro, 1–3 August 2000.

Harrell-Bond, B. (1996) 'The Evolution of Solutions: A History of Refugee Policy' Oxford International Review, 3. pp. 2–9.

Malkki, L. (1995) 'Refugees and Exile: From 'Refugee Studies' to the National Order of Things' Annual Review of Anthropology, 24, pp.495–523.

McNamara, D. & G. Goodwin-Gill (1999) 'UNHCR and International Refugee Protection' RSP Working Paper No. 2, Refugee Studies Programme, University of Oxford.

Mupedziswa, R (2001) 'Africa's refugee crisis' in Rwomire, A (ed).

Social Problems in Africa; London: Praeger.

In addition, students are expected to begin familiarising themselves with the important international instruments and policy guidelines, including:
- United Nations 1951 Convention and 1967 Protocol Relating to the Status of Refugees
- United Nations 1948 Universal Declaration of Human Rights
- Organisation of African Unity 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa
- World Bank 1990 Operational Directive 4.30: Involuntary Resettlement

Seminar 2:   Space, Place and Displacement

An overview of global migrations. International migration. Migration-asylum nexus. Trans-nationalism and mobility. Castells concept: 'from a space of places to a space of flows'. Faist's concept of 'container' society. Demand for labour, smuggling, trafficking in humans. Psycho-social effects of displacement.

Bhabha, H. (1994) The Location of Culture, London, Routledge.

Castells, M (1996) The rise of the network society. Oxford: Blackwells.

Foucault, M (1986) 'Space, Power and Knowledge' in P. Rabinow (ed.) The Foucault Reader, London, Penguin Books.

Gupta, A. and J. Ferguson (1999) (eds.) Culture, Power, Place: Explorations in Critical Anthropology, Durham, Duke University Press.

Moore, D.S. (1998) 'Subaltern Struggles and the Politics of Place: Remapping Resistance in Zimbabwe's Eastern Highlands' Cultural Anthropology, 13, 3, pp. 344–381.

Olwig, K.F. and K. Hastrup (eds.) Siting Culture: The Shifting Anthropological Object, London, Routledge.

Pels, P. (1997) 'The Anthropology of Colonialism: Culture, History and the Emergence of Western Governmentality' Annual Review of Anthropology, 26, pp. 163–183.

Streicker, J. (1997) 'Spatial Reconfigurations, Imagined Geographies and Social Conflicts Cartagena, Colombia' Cultural Anthropology, 12, 1, pp. 109–128.

Part 2: Research in Contexts of Forced Migration

Seminar 3:   Fieldwork Challenges

Methodological challenges in fieldwork. Formulating the research problem, questions and research strategy. Inductive and deductive approaches. Ethics and constraints in fieldwork.

Participant observation, case studies, life histories, sample surveys, interviews etc. Other critical issues in fieldwork.

Bulmer, M and Warwick DP (1983) Social research in developing countries. London: John Wiley.

Devereux, S and Hoddinott J (1992) Fieldwork in developing countries. New York: Harveter/Wheatsheaf.

Frankfort-Nachmias C and Nachmias D (1996) Research Methods in the social sciences. (Fifth Edition) London: Arnold Press.

Gupta, A. and J. Ferguson (1997) (eds.) Anthropological Locations: Boundaries and Grounds of Field Science, Berkeley and Los Angeles, University of California Press.

Harrell-Bond, B.E. and E. Voutira (1992) 'Anthropology and the Study of Refugees' Anthropology Today, 8, 4, pp. 6–10.

Nordstrom, C. and A. Robben (eds.) (1995) Fieldwork Under Fire: Contemporary Studies of Violence and Survival, Berkeley, University of California Press.

Uwe - Flick (1998) An introduction to qualitative research. London: Sage.

Waldron, S. (1988) 'Working in the Dark: Why Social Anthropological Research is Essential in Refugee Administration' Journal of Refugee Studies, 1, 2.

Wilson, K. (1993) 'Thinking about the Ethics of Fieldwork' in S. Devereux and J. Hoddinott (eds.) Fieldwork in Developing Countries, Boulder, Lynne Rienner Publishers.

Seminar 4: Practical Research Design in Contexts of Forced Migration

The research process. Main considerations in research design. Practical exercises.

It will be assumed that students have a strong background understanding in research design and the analysis of data. However useful references would include:

King, Gary, Robert O. Keohane, and Sidney Verba, 1994. Designing social inquiry: scientific inference in qualitative research. Princeton: Princeton University Press.

Watts Essay (http://globetrotter.berkeley.edu/DissPropWorkshop/process/).

Part 3: Causes and Consequences of Forced Migration

Seminar 5:   Borders, Boundaries and Belonging

Conceptualising the state, nation-state formation, conflict and state collapse; challenges in defining ethnicity and citizenship. Ethnicity, nationalism and conflict. Internal wars (diamonds, arms deals, oil, etc). Case studies from Africa and Europe.

Ballbar, Etienne, 1996 'Is European Citizenship Possible?' Public Culture 8: 355–376.

Bayart, Jean-Franaois 1993. The state in Africa: the politics of the belly. Translated by M. Harper and C Harrison. London: Longman.

Berdahl, D. (1999) Where the World Ended: Re-Unification and Identity in the German Borderland, Berkeley, University of California Press.

Cohen, A.P. (2000) (ed.) Signifying Identities: Anthropological Perspectives on Boundaries and Contested Values, London, Routledge.

Lovell, N. (1998) (ed.) Locality and Belonging, London, Routledge.

Wilson, T.M. & H. Donnan (1998) (eds.) Border Identities: Nation and State at International Frontiers, Cambridge, Cambridge University Press.

Seminar 6:   War, Violence and Social Transformation

The political economy of war and violence. Insight into causes of flight and the challenges of resolving conflict. Flight, settlement and adjustment. Military intervention for humanitarian purposes: peacemaking and peacekeeping.

Allen, T. (ed.) (1996) In Search of Cool Ground: War, Flight and Homecoming in North East Africa, London, James Currey.

Deng, Francis M, and William I Zartman 1991 'Conflict resolution in Africa' Washington DC: The Brookings Institution.

Green, I. (1994) 'Fear as a Way of Life' Cultural Anthropology, 9, 2, pp. 227–256.

Hastrup, K. (1993) 'Hunger and the Hardness of Facts' Man, 28, pp. 727–739.

Macrae, J. and A. Zwi (eds.) (1994) War and Hunger: Rethinking International Responses to Complex Emergencies, London and New Jersey, Zed Books (in association with Save the Children Fund, UK).

Mushanga T (2001) Social and political aspects of violence in Africa, in Rwomire a (ed) Social problems in Africa: new vision, London: Praeger. pp 157–172.

Nagengast, C. (1994) 'Violence, Terror and the Crisis of the State' Annual Review of Anthropology, 23, pp. 109–136.

Reno, William (1997) 'War, markets, and the reconfiguration of West Africa's weak states' Comparative politics 29: 493–510.

Richards, P. (1992) 'Famine (and War) in Africa: What do Anthropologists have to Say?' Anthropology Today, 8, 6, pp. 3–5.

Wilson, R.A. (ed.) (1996) Human Rights, Culture and Context — Anthropological Perspectives, London, Pluto Press.

Seminar 7:   Renegotiations of National and Ethnic Identities

The concept of national identity. Ethnic identity. Ethnic 'cleansing'. Migration and identity. Transnationalism. Xenophobia and other challenges.

Fox, R. (ed.) (1991) Nationalist Ideologies and the Production of National Cultures, Washington, American Anthropological Association.

Malkki, L.H. (1995) Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania, Chicago, University of Chicago Press.

Mamdani, Mahmood (c2001); When victims become killers: colonialism, nativism, and the genocide in Rwanda. Princeton, NJ: Princeton University Press.

Shami, S. (1995) 'Transnationalism and Refugee Studies: Rethinking Forced Migration and Identity in the Middle East' Journal of Refugee Studies, 9 (1).

Weber, Max, 'The Origins of ethnic groups.

Seminar 8:   Development-Induced Displacement and Resettlement

The concept and economics of development-induced displacement and resettlement (DIDR). Impoverishment risks, etc. Large dams, national parks, and other causes of displacement. Social and environmental assessments. Resettlement models; voluntary and involuntary resettlement. Land question and resettlement, with particular reference to Africa.

Cernea, M. (1996a) 'Eight Main Risks: Impoverishment and Social Justice in Resettlement' World Bank, Environment Department.

Cernea, M. (1996b) 'Bridging the Research Divide: Studying Refugees and Development Oustees' in T. Allen (ed.) In Search of Cool Ground: War, Flight and Homecoming in Northeast Africa, Geneva, UNRISD.

Cernea, M.M. and S.E. Guggenheim (eds.) (1993) Anthropological Approaches to Resettlement: Policy, Practice, and Theory, Boulder, Westview Press.

Colson, E. (1971) The Social Consequences of Resettlement: The Impact of Kariba Resettlement upon the Gwembe Tonga, Manchester, Manchester University Press for the Institute of African Studies, University of Zambia.

Dreze, J., M. Samson & S. Singh (1997) The Dam and the Nation: Displacement and Resettlement in the Narmada Valley, Oxford University Press, Delhi.

Fahim, H. (1983) Egyptian Nubians: Resettlement and Years of Coping, Salt Lake City, University of Utah Press.

Fernea, E.M. and R.A. Fernea (1991) Nubian Ethnographies, Prospect Heights Illinois, Waveland Press.

Horowitz, M. (1991) Victims Upstream and Down, Journal of Refugee Studies, 4, 2, pp. 164–181.

McDowell, C. (ed.) (1996) Understanding Impoverishment: The Consequences of Development-Induced Displacement, Oxford, Berghahn.

Scudder, T. (1993) 'Development Induced Relocation and Refugee Studies: 37 Years of Change and Continuity among Zambia's Gwembe Tonga' Journal of Refugee Studies, 6, 2, pp. 123–152.

Scudder T. and E. Colson (1982) 'From Welfare to Development: A Conceptual Framework for the Analysis of Dislocated People' in A. Hansen and A. Oliver-Smith (eds) Involuntary Migration and Resettlement, Boulder, Westview Press.

Seminar 9: Ecological Causes and Consequences of Forced Migration

Human-induced and natural disasters. Environmental change as a cause of forced migration. Environmental change as a consequence of forced migration.

Adisa, J. (1996) 'Rwandan Refugees and Environmental Strategy in the Great Lakes Region: A Report on the Habitat/UNEP Plan of Action' Journal of Refugee Studies, 9, 3, pp. 226–234.

Babu, S.C. (1995) 'International Migration and Environmental Degradation: The Case of Mozambican Refugees and Forest Resources in Malawi' Journal of Environmental Management, 43, pp. 233–247.

Black, R. (1994) 'Forced Migration and Environmental Change: The Impact of refugees on Host Environments' Journal of Environmental Management, 42.

Black, R. (1998) Refugees, Environment and Development, London, Longman.

Black, R. & M.F. Sessay (1997) 'From Forest Island to Agricultural Frontier? Forced Migration and Land-Use Change in the Forest Region of Guinea' African Affairs, 96, pp. 587–605.

Black, R. & M.F. Sessay (1997) 'Refugees, Land Use and Environmental Change in the Senegal River valley' Geojournal, 41, 1, pp. 55–67.

Findlay, S. (1994) 'Does Drought Increase Migration? A Study of Migration from Rural Mali during the 1983–1985 Drought' International Migration Review, 28, 3, pp. 539–553.

Jacobsen, K. (1997) 'Refugees' Environmental Impact: The Effect of Patterns of Settlement' Journal of Refugee Studies, 10, 1, pp. 19–36.

Kibreab, G. (1996) People on the Edge in the Horn: Displacement, Land Use and the Environment in the Gedaref Region, Sudan, James Currey, London.

Kibreab, G. (1997) 'Environmental Causes and the Impact of Refugee Movement: A Critique of the Current Debate' Disasters, 21, 1,

Leach, M. & R. Mearns (eds.)(1996) The Lie of the Land: Challenging Conventional Wisdom on the African Environment, London, James Currey Publishers and Heinemann.

Myers, N. (1993) 'Environmental Refugees in a Globally Warmed World' Bioscience, 43, pp. 752–761.

Ramlogan, R. (1996) 'Environmental Refugees: An Overview' Environmental Conservation, 23, 1, pp. 81–88.

Westing, A. (1992) 'Environmental Refugees: A Growing Category of Displaced Persons' Environmental Conservation, 19, pp. 201–207.

Seminar 10: Diversity and Difference in the Refugee Experience

Reconfigurations of gender relationships. Working with vulnerable refugee groups: unaccompanied minors, people with disabilities, elderly people, unaccompanied women. Gender and gender relations.

Indra, D. (1999) Engendering Forced Migration: Theory and Practice, Oxford, Berghahn.

Martin, S. (1993) Refugee Women, London, Zed Books.

Mupedziswa, R (1993) Uprooted: refugees and social work in Africa. Harare: JSDA.

Part 4: Forced Migration: Temporary and 'Durable' Solutions

Seminar 11: Humanitarian Aid to Refugees

Nature and sources of humanitarian aid. International humanitarian action as an industry. Emergency and non-emergency aid. The challenges of providing relief in crisis conditions; effects of aid in host countries. Working with vulnerable refugee groups. The concept of refugee participation.

Chimni, B.S. (2000) 'Globalisation, Humanitarianism and the Erosion of Refugee Protection', RSC Working Paper No. 3, Refugee Studies Centre, University of Oxford.

Harrell-Bond, B.E. (1986) Imposing Aid: Emergency Assistance to Refugees, Oxford, Oxford University Press.

Hussein, K. (1995) 'The Nutrition Crises among Mozambican Refugees in Malawi: An Analysis of the Response of International Agencies' Journal of Refugee Studies, 8 (1).

Malkki, L. (1997) 'Speechless Emissaries: Refugees, Humanitarianism and dehistoricization' in Olwig, K.F. and K. Hastrup (eds) Siting Culture: The Shifting Anthropological Object, London, Routledge.

Keen, D. and K. Wilson (1994) 'Engaging with Violence: A Reassessment of Relief in Wartime' in J. Macrae and A. Zwi (eds) War and Hunger: Rethinking International Responses to Complex Emergencies, London and new Jersey, Zed Books (in association with Save the Children Fund, UK).

Rodgers, G. (1996) 'Place to Suffer': An Anthropological Study of Aid to Mozambican Refugees in a South African Settlement, unpublished MA dissertation, University of the Witwatersrand, Johannesburg.

Seminar 12: Institutional Roles and Responsibilities

Institutions involved in forced migration: intra- and inter- governmental agencies, NGOs, informal institutions. The role of institutions in defining and controlling forced migrants. Asylum and management of emergencies. Refugee camps and settlements as social institutions. Working with spontaneously settled forced migrants.

Cohen, R. and F.M. Deng (1998) Masses in Flight: The Global Crisis of Internal Displacement, Washington DC, Brookings Institution Press.

Cunliffe, A. (1995) 'The Refugee Crisis: A Study of the United Nations High Commission for Refugees' Political Studies, XLII, pp. 278–290.

Gibney, M. J. (1999) 'Liberal Democratic States and Responsibilities to Refugees' American Political Science Review, 93, 1, pp. 169–181.

Milner, J. (2000) 'Sharing the Security Burden: Towards the Convergence of Refugee Protection and State Security' RSC Working Paper No. 4, Refugee Studies Centre, University of Oxford.

Tuitt, P. (1996) False Images: The Law's Construction of the Refugee, London, Pluto Press.

Voutira, E. and B.E. Harrell–Bond (1995) 'In Search of the Locus of Trust: The Social World of the Refugee Camp' in E. Valentine Daniel and John Chr. Knugsen (eds) Mistrusting Refugees, Berkeley and Los Angeles, University of California Press.

Seminar 13: Overview of 'Durable' Solutions

Overview of UNHCR's durable solutions: local integration, resettlement in third country, voluntary repatriation. How durable are the durable solutions? Voluntary repatriation and post-war reconstruction.

Adelman, H. (1996) 'The Right of Repatriation: Canadian Refugee Policy: The Case of Rwanda' International Migration Review, 30, 113, pp. 289–309.

Adelman, H. and J. Sorenson (1994) African Refugees: Development Aid and Repatriation, Boulder CO, Westview Press.

Allen, T. (ed.) (1996) In Search of Cool Ground: War, Flight and Homecoming in North East Africa, London, James Currey.

Allen, T. and H. Morsink (eds.) (1994) When Refugees go Home, London, James Currey and Trenton, Africa World Press.

Black, R. and K. Koser (eds.) (1998) The End of the Refugee Cycle?: Refugee Repatriation and Reconstruction, Oxford, Berghahn.

Harrell-Bond, B.E. (1989) 'Repatriation: Under What Conditions is it the Most Desirable Solution for Refugees' African Studies Review, 32, 1, pp. 41–69.

Kibreab, G. (1996) 'Ready and Willing…But Still Waiting: Eritrean Refugees in the Sudan and the Dilemmas of Return', Uppsala Life and Peace Institute.

Kumar, K. (ed.) (1993) Rebuilding Societies After Civil War: Critical Roles for International Assistance, London, Lynne Rienner Publishers.

Pottier, J. (1996) 'Relief and Repatriation: Views by Rwandan Refugees; Lessons for Humanitarian Aid Workers' African Affairs, 95, pp. 403–429.

Rodgers, G. (2001) 'Structuring the Demise of a Refugee Identity: The UNHCR's Voluntary Repatriation Programme for Mozambican Refugees in South Africa' in C. De Wet and R. Fox (eds.) Transforming Settlements in Southern Africa, Edinburgh, Edinburgh University Press.

Steputtat, F. (1994) 'Repatriation and the Politics of Space: The Case of the Mayan Diaspora and Return Movement' Journal of Refugee Studies, 7 (2/3).

Seminar 14: Reconstructions of Livelihood

The challenges of reconstructing livelihoods. Forced migrants as active agents in rebuilding their communities and livelihoods. The dependency syndrome debate. Survival strategies in forced migration. Working with returnees.

Bascom, J. (1998) Losing Place: Refugee Populations and Rural Transformations in East Africa, Oxford, Berghahn.

Cohen, R. and F.M. Deng (eds) (1998) The Forsaken People: Case Studies of the Internally Displaced, Washington DC, Brookings Institution Press.

De Jongh, M. (1994) 'Mozambican Refugee Resettlement: Survival Strategies of Involuntary Migrants in South Africa' Journal of Refugee Studies, 7, 2/3, pp. 220–238.

Hansen, A. (1990) 'Refugee Self Settlement Versus Settlement on Government Schemes: The Long-Term Consequences for Security, Integration and Economic Development of Angolan Refugees (1966–1989) in Zambia' United Nations Research Institute for Social Development, Discussion Paper 17.

Hansen, A. and A. Oliver-Smith. (1982) Involuntary Migration and Resettlement: The problems and responses of Dislocated People, Boulder, Westview.

McDowell, C. and M. Cernea (eds.) (2000) Reconstructing Livelihoods — Theory and Practice: Resettlers and Refugees' Experiences, Washington, DC, The World Bank.

Contact Information for Rodreck Mupedziswa:

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Course on Managing Disasters and Complex Humanitarian Emergencies

Boston University
School of Public Health

Guenet Guebre-Christos and Tina Ghelli
2002
United States of America

Syllabus:

Wednesday, February 27, 1 – 4 pm

Session 1:   Introduction to UNHCR and the Global Refugee Situation

Objectives:

By the end of the session, students will be able to:

- Explain the roles of the various actors in refugee emergencies
- Understand the scope of the world refugee situation
- Understand the mandate of UNHCR
- Understand the evolution of the current international refugee regime
- Explain the differences between IDPs and Refugees
- Discuss current changes in the dynamics of displacement
- Understand UNHCR's response to the Afghanistan Crisis

Required Readings:

UNHCR. Helping Refugees; An Introduction to UNHCR 2000.

UNHCR. Refugees by Numbers. 2001.

UNHCR. Afghanistan, *Refugees Magazine*, Issue 125, 2001.

UNHCR. Cover Story, *Refugees Magazine*, Issue 177, 2000.

UNHCR. *The State of the World's Refugees 2000*. Oxford University Press, 2000. Introduction (pp. 1–11) & Chapter 11: "The Changing Dynamics of Displacement." (pp. 275–287).

UNHCR. Internally Displaced Persons: The Role of UNHCR: Position Paper. 6 March 2000.

UNHCR. UNHCR Approach in response to the Afghanistan Crisis. Donor Update. 21 December 2001.

Session Plan:

1:00–2:00	Basic Power Point Demonstration, Q&A
2:00–2:30	Simulation
2:30–2:45	Break
2:45–3:45	Video: UNHCR in Action, Case study: UNHCR's response to Afghan emergency
3:45–4:00	Q&A

Thursday, February 28, 9 – 12 pm

Session 2:   Refugee Emergencies/Needs of Special Groups

Objectives:

By the end of the session, students will be able to:

- Discuss the main needs in refugee emergencies and ways to meet these needs
- special needs of vulnerable refugee groups
- Identify potential sources of difficulties in delivery of humanitarian aid
- Understand the linkages between assistance and protection.

Required Readings:

UNHCR. *Handbook for Emergencies, Second Edition*. Chapter 5: Initial Assessment, Immediate Response " (pp41–47) & Chapter 12: "Site Selection, Planning & Shelter" (pp 132–147.)

UNHCR. Sexual Violence Against Refugees. Geneva, 1995. Chapter 1: Sexual Violence in the Context of Refugees (pp 1–10) & Chapter 2: Prevent Measures" (pp.11–27.)

UNHCR. Un. Doc. EC/49/SC/INF.2 The Security, and Civilian and Humanitarian Character of Refugee Camps and Settlements. 14 January 1999.

UNHCR. Personal Security of Refugees. Executive Committee Resolution No. 72 (XLIV) 1993.

UNHCR. Military or Armed Attacks on Refugee Camps and Settlements, Executive Committee Resolution No. 48 (XXXXVIII) – 1987.

UNHCR. Refugee Children: Guidelines on Protection and Care. Chapters 7 & 8.

UNHCR. Guidelines on the Protection of Women. July 1991.

WHO. Health in Afghanistan Situation Analysis. January 2002

Sphere Project. Part II: The Minimum Standards, Health Services. Section 1: Analysis, Section 4: Health Care Services, Section 5: Human Resource Capacity and Training.

UNHCR. *Learning for a Future: Refugee Education in Developing Countries*, Chapter 1 Education in Emergencies. 2001, (pp. 1–30).

Session Plan:

9:00–9:45   Why do assistance? Basic assistance considerations (needs assessment, site selection, security, food, shelter, water, healthcare, education).

9:45–10:30 Identification of vulnerable groups, impact on children, *To Be A Refugee, Living in the Shadows* video.

10:30–10:45   Break

10:45–12:00   Case Studies, Refugee Women video "Don't Look Back"

Thursday, February 28, 1 – 4 pm

Session 3:   Refugee Protection & Solutions

Objectives:

By the end of the session, students will be able to:

- Identify sources of international law relevant to refugee protection
- Understand the difference between UNHCR and UNRWA
- Identify three solutions to refugee crises & explain determining factors for each solution
- Discuss current threats to the institution of asylum

Required Readings

UNHCR. *Refugees Magazine.* Issue 125. Cover Story, 2002.

UNHCR. *Refugees Magazine*, Issue 119. "Detect, Detain, Deter, Deport".

UNHCR. Protecting Refugees: questions and answers.

UNHCR. An Introduction to the International Protection of Refugees. Chapter 2: "A brief introduction to international refugee law." (pp. 17–24.).

UNHCR. *The State of the World's Refugees 2000.* Oxford University Press, 2000. Chapter 7: "Asylum in the Industrialized World" (pp. 155–183.).

UNHCR. Human Rights and Refugee Protection, Part II "Specific Issues. Chapter 3:"Detention" (pp. 37–58).

UNHCR. Determination of Refugee Status. Chapter one: Definition of a Refugee", (pp. 1–16).

UNRWA. About UNRWA. 2001, "Questions and Answers."

UNRWA. UNRWA Emergency Appeal, Progress Report 11. October 2001.

Reuters. News Articles on Australia's Refugee Detention Policy.

UNHCR. Global Consultations, Reaffirming the 1951 Convention. 13 December 2001.

Statement by the President of Latvia, Ms. Vaira Vike-Freiberga, at the Ministerial Meeting of States Parties to the 1951 Convention and/or Protocol to Relating to the Status of Refugees, Geneva. 12 December 2001.

UNHCR. *The State of the World's Refugees 2000.* Oxford University Press, 2000. Chapter 6, Repatriation & Peace Building in the early 1990s.

UNHCR. Criteria for Determining Resettlement as the Appropriate Solution. UNHCR Resettlement Handbook, July 1997.

Session Plan:

1:00–2:00	Introduction to International Law
2:00–2:30	Global Consultations
2:30–2:45	Break
2:45–3:15	Threats to asylum, Detention Issues, Case study: Australia Post Sept. 11th climate
3:15–4:00	Solutions: Repatriation, Resettlement, Local Integration

Contact Information for Guenet Guebre-Christos and Tina Ghelli:

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1775 K Street, NW
Suite 300
Washington, DC
Tele: (202) 296-5191
Fax: (202) 296-5660

Global Issues in Forced Migration

Tufts University
Fletcher School of Law and Diplomacy

Prof. Karen Jacobsen
Spring 2002
United States of America

Course Description:

This course explores some of the issues arising from the forced migration of people, both across international boundaries and within their own countries. We examine the causes and types of displacement; the economic, social and security impacts on host countries and regions; and the response of governments, international organizations and nongovernmental organizations to displacement. We explore the role of refugees and other forced migrants in international and domestic politics, and the contribution and problems of humanitarian assistance.

The course is grounded in political science (specifically international relations, IPE and comparative politics), but our approach will be interdisciplinary, incorporating perspectives from anthropology, political geography, and law. Our time frame begins with the end of the Second World War, and focuses on the post-Cold War period. Course materials will be derived from all regions of the world.

The course has a strong case study and policy emphasis. Students are required to participate in a group project that will include outside research.

The Research Paper
Research Paper Questions:

- What role can and should the military play in refugee protection?

- Examine the role of UNHCR as an actor in international refugee affairs. Should UNHCR try to be a politically neutral organization? How did UNHCR's assumption of the lead agency role in former Yugoslavia and its relief activities there involve it in the politics of the war? Was this different in the Kosovo case?

- Explore the concept of *asylum*. To what extent is the institution of asylum under threat? How does this differ regionally?

- Why are IDPs a particular (legal and humanitarian) problem in international affairs?

- Do a 'state of the art' paper on human trafficking. What consequences might anti-trafficking measures have for refugee protection?

- Do a 'state of the art' paper on statelessness. Is this an emerging problem in the 21st century? Discuss institutional responses, new problems, etc.

- What are the moral issues underlying the concept of asylum? Discuss some of the moral and ethical dilemmas facing asylum countries and relief organizations today.

- What is meant by 'refugee economies'? How does an influx of refugees transform a border zone?

Syllabus:

January 22 (Tuesday)

Week 1. First Class Meeting: Introduction, Definitions and Statistics

January 28

Week 2. Forced Migration in the post-Cold War Era: Patterns and Causes.

How is forced migration (FM) different from other kinds of international migration? In what sense is FM different now from what it was during the Cold War, or before? What are the 'root causes' of FM? (and should we focus on them?)

Reading:

UNHCR 1997. *The State of the World's Refugees*. pp. 1–39; 54–68; 99–114.

Schmeidl, S. "Conflict and Forced Migration: A Quantitative Review," in *Global Migrants, Global Refugees*., pp. 62–94.

Weiner, Myron. 1996. "Bad Neighbors, Bad Neighborhoods: An Inquiry into the Causes of Refugee Flows," *International Security*, Summer, Vol. 21, No. 1 pp. 5–42.

J. Crisp, 2000. "Africa's Refugees: Patterns, Problems and Policy Challenges", UNHCR Working Paper #28.

February 4–25

Weeks 3–6. The Institutional Response to Refugees

We discuss the response to refugees by the international community, nation-states, and nongovernmental organizations. What is meant by the international refugee regime, who are the main actors, and how effective are they in coping with the problems of forced migration? What is meant by "asylum" today and how has asylum changed since the 1960s? We will consider how the tension between states and relief organizations like UNHCR and NGOs mediate the response to forced migration.

> ### *2/4 Week 3.   The Response of the International Community. The International Refugee Regime: UNHCR and the Refugee Definition.*
>
> UNHCR 1997. *The State of the World's Refugees*. pp. 39–54; 68–97; 115–131
>
> Loescher, Gil. "Protection and Humanitarian Action in the Post-Cold War Era," in Zolberg, Aristides R. and Peter M. Benda, *Global Migrants, Global Refugees*, New York: Berghahn Books. 2001. pp. 171–205.

Goodwin-Gill, Guy. 1999. "Refugee Identity and Protection's Fading Prospect," in Frances Nicholson and P. Twomey, *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge University Press). pp. 220–249.

V. Turk. "The role of UNHCR in the development of international refugee law," *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge University Press). pp. 153–174.

J-Y Carlier. "The Geneva refugee definition and the 'theory of the three scales, *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge University Press). pp. 37–55.

Hyndman, Jennifer and B.V. Nylund. 1998. "UNHCR and the Status of Prima Facie Refugees in Kenya," *International Journal of Refugee Law* 10(1/2). pp. 21–48.

2/11 Week 4.   State Responses I: Europe and the US.

UNHCR 1997. The State of the World's Refugees. Chap. 5 "The Asylum Dilemma" pp. 183–223.

T. A. Alenikoff. 1995. "State-Centered Refugee Law: From Resettlement to Containment," in Daniel and Knudsen, Eds. *Mistrusting Refugees,* Berkeley, Calif: University of California Press. pp. 257–278.

Joly, Daniele. 1999. "A new asylum regime in Europe," in Frances Nicholson and P. Twomey. *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge University Press). pp. 336–356.

Lavenex, Sandra. 1998. "'Passing the Buck': European Union Refugee Policies towards Central and Eastern Europe," *Journal of Refugee Studies*, 11(2): 126–145.

K. Khoser, M. Walsh and R. Black. "Temporary Protection and assisted return of refugees from the European Union: a preliminary analysis," Paper presented to International Conference on Inclusion and Exclusion, New School for Social Research, New York, June 5–7, 1997.

Martin, S. & Schoenholtz A. "Fixing Temporary Protection in the United States," *World Refugee Survey* 1998, pp. 40–47.

McBride, M. 1999. "The Evolution of US Immigration and refugee policy: public opinion, domestic politics and UNHCR," UNHCR, New Issues in Refugee Research Working Paper No. 3.

2/19 No class   Presidents Day (Class moved to Friday 2/22)

2/22 (Friday) Week 5.   The Nongovernmental Response

Mary Anderson, *Do No Harm* (entire)

Tim Cross, 2001. "Comfortable with Chaos: Working with UNHCR and the NGOs; Reflections from the 1990 Kosovo Crisis." Working Paper No. 42

February 25 – March 4

Weeks 6–7. Refugee Camps

What are refugee camps like? What problems do refugees experience inside them, and what effects do they have on the refugees themselves? How do the refugees respond, economically, politically and socially? What alternatives to camps might we consider?

2/25 Week 6 **Camps I: Life Inside.**

Voutira, E. and Harrell-Bond, B. 1995. "In Search of the Locus of Trust: the Social World of the Refugee Camp", in Daniel and Knudsen, Eds. *Mistrusting Refugees*, Berkeley, Calif: University of California Press.

Kibreab, Gaim. 1993. 'The myth of dependency among camp refugees," *Journal of Refugee Studies*, Vol. 6, No. 4.

Harrell-Bond, B. 1999. "The experiences of refugees as recipients of aid," in *Refugees: Perspectives on the Experience of Forced Migration* edited by A. Ager. New York, Cassell.

John L. Hammond, "War-Uprooting and the Political Mobilization of Central American refugees. *Journal of Refugee Studies,* 1993, 6(2), pp. 105–122.

3/4 Week 7 **Camps II: Security and Protection Issues.**

UNHCR 1995. *The State of the World's Refugees.* (Keeping the Peace) pp. 97–142.

Verdirame, G. 1999. "Human Rights and Refugees: the Case of Kenya," *Journal of Refugee Studies*, Vol. 12, No.14. pp. 54–77.

K. Jacobsen, 2000. "A Framework for Exploring the Political and Security Context of Refugee Populated Areas," *Refugee Survey Quarterly* Vol. 19(1). pp. 3–22.

C. Robinson, "Refugee Warriors at the Thai-Cambodian Border," *Refugee Survey Quarterly* Vol. 19(1). pp. 23–37.

R. Martin, "Regional Dynamics and the Security of Afghan Refugees in Pakistan," *Refugee Survey Quarterly* Vol. 19(1). pp. 71–78.

Ginifer, Jeremy. 1998. "Protecting Displaced Persons Through Disarmament," *Survival*, 40(2) Summer, pp. 161–76.

Frelick, Bill. 1997. "Assistance Without Protection," *World Refugee Survey* Washington D.C.: Immigration and Refugee Services.

3/11–3/26 Weeks 8–10 **Internally Displaced People.**
(co-taught with Charles Petrie, Senior UN Policy Adviser)

How are IDPs different from refugees and why is it important to distinguish between them? What particular problems confront IDPs, and how has the international community responded?

3/11 **Week 8 IDP Protection: Whose Mandate?**

UNHCR 1997. *The State of the World's Refugees.* pp. 99–142

G. Goodwin Gill, 2000. "UNHCR and Internal Displacement: Stepping into a Legal and Political Minefield," *World Refugee Survey.* U.S. Committee for Refugees, Washington D.C.

Mooney, Erin. 1999. "In-country protection: out of bounds for UNHCR?" in Nicholson, Frances and P. Twomey (eds.). *Refugee Rights and Realities: Evolving International Concepts and Regimes* (Cambridge University Press).

McNamara, Dennis. 1998. "UNHCR's Protection Mandate in Relation to Internally Displaced People." from *Rights Have No Borders*, Norwegian Refugee Council, Global IDP Survey, 1998.

3/18   Spring Break

3/25 Week 10.   Responses to IDPs, and How IDPs Help Themselves

K. Jacobsen, S. Lautze and A. M. K. Osman. 2001. "Sudan: the Unique Challenges of Displacement in Khartoum" in *Caught Between Borders: Response Strategies of the Internally Displaced.* Edited by Marc Vincent and Birgitte Sorensen. Pluto Press, 2001. pp. 78–98.

C. Cusana. "Burma: Displaced Karens. Like Water on the Khu Leaf," in *Caught Between Borders: Response Strategies of the Internally Displaced.* Edited by Marc Vincent and Birgitte Sorensen. Pluto Press, 2001. pp. 138–171.

R. Muggah, 2000. "Through the Developmentalist's Looking Glass: Conflict-Induced Displacement and Involuntary Resettlement in Colombia," *Journal of Refugee Studies*, Vol.13(2).

Letitia Rossano. "The Response of the Assistance Community to Internal Displacement in Afghanistan between July 1999 and March 2000" Draft.

S.T. Kleine-Ahlbrandt. "The Kibeho crisis: Towards a More Effective System of International Protection for IDPs." *Forced Migration Review*, 1998.

April 1–8

Weeks 11–12. Durable Solutions: Voluntary Repatriation, Third Country Resettlement and Local Integration

What is meant by UNHCR's term, "durable solutions"? What kinds of problems surround the implementation of such solutions, from refugees' and the relief organizations' point of view?

4/1 Week 11.   Repatriation and Resettlement

UNHCR 1997. *The State of the World's Refugees.* pp. 85–92; 143–181

Ferris. Elizabeth. "After the Wars Are Over: U.S. Policy in Reconstruction," in Zolberg, Aristides R. and Peter M. Benda, *Global Migrants, Global Refugees*, New York: Berghahn Books. 2001. pp. 322–349.

Landgren, Karin. 1998. "Reconciliation: Forgiveness in the Time of Repatriation," *World Refugee Survey* 1998, pp. 20–26.

Fredriksson, John. 1997. "Revitalizing Resettlement as a Durable Solution," *World Refugee Survey* Washington D.C.

Chimni, B.S. 1999. "From resettlement to involuntary repatriation: towards a critical history of durable solutions to refugee problems," Working Paper #2, New Issues in Refugee Research, UNHCR, CDR, Geneva. May.

J. Macrae, 1999. "Aiding peace…and war: UNHCR, returnee reintegration, and the relief-development debate," UNHCR, New Issues In Refugee Research, Working Paper No. 14.

4/8 Week 12.   *Local Integration and Sustaining Refugee Livelihoods*

Why do host countries resist local integration, and how can this resistance be diminished? How do refugees pursue livelihoods and what effect does this pursuit have on the host communities?

UNHCR 1995. *The State of the World's Refugees.* (Promoting Development) pp. 143–186.

K. Jacobsen. 2001. "The Forgotten Solution: Local Integration for Refugees in Developing Countries." UNHCR New Issues in Refugee Research, Working Paper No. 45. July 2001.

Demusz, K. 1998. "From Relief to Development: Negotiating the Continuum on the Thai-Burmese Border," *Journal of Refugee Studies*, 11(3), pp. 231–244.

Cuenod, Jacques. 1989. "Refugees: Development or relief?" In Gilbert Loescher and Laila Monahan (eds.), *Refugees and International Relations*. New York: Oxford University Press. pp. 219–254.

4/15 Week 13.   *Trafficking and Illegal Migration*

John Morrison, 2000. "The trafficking and smuggling of refugees: the end game in European asylum policy?" New Issues In Refugee Research, Working Paper.

4/22 Week 14.   *Project Presentations and Wrap*

Course Readings:

Zolberg, Aristides R. and Peter M. Benda. *Global Migrants, Global Refugees,* New York: Berghahn Books. 2001. (paperback)

Mary Anderson. *Do No Harm.* (Boulder, CO: Lynne Rienner, 1999)

UNHCR, 1997. *The State of the World's Refugees: A Humanitarian Agenda, 1997–98.* Oxford University Press 1997.

This text can be accessed at the UNHCR website (http://www.unhcr.ch).

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The Anthropology of Refugees and Displacement

George Washington University

Prof. Stephen Lubkemann
Graduate Seminar offered since Spring 2002
United States of America

Course Description:

Over the last three decades population displacement has become more prevalent and more visible worldwide. Once an issue largely at the periphery of international politics, displacement has increasingly become a more central geo-strategic concern. Since World War II an ever more elaborate international regime has developed to codify and structure responses to displacement. In tandem with these developments refugees and displacement have also increasingly emerged in particular ways as "issues" and research subjects within anthropology and the broader social sciences in general.

This course will provide a critical understanding of displacement processes (the complex causes, characteristics, and consequences of forced migration experiences) and of the "displacement problem" (how international policy-makers and scholars have constructed displacement as an object for analysis and action—and some of the consequences of this construction). It will also explore how the study of displacement as a process and as a problem may provide a "strategic research site" for critically interrogating broader concepts and theories within anthropology and the social sciences.

Students in this course will gain an understanding of how local social and larger geo-political forces interact to produce refugees, and are in turn also affected by displacement processes. They will also examine how social relations and identities at various intersecting levels are influenced by displacement. Particular attention will be played to how gender relations are affected by displacement. The course will examine the contrast and contest between local interests and those of national and international-level actors (such as state governments, intergovernmental agencies and NGOs) in the formulation of solutions to displacement. The course will also review how "refugees" have been historically constructed as a "problem" within international relations and how the international humanitarian and political system of response has developed and changed in response to the growth of displacement. Finally we will consider some of the ethical dilemmas and methodological challenges raised by studying displacement processes and problems.

While drawing on a wide variety of cases from across the globe the course will focus in particular on displacement processes in Africa as well as on the experience of refugees in North America. This course is designed to provide graduate or advanced undergraduate students who have had previous coursework in anthropology with an understanding of how forced migration is organized and links global political-economic and local social processes in ways that increasingly bear on the central subjects of the discipline.

Syllabus:

Week 1:   Introductory Lecture: Why Study Displacement?

Week 2:   The Scope, Impact, and Significance of Displacement

*Chambers, R. 1986. "Hidden Losers? The Impact of Rural Refugees and Refugee Programs on Poorer Hosts." *International Migration Review* 20 (2): 245–263.

*selections from Cohen, R. & Deng, F. *Masses in Flight: The Global Crisis of Internal Displacement.* Washington, DC: Brookings Institution.

*Davis, J. 1992. "The Anthropology of Suffering" *Journal of Refugee Studies* 5 (2): 149–161.

Malkki, Liisa. "National Geographic: The Rooting of Peoples and the Territorialization of National Identity Among Scholars and Refugees." *Cultural Anthropology* Vol.7, no.1, 24–43, 1992.

Dowty, A. and Loescher, G. "Refugee Flows as Grounds for International Action." *International Security* Vol.2, no.1, 1996.

Week 3:   Global and Local Forces in the Production of Displacement I: Historical Overview

selections from Zolberg, Aristide, Suhrke, Astri, and Aguayo, Sergio. 1989 *Escape From Violence: Conflict and the Refugee Crisis in the Developing World.* Oxford: Oxford University Press, 1989.

Lubkemann, S. 2002 "Refugees: Worldwide Displacement and International Response" in *World at Risk: A Global Issues Sourcebook.* Washington, DC: CQ Press.

Week 4:   Global and Local Forces in the Production of Displacement II: Contemporary Dimensions

Loescher, G. 2001 "Protection and Humanitarian Action in the Post Cold-War era" pp 171–205 in Zolberg, Aristide, and Benda, Peter M. (eds.) 2001. *Global Migrants, Global Refugees: Problems and Solution.* New York: Berghahn Books.

Keen, D. 1998. "The Economic Functions of Violence in Civil Wars." *Adelphi Papers* No.320 Oxford: International Institute for Strategic Studies.

Capelon, R. 1995. "Gendered War Crimes: Reconceptualizing Rape in Times of War." in J. Peter and A. Wolpe (eds.) *Women's Rights, Human Rights: International Feminist Perspectives.* New York: Routledge.

Keen, D. 1994 "The Functions of Famine in Southwestern Sudan" pp 111–124 in J. Macrae and A. Zwi (eds.) *War and Hunger: Rethinking International Responses to Complex Emergencies.* London: Zed Books.

*selections from Cohen, R. & Deng, F. *Masses in Flight: The Global Crisis of Internal Displacement.* Washington, DC: Brookings Institution.

Week 5:   Frameworks and Methods for Analyzing Displacement Behavior and Experiences—Structure and Agency

*Kunz, E. 1973. "The Refugee in Flight: Kinetic Models and Forms of Displacement." *Int'l Migration Review* 7:125–146.

*Richmond, A. 1988. "Sociological Theories of International Migration: The Case of Refugees." *Current Sociology* 36 (2): 7–26.

*Wilson, K.B., 1994. "Refugees and Returnees as Social Agents." pp 237–250 in T. Allen & H. Morsink (eds.) *When Refugees Go Home*. Trenton, NJ: Africa World Press.

*Marx, E., 1990. "The Social World of the Refugee: A Conceptual Framework." *Journal of Refugee Studies* 3: 189–203.

*Scudder, T. & Colson, E. 1982. "From Welfare to Development: A Conceptual Framework for the Analysis of Dislocated People." in A. Hansen. & A. Oliver-Smith (eds.). *Involuntary Migration and Resettlement. Boulder*, CO: Westview Press.

*Krulfeld R. and MacDonald, J.L. 1998. "Introduction" pp 1–18 in R.M. Krufeld, and J.L. MacDonald *Power, Ethics, and Human Rights: Anthropological Studies of Refugee Research and Action*. New York: Rowman and Littlefield.

Week 6:   Psycho-social Processes in Displacement

Peteet, J. 1995. "Transforming Trust: Dispossession and Empowerment Among Palestinian Refugees." pp 168–186 in E.V. Daniel and J.C. Knudsen (eds.) *Mistrusting Refugees*. Berkeley: University of California Press.

Voutira, E. and Harrell-Bond, B,E. 1995. "In Search of the Locus of Trust: The Social World of the Refugee Camp." pp 207–224 in E.V. Daniel and J.C. Knudsen (eds.) *Mistrusting Refugees*. Berkeley: University of California Press.

Sommers, M. 2001. *Fear in Bongoland: Burundi Refugees in Urban Tanzania*. New York: Berghahn Books.

Lubkemann 2002 "Where To Be An Ancestor? Reconstituting Socio-Spiritual Worlds and Post-Conflict Settlement Decision-Making Among Displaced Mozambicans." In *Journal of Refugee Studies* Vol. 15.

Week 7:   Social Process in Displacement: Community Identities

chapters to be assigned from Cernea, Michael, and McDowell, Christopher. 2002 *Risks and Reconstruction: Experiences of Resettlers and Refugees*. Oxford, UK: Berghahn Books.

Woldemikael, T.M. 1997. "Ethiopians and Eritreans." pp 265–288 in D.Haines (ed.) *Case Studies in Diversity: Refugees in America in the 1990s*. Westport, CT: Praeger.

*Alitolppa-Niitamo, A. 2000. "From the Equator to the Arctic Circle: A Portrait of Somali Integration and Diasporic Consciousness in Finland." pp 43–65 in *Rethinking Refuge and Displacement: selected Papers on Refugees and Immigrants VIII*. Arlington, VA: American Anthropological Association.

*Mortland, C. 1997. "Khmer" pp 167–196 in D.Haines (ed.) *Case Studies in Diversity: Refugees in America in the 1990s*. Westport, CT: Praeger.

*Eastmond, M and Ojendal, J. 1999 "Revisiting a Repatriation Success: The Case of Cambodia" in Black, R. and Koser, K. (eds.) 1999. *The End of the Refugee Cycle*. New York: Berghahn Books.

(chapters to be assigned) Holtzman, J.D. 2000. *Nuer Journeys, Nuer Lives: Sudanese Refugees in Minnesota*. Boston: Allyn and Bacon.

Week 8:   Social Process in Displacement: Gender

Indra, D. 1999. "Not a Room of One's Own." in D.Indra (ed.) *Engendering Forced Migration: Theory and Practice*. New York: Berghahn Books.

Matsuoka, A. and Sorenson, J. 1999. "Eritrean Canadian Refugee Households as Sites of Gender Renegotiation." pp 218–241 in D. Indra (ed.) *Engendering Forced Migration: Theory and Practice*. New York: Berghahn Books.

*Abdulrahim, D. 1993. "Defining Gender in a Second Exile: Palestinian Women in West Berlin" pp 55–81 in Buijs, G. (ed.) *Migrant Women*. New York: Berghahn Books.

*Lubkemann, S. 2000. "Other Motives, Other Struggles: Gender Politics and the Shaping of Wartime Migration in Mozambique. Pp 343–368 in E. Godziak and D. Shandy (eds.) *Rethinking Refuge and Displacement: selected Papers on Refugees and Immigrants VIII*. Arlington, VA: American Anthropological Association.

McSpadden, L.A. 1999. "Negotiating Masculinity in the Reconstruction of Social Place: Eritrean and Ethiopian Refugees in the United States and Sweden" pp 242–60 in Indra (ed.) *Engendering Forced Migration: Theory & Practice*. New York: Berghahn Books.

*DeVoe. Pamela 1997 "Lao" pp 107–126 in D.Haines (ed.) *Case Studies in Diversity: Refugees in America in the 1990s*. Westport, CT: Praeger.

(chapters tba) Holtzman, J.D. 2000. *Nuer Journeys, Nuer Lives: Sudanese Refugees in Minnesota*. Boston: Allyn and Bacon.

Week 9:   Socio-Economic Processes in Displacement

(chapters to be assigned) 2002 Cernea, Michael, and McDowell, Christopher. *Risks and Reconstruction: Experiences of Resettlers and Refugees*. DC: World Bank.

*Kibreab, G. 1995. "Eritrean Women Refugees in Khartoum, Sudan, 1970–1990." *Journal of Refugee Studies* 8: 1, 1995

*Daley, P. 1991. "Gender, Displacement and Social Reproduction: Settling Burundi Refugees in Western Tanzania." *Journal of Refugee Studies* 4 (3): 248–266.

(assigned chaps) Holtzman, J.D. 2000. *Nuer Journeys, Nuer Lives: Sudanese Refugees in Minnesota*. Boston: Allyn & Bacon.

Bascom, J. 1998. *Losing Place: Refugee Populations and Rural Transformations in East Africa*. New York: Berghahn Books.

Week 10: Socio-Political Processes in Displacement:

Malkki, L.H. 1995. *Purity and Exile: Violence, Memory, and National Cosmology Among Hutu Refugees in Tanzania*. Chicago: University of Chicago Press.

*Peteet, J.M. 1995. "Transforming Trust: Dispossession and Empowerment Among Palestinian Refugees." pp 168–186 in E.V. Daniel and J.C. Knudsen (eds.) *Mistrusting Refugees*. Berkeley: University of California Press.

*Shahrani, M.N. 1995. "Afghanistan's Muhajirin (Muslim 'Refugee Warriors'): Politics of Mistrust and Distrust of Politics." pp 187–206 in E.V. Daniel and J.C. Knudsen (eds.) *Mistrusting Refugees*. Berkeley: Univ. of California Press.

*Khiddu-Makubuya, E. 1994. "Voluntary Repatriation by Force: The Case of Rwandan Refugees in Uganda." pp 143–158 in H. Adelman & J. Sorenson (eds.) *African Refugees: Development Aid and Repatriation*. Boulder, CO: Westview Press.

selections from Cohen & Deng 1998. *The Forsaken People: Case Studies of the Internally Displaced*. Washington, DC: Brookings Institution.

Week 11: The anthropology of International Response to Displacement I: Making the Refugee-problem and subject

(chapters to be assigned) Loescher, G. 1993. *Beyond Charity*. Oxford: Oxford University Press.

Martin, Susan F. "Forced Migration and the Evolving Humanitarian Regime." *UNHCR New Issues in Refugee Research Working Papers*, No. 20, July 2000.—online UNHCR publication.

*Malkki, L. H. 1997. "Speechless Emissaries: Refugees, Humanitarianism and Dehistoricization." pp 223–254 i in K. F. Olwig and K. Hastrup (eds.) *Siting Culture: The Shifting Anthropological Object*. New York: Routledge.

(chapters to be assigned) in Cohen, R. & Deng, F. *Masses in Flight: The Global Crisis of Internal Displacement*. Washington, DC: Brookings Institution.

Indra, D. 2000 Not Just Displaced and Poor." pp 142–164 in E. Godziak and D. J. Shandy (eds.) *Selected Papers on Refugees and Immigrants Vol. VIII, 2000*. Arlington, VA: American Anthropological Association.

Week 12: The anthropology of Int'l responses to displacement II—Gender in Assistance and Protection

Matlou, 1999. "Upsetting the Cart: Forced Migration and Gender Issues, the African Experience." in D.Indra (ed.) *Engendering Forced Migration: Theory and Practice*. New York: Berghahn Books.

Cammack, D. 1999. "Gender Relief and Politics During the Afghan War." in D.Indra (ed.) *Engendering Forced Migration: Theory and Practice*. New York: Berghahn Books.

Gilad, L. 1999. "The Problem of Gender-Related Persecution: A Challenge of International Protection." in D.Indra (ed.) *Engendering Forced Migration: Theory and Practice*. New York: Berghahn Books.

Macklin, A. 1996. "A Comparative Analysis of the Canadian, US, and Australian Directives on Gender Persecution and Refugee Status." in D. Indra (ed.) *Engendering Forced Migration: Theory and Practice*. New York: Berghahn Books.

*Charlesworth, H. 1995. "Human Rights as Men's Rights" in J. Peter and A. Wolpe (eds.) *Women's Rights, Human Rights: International Feminist Perspectives*. New York: Routledge.

*Sullivan, D. 1995. "The Public/Private Distinction in International Human Rights Law" in J. Peter and A. Wolpe (eds.) *Women's Rights, Human Rights: International Feminist Perspectives*. New York: Routledge.

*Scott, G.M. 1988. "To Catch or Not to Catch a Thief: A Case of Bride Theft Among the Lao Hmong Refugees in Southern California." *Ethnic Groups* Vol. 7: 137–151.

*Rao, A. 1995. "The Politics of Gender and Culture in International Human Rights Discourse." in J. Peter and A. Wolpe (eds.) *Women's Rights, Human Rights: International Feminist Perspectives*. New York: Routledge.

Week 13: The anthropology of International response to displacement III: "Protecting and Assisting Whom or What?"—Deconstructing the Determinants of Displacement Solutions and Interventions

(chapters to be assigned) in Loescher, G. 1993. *Beyond Charity*. Oxford: Oxford University Press.

*Rogge, J. 1994. "Repatriation of Refugees: A Not So Simple Solution." pp 14–49 in T. Allen & H. Morsink (eds.) *When Refugees Go Home*. Trenton, NJ: Africa World Press.

Conway, F.J, and Stafford, S.B. 1997. "Haitians" pp 244–264 in D.Haines (ed.) *Case Studies in Diversity: Refugees in America in the 1990s*. Westport,CT: Praeger.

Coleman, J. 1997. "Cubans' pp 14–33 in D. Haines (ed.) *Case Studies in Diversity: Refugees in America in the 1990s*. Westport, CT: Praeger.

Aleinikoff, T.A. 1995. "State-Centered Refugee Law: From Resettlement to Containment" pp 257–278 in E.V. Daniel and J.C. Knudsen (eds.) *Mistrusting Refugees*. Berkeley: University of California Press.

(chaps tba) Cohen & Deng *The Forsaken People: Case Studies of the Internally Displaced*. Washington, DC: Brookings Institution.

Week 14: The anthropology of International response to displacement IV: The Persistence of Refugee Interests

*Pottier, J. 1999. "The 'Self' in Self-Repatriation: Closing Down Mugunga Camp in Eastern Zaire, pp 142–170 in Black, R. and Koser, K. (eds.) 1999. *The End of the Refugee Cycle*. New York: Berghahn Books.

*McSpadden, L.A. 1999. "Contradictions and Control in Repatriation: Negotiations for the Return of 500,000 Eritrean Refugees. in Black, R. and Koser, K. (eds.) 1999. *The End of the Refugee Cycle*. New York: Berghahn Books.

*selections to be assigned from Harrell-Bond, B. 1986. *Imposing Aid: Emergency Assistance to Refugees*. Oxford: Oxford University Press (now full text available online).

Week 15: Reframing Displacement and Assistance—Dilemmas, Debates, Tradeoffs, and Payoffs

(chapters to be assigned) Loescher, G. 1993. *Beyond Charity*. Oxford: Oxford University Press.

*Weiner, Myron. 1998. "The Clash of Norms: Dilemmas in Refugee Policies." *Journal of Refugee Studies* Vol. 11, no.4: 433–453.

*Hendrie, B. "Relief Behind the Lines: The Cross-Border Operation in Tigray." pp 125–138 in J. Macrae and A. Zwi (eds.) *War and Hunger: Rethinking International Responses to Complex Emergencies*. London: Zed Books.

*Duffield, M. 1994. "The Political Economy of Internal War: Asset Transfer, Complex Emergencies and International Aid" pp 50–69 in J. Macrae and A. Zwi (eds.) *War and Hunger: Rethinking International Responses to Complex Emergencies*. London: Zed Books.

(chaps tba) Cohen & Deng Masses in *Flight: The Global Crisis of Internal Displacement*. Washington, DC: Brookings Institution.

*Chimni, B.S. 1998. "The Geo-politics of Refugee Studies: A View from the South." *Journal of Refugee Studies* Vol. 11, No.4: 350–371.

Course Readings:

Required Texts:

Black, R. and Koser, K. (eds.) 1999. *The End of the Refugee Cycle*. New York: Berghahn Books.

Cernea, M. and McDowell, C. 2000. *Risks and Reconstruction: Experience of Resettlers and Refugees*. Washington, DC: World Bank

Cohen, R. & Deng, F. 1998. *Masses in Flight: The Global Crisis of Internal Displacement*. Washington, DC: Brookings Institution.

Daniel, E.V., and Knudsen, J. (eds.) 1995. *Mistrusting Refugees*. Berkeley, CA: University of California Press.

Haines, D.W. (ed.) 1997. *Case Studies in Diversity: Refugees in America in the 1990s*. Westport, CT: Praeger.

Holtzman, J.D. 2000. *Nuer Journeys, Nuer Lives: Sudanese Refugees in Minnesota*. Boston: Allyn and Bacon.

Indra, D. (ed.)1999. *Engendering Forced Migration: Theory and Practice*. New York: Berghahn Books.

Loescher, G. 1993. *Beyond Charity*. Oxford: Oxford University Press.

Malkki, L. H. 1995. *Purity and Exile: Violence, Memory and National Cosmology Among Hutu Refugees in Tanzania*. Chicago: University of Chicago Press.

Sommers, M. 200. *Fear in Bongoland: Burundi Refugees in Urban Tanzania*. New York: Berghahn Books.

Coursepack—instructor will notify as to where available on first day of class.

Recommended Texts:

Bascom, J. 1998. *Losing Place: Refugee Populations and Rural Transformations in East Africa*. New York: Berghahn Books.

Harrell-Bond, B. 1986. *Imposing Aid: Emergency Assistance to Refugees*. Oxford: Oxford University Press.

Cohen, R. & Deng, F.M. 1998. *The Forsaken People: Case Studies of the Internally Displaced*. Washington, DC: Brookings Institution.

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Issues and Controversies in Forced Migration: A Multi-Disciplinary Seminar

University of Oxford
Refugees Studies Centre

Various Instructors
Hilary Term 2003
Oxford, United Kingdom

Syllabus:

24 January

Famine, Food Security and Humanitarian Aid
Dr John Seaman (Save the Children UK)

Devereux, S (2002) "Famine in the Twentieth Century", Institute of Development Studies (Brighton, England) (www.ids.ac.uk/ids/bookshop/wp/wp105.pdf).

Sen, A (1982) *Poverty and Famines*, OUP (in particular the Nobel Prize article).

(1999) *Scientific American*, article covering Prof Sen's Nobel.

Seaman, J (1999) 'Malnutrition in emergencies: how can we do better and where do the responsibilities lie?' *Disasters*, special issue : international public nutrition and emergencies : the potential for improving practice v.23 (4) pp 306–315.

de Waal, A (1995) 'Compassion Fatigue', *New Statesman & Society*, 17 March 1995, pp 15–17.

Any of Prof Amartyr Sen's theory of exchange entitlements.

31 January

Nutrition and Forced Migration I
Prof Jeya Henry (Oxford Brookes University)

(*= essential reading)

*Carballo, M and Vuori, H (1995) 'Humanitarian Action Reassessed', *The Lancet*, Vol 346, No 8966, pp 54.

*Lamont-Gregory, E, Henry, C J K and Ryan T J (1995) 'Evidence-based Humanitarian Relief Interventions', *The Lancet*, Vol 346, No 8970, pp 312–313.

*Toole, M J and Waldman, R J (1997) 'The Public Health Aspects of Complex Emergencies and Refugee Situations', *Annual Review of Public Health*, Vol 18, pp 283–312.

Acheson, D (1993) 'Health, Humanitarian Relief and Survival in Former Yugoslavia', *British Medical Journal*, Vol 307, No 6895, pp 44–48.

Court, C (1995) 'Humanitarian Aid is Not Enough, Says Charity', *British Medical Journal*, Vol 310, No 6974, pp 210.

Diskett, P, Collins, C and Lloyd, A (1995) 'Priorities in Humanitarian Relief', *The Lancet*, Vol 346, No 8980, pp 970.

Garfield, R and Santana, S (1997) 'The Impact of the Economic Crisis and the US Embargo on Health in Cuba', *American Journal of Public Health*, Vol 87, No 1, pp 15–20.

Rowlands, D E (1996) 'Policies for Humanitarian Service Should be Less Ageist', *British Medical Journal*, Vol 312, No 7034, pp 851.

Stewart, F (1998) 'Food Aid During Conflict: Can one reconcile its humanitarian economic and political economy effects?', *American Journal of Agricultural Economics*, Vol 80, No 3, pp 560–565.

Watson, F, Kulenovic, I and Vespa, J (1995) 'Nutritional-Status and Food Security—Winter Nutrition Monitoring in Sarajevo 1993–1994', *European Journal of Clinical Nutrition*, Vol 49, No S2, pp S23–S32.

7 February

Nutrition and Forced Migration II

Prof Jeya Henry (Oxford Brookes University)

*Mei, Z, Grummer Strawn, L M, deOnis, M and Yip, R (1997) 'The Development of a MUAC-for-height Reference, Including a Comparison to Other Nutritional Status Screening Indicators', *Bulletin of the World Health Organisation*, Vol 75, No 4, pp 333–341.

*Naber, T H J, deBree, A, Schermer, T R J, Bakkeren, J, Bar, B, deWild, G and Katan, M B (1997) 'Specificity of Indexes of Malnutrition When Applied to Apparently Healthy People: The effect of age', *American Journal of Clinical Nutrition*, Vol 65, No 6, pp 1721–1725.

*Prudhon, C, Golden, M H N, Briend, A and Mary, J Y (1997) 'A Model to Standardise Mortality of Severely Malnourished Children Using Nutritional Status on Admission to Therapeutic Feeding Centres', *European Journal of Clinical Nutrition*, Vol 51, No 11, pp 771–777.

Bannerman, E, Reilly, JJ, MacLennan, W J, Kirk, T and Pender, F (1997) 'Evaluation of Validity of British Anthropometric Reference Data for Assessing Nutritional State of Elderly People in Edinburgh: Cross-sectional study', *British Medical Journal,* Vol 315, No 7104, pp 338–41.

Hsu-Hage, B, Wahlquist, M L and Idema, K T (1995) 'Anthropometric Indices Among Adult Melbourne Chinese Australians', *Asia Pacific Journal of Clinical Nutrition*, Vol 4, pp 81–88.

Roche, A (1995), 'Body Composition of Ethnic Groups in the US', *Asia Pacific Journal of Clinical Nutrition*, Vol 4 pp 63–68.

Smaijkic, A, Zec, S, Telebak, B and Filipovichadziomeragic A, (1995) 'Changes in Nutrition Among Residents and Refugees in Sarajevo During the War', *European Journal of Clinical Nutrition*, Vol 49, No S2, pp S17–S22.

14 February

Development Induced Displacement and Resettlement
Patricia Feeney (Independent Consultant)

21 February

Biodiversity and Population Displacement
Dr Dawn Chatty (RSC)

Squandering Paradise? The importance and vulnerability of the world's protected areas. Christine Carey, Nigel Dudley, and Sue Stolton, WWF World Wide Fund for Nature International, Gland, Switzerland, 2000.

Chatty, D (1998) 'Enclosures and Exclusions: Conserving wildlife in pastoral areas of the Middle East', *Anthropology Today*, Vol 14, No 4, August.

Chatty, D and Colchester, M (2002), Introduction: 'Conservation and Mobile Indigenous Peoples', *Conservation and Mobile Indigenous Peoples: Displacement, forced settlement or sustainable development*, Berghahn Press, New York/Oxford.

Ghimire, K and Pimbert, M (eds) (1997) 'Social Change and Conservation: An overview of issues and concepts', in *Social Change and Conservation: Environmental politics and impacts of national parks and protected areas*, Geneva, INRISD.

Turton, D (1995) *Pastoral Livelihoods in Danger*, Oxfam Research Paper No 12.

28 February

Psychosocial Dimensions of Forced Migration I: Dominant psychological paradigms in refugee literature
Sr Maryanne Loughry (RSC)

In the first week of this course we concentrate on the main paradigms that have been used to help explain the behaviour of refugees. This introduction explores both theories and therapeutic applications.

De Jong, J.(2000). Psychiatric Problems Related to Persecution and Refugee Status. In F Henn, N Sartorious, H. Helmchen & H Lauter. *Contemporary Psychiatry*. Berlin: Springler-Verlag Berlin & Heidelberg GmbH & Co.

Marsella, A. J. & Bornemann, T., Ekblad, S. & Orley, J (1994). *Amidst Peril and Pain*. Washington: American Psychological Association.

Muecke, M. (1992). New Paradigms for Refugee Health. *Social Science and Medicine*, 35, 4, 515–523.

Schumaker, J. F. (1996). Understanding Psychopathology: Lessons from the Developing World. In S. C. Carr & J. F. Schumaker, (1996). *Psychology and the Developing World*. Westport Connecticut: Praeger.

Van Der Veer, G. (1998). *Counselling and Therapy with Refugees and Victims of Trauma (2nd ed)*. Chichester: John Wiley and Sons. Ch 2.

Watters, C. (2001). Emerging paradigms in the mental health care of refugees. *Social Science and Medicine*, 52, 1709–1718.

Zimbardo, P. G. & Weber, A. L. (1997). *Psychology* (2nd ed.). New York: Longman. Chapter 1.

7 March

Psychosocial Dimensions of Forced Migration II: The nature of modern day conflict: Should we take the psycho out of psychosocial?
Sr Maryanne Loughry (RSC)

In this week we consider challenges to programmes that have been designed to address 'posttraumatic stress' in war zones. We concentrates on the contribution the diagnosis Post Traumatic Stress Disorder (PTSD) has made to our understanding of the experiences of refugees and those who have been subjected to torture.

There is an argument for a stronger focus on the social rather than psychological needs of refugees.

Friedman, M.J. & Marsella A.J. (1996). Posttraumatic Stress Disorder. An Overview of the concept. In A.J. Marsella, M.J. Friedman, E.T. Gerrity & R.M. Scurfield, *Ethnocultural Aspects of Posttraumatic Stress Disorder*. Washington: American Psychological Association.

Mollica, R (2000). Special Report: waging a new kind of war: invisible wounds. *Scientific American*, v 282, no 6, p 54–57.

Pupavac, V (2002) *Therapeutising refugees, pathologising populations: international psycho-social programmes in Kosovo*. UNHCR working paper no. 59 (www.unhcr.ch).

Smith, P, Perrin, S, Yule, W Hacam, B & Stuvland, R (2002). War exposure Among Children From Bosnia-Hercegovina: Psychological Adjustment in a Community Sample. *Journal of Traumatic Stress*, 15, 2, 147–156.

Summerfield, D (1999). A critique of seven assumptions behind psychological trauma programmes in war-affected areas. *Social Science and Medicine*, 48, 1449–1462.

Summerfield, D (1998). The Social Experience of War and Social Issues for the Humanitarian Field. In P.J. Bracken & Petty, C. *Rethinking the Trauma of War*. London: Free Association Books, 9–34.

Summerfield, D (1996). The Impact of War and Atrocity on Civilian Populations: Basic principles for NGO Interventions and a Critique of Psychosocial Trauma projects. ODI: *Relief and Rehabilitation Network*.

14 March

Psychosocial Dimensions of Forced Migration III: What, if anything, can be done?
Sr Maryanne Loughry (RSC)

This week explores the approaches to psychosocial programming that can be found in the field. The seminar will examine frameworks for programming and their accompanying assumptions.

Halilovic S. (1998). Psycho-Social Help as a Coping Skill for Non-Professionals who are Themselves Refugees. In L.T. Arcel, *War, Violence, Trauma and the Coping Process*. Zagreb: RCT/IRCT.

IOM (2000) Psychosocial and Trauma Response in War-Torn Societies. *Psychosocial Notebook. Vol 1*.

Petevi, M. (1996). Forced Displacement. Refugee Trauma, Protection and Assistance. In Y. Danieli, N. Rodley & L. Weisaeth . *International Responses to Traumatic Stress*. NY: Baywater Publishing Co., 161–192.

Additional readings

Ager, A (ed) (1999). Refugees—Perspectives on the experience of forced migration. London: Pinter.

Ahearn, F L (ed) (2000). Psychosocial Wellness of Refugee—Issues in qualitative and quantitative research. Oxford: Berghahn.

Berry J.W., Poortinga Y.H., Segal M.H. & Dasen, P.R. (1992) Cross-cultural psychology: research and applications. Cambridge: Cambridge University Press.

Bracken, P.J. (1998). Hidden Agendas: Deconstructing Post Traumatic Stress Disorder. In P.J. & C. Petty (eds) *Rethinking the Traumas of War*. London: Free Association Books.

Carr, S C & Schumaker, J F (1996). *Psychology and the Developing World*. Westport, Connecticut: Praeger. Ch 16.

Eisenbrusch, M. (1992). Mental health. Is Western mental health care appropriate for refugees? *RPN 11*, 25–27.

Friedman, M.J.& Jaranson, J. (1994). The application of the Posttraumatic Stress disorder concept to refugees. In A. J. Marsella, M.J. Friedman, E.T.Gerrity & R.M. Scurfield, *Ethnocultural Aspects of Posttraumatic Stress Disorder*. Washington: American Psychological Association.

Herbert, M. (1996). *Post-traumatic Stress Disorder in Children*. British Psychological Society.

Klienman, A. (1977). Depression, somatisation and the new cross-cultural psychology. *Social Science and Medicine* 11: 3–10.

Klienman, A. (1987). Anthropology and psychiatry: the role of culture in cross-cultural research on illness. *British Journal of Psychiatry* 151, 447–454.

Loughry, M & Ager, A (eds) (2001). *Refugee Experience—Psychosocial training module*. University of Oxford: Refugee Studies Centre (Rev.Ed).

Petevi, M. (1996). Forced Displacement. Refugee Trauma, Protection and Assistance. In Y. Danieli, N. Rodley & L. Weisaeth. *International Responses to Traumatic Stress*. NY: Baywater Publishing Co., 161–192.

SCF (1996). *Promoting Psychosocial Well-Being Among Children Affected by Armed Conflict*.

WHO & UNHCR (1996). *Mental health of refugees*. Geneva: WHO.

Weine, S.M., Vojvoda, D., Becker, D.F., McGlashan, T.H., Hodizic, E., Laub, D., Hyman, L., Sawyer, M., & Lazrove, S. (1998). PTSD in Bosnian refugees 1 year after resettlement in the United States. *American Journal of Psychiatry*, 155(4), 562–564.

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Annual Winter Course

on

Forced Migration

December 1-15, 2003

Six modules in the course:

(a) Nationalisms, ethnicities, partition, and partition-refugees,

(b) Gendered nature of forced migration, victim-hood, and gender-justice,

(c) International regime of protection, sovereignty and the principle of responsibility, and political issues relating to regional trends in migration in South Asia,

(d) Resource politics, environmental degradation, and forced migration,

(e) Internal displacement - causes, linkages, and responses,

(f) Ethics and practices of care and protection in South Asia.

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15 December (Monday)

10 A.M. - 1 P.M. - Evaluation / moderator: Priyankar Upadhyay and Wei-Meng -Lim -Kabaa
Lunch
5 P.M. - Award of certificates by ChiefGuestProf. Muchkund Dubey and Guest of HonourWei-Meng-Urn -Kabaa.Deputy Chief of Mission,UNHCR. India office

Valedictory session / Lecture by Benedict Anderson "Domestic Bomb, Domestic Emancipation: Migration within the Nation-State" / Chair: Pradip K: Bose
Venue: Rotary Sadan, Kolkata

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12 December (Friday)

9.30 - 11 A.M. - Module F (Ethics and practices of care and protection in South Asia with special reference to notions of human rights and humanitarianism / Asha Hans)
11-11.30 A.M. - Tea break
11.30 A.M. - 1 P.M. - Module F (1971 and Experiences of Protection and Care / K. C. ~aha) .
1- 2P.M.- Lunch ..
2 - 3.30 P.M. - Roundtable on "Resource politics and forced migration in the Northeast" (module D) / Participants: Sanjib Barua, Subir Bhaumik, Sanjay Barbora, Monirul Hussain, and Samir K. Das / moderator: Ranabir Samaddar)
3.30 - 4 P.M. -Tea break
4 - 5.30 P.M. - Roundtable contd.

13 December (Saturday)

9.30 -11 A.M. - Face to face with a refugee rights activist on her encounters with experiences of displacement (Asha Hans) / Moderator: Sabyasachi Basu Ray Chaudhury
11-11.30 A.M. - Tea break
11.30 A.M. - 1 P.M. - Participants' presentations on Module F (moderator: Monirul Hussain)
1-2 P.M.- Lunch
2 - 3.30 P.M. - Participants' presentations on Module F (moderator: Monirul Hussain)
3.30 - 4 P.M. - Tea break
4 - 6 P.M. - Public lecture on "'War and Displacement in Sri Lanka, and Quality of Protection" (Module A) by Jeevan Thiagarajah
In collaboration with Department of Political Sciences, Rabindra Bharati Universit),, Kolkata

14 December (Sunday)

9.30 - 11A.M. -
"Internal Displacement Causes, Linkages and Responses"(Module E) / Jeevan Thiagarajah
11-11.30 A.M. - Tea break
11.30 A.M. - 1 P.M. - Discussion by Participants and Completion of Assignments (moderator: Wel -Meng-Lim - Kabn)
1-2 P.M.-Lunch
Cultural afternoon and evening

Schedule of the 15-day programme:

1 December (Monday)

5PM Inauguration (Guests of Honour - Mr.Lennart Kotsalainen, Chief of Mission, United Nations High Commissioner for Refugees, Mr.Glen Lindholm, A.massador in India for the Government of Finland, Dr. . Roberta Cohen, Director Internal Displacement, The Brookings Institution, Washington DC)
Inaugural lecture by Dr. Ley Grinberg, Faculty Department
Of Behavioural Sciences, Ben Gurion University, Israel (Chair.
Dr. Pradip Bose)

Venue: Paschim Banga Bangla Academy, Nandan Complex

2 December (Tuesday)

9.30 - 11 A.M.- ModuleA {Nationalisms,ethnicities, partition, and partition-refugees / Ranabir Samaddar
11 -11.30 A.M.- Tea break
11.30 A.M. -1 P.M. - Module A contd. (Partition, refugees,
and the right to return -the case of Israel-Palestine) / Lev Grinberg
1 - 2 P.M. - Lunch break
2 - 3.30 P.M. - Participants' workshop on victims' experiences
of internal displacement (m])dule E / facilitator -Fr. Bernard)
3.30 -4 P.M.- Tea break ..
4 - 5.30 P.M.- Workshop (contd.)
7.30 - 9 P.M. - Dinner discussion/ face to face with LevGrinberg(moderator:Lennart Kotsalainen)

3 December (Wednesday)

9.30 - 11 A.M. - Module B Gendered nature of forced migration, victim-hood, and gender-justice/ Paula Banerjee)
11.30 A.M. - Tea break
11.30 A.M. -I P.M. .Presentation of assignment papers under
Module A (moderator: Lev Grinberg / Samir K. Das)
1 - 2 P.M. - Lunch break '
2 - 3.30 P.M. -Continued Module A
3.30 -4 P.\t. - Tea break

4 -6 P.M. -Public lecture on "Giving Meaning to Past Violence" by Elizabeth Jelin In collaboration with Department of South and South East Asian Studies, Calcutta University, Kolkata

4 December (Thursday)

9.30 - 11 A.M. - Module B contd. Lecture by Ritu Menon
11 -11.30A.M.- Tea break.
11.30 - 1 P.M. - Participants' presentation of assignment papers
under Module B(Chair: Paula Banerjee).
1 -2 P.M. - Lunch break
2 - 3.30 P.M. - Presentation of assignment papers under Module
B (contd. / Chair: Ritu Menon)
3.30-4 P.M. - Tea break
4 ...5.30 P.M. - Module E (Internal displacement -causes, linkages, and responses / Fr. Bernard) .

7 P.1\1.-Film on displacement (Facilitator: Jagannath Guha)

5 December (Friday)

9.30 - 11 A.M. - Face to face with human rights activist on displacement Tek Bir Chetri and Lenin Raghuvansham / Moderator: Ritu Menon
11 - 11.30 A.M. - Tea break
11.30 A.M.-I P.M.- Module E'Presentation of Assignments
1 -2 P.M. - Lunch break
2 - 3.30 P.M. - Module C (International regime of pro,ection, sovereignty and the principle of responsibility, and political issues relating to regional trends in migration in South Asia / B.S. Chimni)
3.30 - 4 P.M. - Tea break
4 - 5.30 P.M. - Public lecture on "Guiding Principles of Internal
Displacement and Issues of National and International responsibility" by Roberta Cohen
In collaboration with Centre for Refugee Studies, Department of International Relations, Jadavpur University, Kolkata

6 December (Saturday)

9.30 - 11 A.M. - Module C Lecture by B. S. Chimni
11-11.30A.M.-Teabreak ,

11.30 A.M. -1 P.M. - Participants'presentation of assignment papers under Module C
(Chair: Sabyasachi Basu Ray Chaudhury)
1- 2 P.M. - Lunch break
2 - 3.30 P.M. - Participant's presentation of Module C. contd
(Chair: Rajesh Kharat)
3.30 - 4 P.M. - Tea break
4 - 5.30P.M~ Module C (Asylum policy and diplomacy- case of Tibetan refugees / Rajesh Khant)

7 December (Sunday)

9.30 - 11 A.M. - "The displaced peoples' right to informatiion and communication" -a workshop on creative responses on displacement (Facilitators -Mushirul Hasan, Bindu, Father Bernard, and Samir K. Das)
11 - 11.30 A.M. -Tea break
11.30 A.M. -1 P.M. - Workshop contd.
1 -2 P.M. - Lunch break
5.30 PM - Departure for field visit to Beneras

8 -9 December (Monday and Tuesday) -Field visit

(Resource persons: Rajesh Kharat and Priyank Upadhyay)

10 December (Wednesday)
7 A.M. Return from Beneras
3 -5 P.M. -Roundtable on "Life in the camps" (participants-Facilitator: Thfnley Penjore)

7 P.M. -Film on displacement(Facilitator: Supriyo Sen)

11 December (Thursday)

9.30- 11A.M.- Participants' presentations on Module D (moderator: Paula Banerjee)
11 -11.30 A.M. -Tea break v
11.30 A.M. - 1 P.M. -Participants' prc;sentations on Module D (moderator: Sabyasachi Basu Ray Chaudhury) .
1- 2 P.M. -Lunch
5.30 P.M. - 8PM Module D (Resource politics and for migration/ Sanjib Barua)

Migration and Gender Issues in Russia and Former Soviet Union

Trinity College

Prof. Nadezda A. Shvedova
Spring 2004
United States of America

Course Description:

To introduce you to the significant effect on the migration phenomenon, examining trends that have emerged since the end of the Cold War and collapse the Soviet Union and to provide students with necessary analysis of migration process in contemporary Russian society. Familiarity with the process of migration in Russia, based on gender approach, is promoting the better understanding the whole International Migration process all over the world.

The course explores the wide spectrum of topics to create vital panorama of the migration process in the world through present day situation in Russia. We will:

- Examine the almost unprecedented situation in Russia since the collapse of the Soviet Union in terms of the scale of the problem and the geographical area in which they located.

- Examine a situation that there has never before been in which several million persons have suddenly found themselves to be foreigners in a country where they had been living for several generations and, besides, tens of thousands of persons, who are in need too, have been **displaced within Russia** as a result of ethnic conflicts.

- Examine social crisis getting worse while women and children becoming impoverished, the issues in area of sharp political activities and struggle.

- Examine how specific situation in Russia resulting from many factors, the collapse the Soviet Empire and traditional neglect of gender interests, impacts on labor migration, forced migration, international migration flows from a gender perspective.

- Examine how the reforms and politics are dangerous for the interested groups, state bureaucracy with their old ineffective methods to solve problems.

- Examine how since September 1999, UNHCR has been providing support to the Government of the Russian Federation in the relief effort aimed to assist the affected population in the Northern Caucasus.

- Examine an active participation of the UNHCR in the United Nations Consolidated Inter-Agency Appeal for the Northern Caucasus and its support to governmental and non-governmental agencies dealing with **protection of IDPs in Chechnya.**

- Examine how asylum seekers are treated and the changing conditions for asylum.

- Examine women specific conditions generating asylum requests and the vulnerability of refugee women and children.
- Examine government response to the shifts in migration trends and the specific feature of the new migration legislature in Russia.
- Examine the push and pull factors creating conditions for human trafficking, trafficking of women and children.
- Examine how new processes of migration and creation democracy in the transition country Russia is interbounded.

Syllabus:

January 21, 2004

Class One: Introduction to the Russian Federation and Key Course Concepts

Welcome and introduction to Certificate Program by Dr. Robert Maguire

Welcome and introduction to INAF 570 by Dr. Nadezda A. Shvedova, Russian Academy of Sciences and Visiting Fulbright Scholar

Review of syllabus, handing out of supplementary materials, class introductions

Introduction to the Russian Federation and key course concepts

Setting the scene:

- Review the General Information about The Russian Federation.
- Review contemporary political, economical, environmental and cultural issues in the Russia.
- Review contemporary population and multicultural traditions.
- Review basic definition and language.

In class viewing the film "The Russian Federation — the Multicultural State"

Reading assignments due *January 28, 2004*
- Peter Stalker. Workers without frontiers. The Impact of Globalization in International Migration. Lynne Rienner Publishers, ILO, 2000, pp. 1–10.
- Rule, Wilma, and Norma Noonan, Eds. (1996). Russian Women in Politics and Society. Westport, Connecticut. London: Greenwood Press, pp. 175–177.

Students will be expected to prepare a short paper (2–3 p) on *Glossary of Russian Terms*

1. Apparatchik
2. Commonwealth of Independent States
3. Communist Party of the Russian Federation
4. Constituent Member of the Russian Federation
5. Democratization (Demokratizatsiia)
6. Economic migrant
7. Federal Assembly

8. Federal Authorities of the Russian Federation
9. Federation Council
10. Glasnost
11. Government of the Russian Federation
12. Internally displaced persons (IDPs)
13. Migration
14. Near Abroad
15. New Thinking
16. Perestroika
17. Prosecutor General's office
18. Refugee
19. Refugee status
20. Rejected asylum seekers
21. Republic
22. State Duma
23. Stateless
24. Temporary protection
25. Unaccompanied minor
26. Zastoy

January 28, 2004

Class Two: Economic Consequences of Migration Trends Related to the Russian Affairs

- Quiz on review from Class One.
- Review Migratory movements as a key agenda item on the international affairs agenda.
- Review migration as an available life choice.
- Review Emergence of Russia and other post-communist countries in the international migration scene Review the Russian Transformation or Reforms.
- Review basic results of the Russian reforms in gender perspectives.
- Economic Consequences of Migration.
- International Migration Trends.
- The Tendencies of Forced Migration after Disintegration of the USSR in the Context of Socio-Economic Development.
- International Intellectual Migration.
- Brains return to Russia from the West.
- Stages of Development.
- Definitions.

In class discussion of the film "The Russian Federation — the Multicultural State"

Reading assignments due *February 4, 2004*
- Migration in Central and Eastern Europe — 1999 Review, published jointly with the International Center for Migration Policy Development (1999, English).
- Peter Stalker. Workers without frontiers. The Impact of Globalization in International Migration. Lynne Rienner Publishers. ILO, 2000.

February 4, 2004

Class Three: Globalization, International Migration and Forced Women Migration

Quiz on review definitions
- Social woman's rights in Russia as human's rights
- The Effect of the Current Crisis on Women
- Push and Pull Factors Causing Migration in Russia
- Working Conditions and Changes in the Workplace
- Women in the Labor Market
- Discrimination in the Workplace
- Totalitarian Tradition and Free Enterprise in Russia
- Economic activities and the social safety network
- State Politics and Mechanism
- Women and Education

Questions and Topics for individual research due.

Readings and assignments due *February 11, 2004*
- Racioppi, Linda, and O'Sullivan See, Katherine (1997). Women's Activism in Contemporary Russia. Philadelphia: Temple University Press, p. 25–26, 32, 41, 44– 50.
- Rules, Wilma, and Norma Noonan, Eds. (1996). Russian Women in Politics and Society. Westport, Connecticut. London: Greenwood Press, pp. 65–67, 104–106, 124–127.
- Trafficking in Persons Report. Released by the Office to Monitor and Combat Trafficking in Persons. June 11, 2003.

February 11, 2004

Class Four: Russia Responses to It's Challenges

Quiz on information from Class Two and Three
- Highlights of migration trends in Central and Eastern Europe (CEE) countries in 1990s
- Support needed from the World Community
- Illegal migration: homeless children.
- Problems of Regulations.
- Social Conflicts
- Xenophobia Related to the Presence of Migrants. Roots. Political Culture.
- Status of Young Women.
- Trafficking in persons
- Prostitution and Sale of Women as a Factor of Forced Migration: Double Violence

- The Russian Government Response to trafficking.

In class discussion on:
- How trafficking in human beings is linked to labor migration of women and What does it mean "modern day slavery and slave trading"?
- Why trafficking in persons is one of the greatest human rights challenges of our time?
- Who Is Being Trafficked and Who Are the Traffickers and How Do They Recruit Individuals?
- Why Is Trafficking Flourishing?

Readings and assignments due February 18, 2004
- David Kyle and Rey Koslowski, "Introduction," in Kyle and Koslowski (eds.), pp. 1–28.
- Guiding Principles of reviewing laws concerning trafficking in human beings with the special emphasis on the Southeast European region. OSCE: BDIHR, 2001.
- Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley: Univ. of California Press), 1999, pp. 1–33.
- Phil Williams, "Human Commodity Smuggling: An Overview," & "Trafficking in Women and Children: A Market Perspective," in Phil Williams (ed.), *Illegal Immigration and Commercial Sex: The New Slave Trade* (London: Frank Cass), 1999, pp. 1–10 and 145–70.
- Trafficking in Women and Children in Asia and Europe. A background presentation of the problems involved and the initiatives taken. Stockholm, 2001. pp. 22–28.

February 18, 2004

Class Five: Russia as Receiving Country Migration Between Russia and Other former Soviet States

- The Political Changes and Their Impact on Waves of Migration
- Deportation under Stalin Regime — The brief history vision
- Specific Problems in Forced Migration of Population in Regional Development
- Characteristics of Forced Migration in different regions of the former USSR
- Migration between the Russia and other Former Soviet States
- Involuntary Relocating Persons (IRPs) and Internally Displaced Persons (IDPs)
- The mass immigration (repatriation) of the Russian-spoken people
- How it's possible in post-soviet era to create sustainable development in the former Soviet Republics
- Asylum Under Threat

In class discussion

"What are the main trends of women's family status? What is the women's role in family?"

Readings and assignments due *February 25, 2004*
- Gibney, Matthew J. (2001), "The State of Asylum: Democratization, Judicialization and Evolution of Refugee Policy in Europe", New Issues in Refugee Research, Working Paper No. 50 (Geneva: UNHCR).

- Nezavisimaya Gazeta, July 29, 2002. Grigory Yavlinsky: Our State Does Not Need People, despite the low birth rate. By Lidia Grafova The State of World's Refugees. UNHCR, Moscow, Interdialect, 2000.
- No Refuge: The Challenge of Internal Displacement. United Nations. New York and Geneva, 2003.

February 25, 2004

Class Six: Women's Rights as Human Rights: Refugee and IDPs

- Women and migration
- Refugees and displaced women.
- Human rights of women refugees
- Gender persecution and discrimination
- Women as target of organized violence in conflict situations
- Statelessness and citizenship laws: implications on women and children
- Women trafficking, networks of prostitution
- Optional Protocol to the Convention of the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography
- Violence in the family
- Measures to prevent and eliminate violence against women

Readings and assignments due *March 3, 2004*
- Nezavisimaya Gazeta, July 29, 2002. Grigory Yavlinsky: Our State Does Not Need People, despite the low birth rate. By Lidia Grafova The State of World's Refugees. UNHCR, Moscow, Interdialect, 2000.
- No Refuge: The Challenge of Internal Displacement. United Nations. New York and Geneva, 2003.
- Violation of International Norms and the Russian Legislation of the Rights of Refugees and Forced Migrants. Moscow, 1999.

March 3, 2004

Class Seven: The Office of the United Nations High Commissioner for Refugees (UNHCR)

- Convention Relating to the Status of Refugees
- Government Policy (Problems of the Transition)
- Government of Russia's Approach to Refugees
- The Origins of Asylum.
- Refugees and Asylum-Seekers.
- Asylum Under Threat the Asylum Crisis
- Women and Children in Asylum
- Safety and Security
- UNHCR's Activity in the RF
- UNHCR and refugees: partnering with others — NGOs and business

Readings and assignments due *March 17, 2004*

- Convention Relating to the Status of Refugees. Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950.
- Nezavisimaya Gazeta, July 29, 2002. Grigory Yavlinsky: Our State Does Not Need People, despite the low birth rate. By Lidia Grafova The State of World's Refugees. UNHCR, Moscow, Interdialect, 2000.
- No Refuge: The Challenge of Internal Displacement. United Nations. New York and Geneva, 2003.
- Violation of International Norms and the Russian Legislation of the Rights of Refugees and Forced Migrants. Moscow, 1999.

March 17, 2003

Class Eight: The Lessons of the World Experience of International Migration Consequences

Discussion in the class of "What are Specific Problems in Forced Migration of Population in Regional Development?"

In class review for Exam — Research paper due no exceptions

Final Examination

Course Readings:

Required Texts:

- No Refuge: The Challenge of Internal Displacement. United Nations. New York and Geneva, 2003.
- Peter Stalker. Workers without frontiers. The Impact of Globalization in International Migration. Lynne Rienner Publishers. ILO, 2000.
- Racioppi, Linda, and O'Sullivan See, Katherine (1997). Women's Activism in Contemporary Russia. Philadelphia: Temple University Press, pp. 47–50, 119–120, 179–183.
- Violation of International Norms and the Russian Legislation of the Rights of Refugees and Forced Migrants. Moscow, 1999.

Text to be handed out in class:

- David Kyle and Rey Koslowski, "Introduction," in Kyle and Koslowski (eds.), pp. 1–28.
- General Overview of the function of the Office of the United Nations High Commissioner for Refugees. UNHCR. Geneva, Switzerland, November 2002, pp. 12–13 (Women and Children).
- Guide to the new UN Trafficking Protocol. European Women's Lobby. 2001.
- Guiding Principles of reviewing laws concerning trafficking in human beings with the special emphasis on the Southeast European region. OSCE BDIHR, 2001.
- Human Rights Standards for the Treatment of Trafficked Persons. Human Right Caucus, 1999.

- Kevin Bales, Disposable People: New Slavery in the Global Economy (Berkeley: Univ of California Press), 1999, pp. 1–33.
- Migration in Central and Eastern Europe — 1999 Review, published jointly with the International Center for Migration Policy Development (1999, English).
- Most frequently asked questions about the Refugee Convention. Refugees. Vol. 2, number 123, 2001, pp. 16–17.
- Nezavisimaya Gazeta, July 29, 2002. Grigory Yavlinsky: Our State Does Not Need People, despite the low birth rate.
- Phil Williams, "Human Commodity Smuggling: An Overview," & "Trafficking in Women and Children: A Market Perspective," in Phil Williams (ed.), Illegal Immigration and Commercial Sex: The New Slave Trade (London: Frank Cass), 1999, pp. 1–10 and 145–70.
- Refugees. Children. Volume 1, number 122, 2001.
- Respect our Rights: Partnership for Equality. Report on the Dialogue with Refugee Women. Geneva Switzerland pp. 20–22 June 2001.
- Shvedova, Nadezda. (1998). "The Challenge of Transition — Women in Parliament in Russia" In Women in Parliament: Beyond Numbers. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance (International IDEA) pp. 57–65.
- Trafficking in Women and Children in Asia and Europe. A background presentation of the problems involved and the initiatives taken. Stockholm, 2001. pp. 22–28.

Contact Information for Nadezda Shvedova:

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Special Topics in Anthropology:
Seminar in Forced Migration

Rollins College

Prof. Marisa O. Ensor
Proposed Course
United States of America

Course Description:

The scale of forced migration is of growing concern as millions of people are displaced by factors such as war, repressive regimes and natural disasters. While some have been forced to take refuge across national borders, many others are displaced within their own countries. This course is designed to provide students with an understanding of the causes, patterns and consequences of forced migration worldwide. We will trace the emergence of the current regime of humanitarian action on behalf of displaced populations, analyze the differences and similarities between refugees and internally displaced persons (IDPs), and discuss the most significant theoretical and practical dimensions of the field of forced migration. The major humanitarian crises of the last 50 years will also be examined.

Drawing by Burmese refugee Saw Hyaht Hloy, 13 years old, living at Huay Kalok Refugee Camp, Mae Sot District, Thailand.

Goals:

Upon successful completion of this course students will be able to:

- Trace the historical emergence of the current refugee regime, and identify the many dilemmas that have been faced by governments, humanitarian organizations and other actors in dealing with the issue of human displacement.
- Demonstrate a clear understanding of the most important definitional, institutional, legal, political, and socio-economic dimensions of the forced migration experience.
- Understand the complexities involved in providing humanitarian assistance to displaced populations including the practical issues involved in managing a refugee/IDP camp.

Syllabus:

Week 1; January 15.

Introduction:Who is a Refugee? Who is an IDP?
Readings:

Escape from Violence; Chapter 1

Masses in Flight; Chapter 1

Engendering Forced Migration; Chapters 1–2

The Price of Indifference; Chapter 1

Week 2; January 20–22.

Legal Framework
Readings:

Masses in Flight; Chapter 3–4

Engendering Forced Migration; Chapter 16

The Price of Indifference; Chapters 2

Week 3; January 27–29.

Institutional Arrangements and the Role of NGOs
Readings:

Masses in Flight; Chapter 5

The Price of Indifference; Chapters 4–6

Week 4; February 3–5.

Institutional Assessments and Class Presentations

Week 5; February 10–12.

Regional Studies: Europe
Readings:

The Price of Indifference; Chapter 3

Engendering Forced Migration; Chapter 11

Week 6; February 17–19.

Regional Studies: Africa
Readings:

Escape from Violence; Chapter 2–4

Engendering Forced Migration; Chapter 9–10

Week 7; February 24–26.

Regional Studies: Latin America
Readings:

Escape from Violence; Chapter 7

Engendering Forced Migration; Chapter 12

Week 8; March 3–5.

Regional Studies: Asia
Readings:

Escape from Violence; Chapter 5–6

Engendering Forced Migration; Chapter 6

Week 9; March 8–16.

SPRING BREAK (NO CLASSES)

Week 10; March 17–19.

Review for Midterm

Week 11; March 24–26.

Life in a Refugee/IDP Camp I
Readings:

Course Pack "A Refugee Camp in the Heart of the City"

Week 12; March 31–April 2.

Life in a Refugee/IDP Camp II
Readings:

Course Pack "A Refugee Camp in the Heart of the City"

Week 13; April 7–9.

Disaster and Development-Induced Displacement
Readings:

Course Pack; Articles by Oliver-Smith, Cernea, and Castles

Engendering Forced Migration; Chapter 2

Week 14; April 14–16.

Conclusion: Towards a Better Refugee/IDP Regime

Readings:

Escape from Violence; Chapter 10

Masses in Flight; Chapter 7

Engendering Forced Migration; Chapter 18

The Price of Indifference; Chapters 7–9

Week 15; April 21–23.

Review for Final and Presentations

Week 16:

FINAL EXAM

Course Readings:

Required Texts:

1. Zolberg, Suhrke, and Aguayo. (1989) *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*. Oxford University Press.

2. Cohen and Deng. (1998). *Masses in Flight: The Global Crisis of Internal Displacement*. Brookings Institution Press.

3. Indra. (1999) *Engendering Forced Migration: Theory and Practice*. Berghahn Books.

4. Helton. (2002) *The Price of Indifference: Refugees and Humanitarian Action in the New Century*. Oxford University Press.

*A course pack of additional readings has been put on the reserve at the library under the course title.

Contact Information for Marisa Ensor:

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THE INTERNATIONAL DIPLOMA IN HUMANITARIAN ASSISTANCE

IDHA 12

**New York, 1 June
to 27 June 2003**

**The Center for International
Health and Cooperation**

Fordham University, New York

The University of Geneva

**The Royal College of Surgeons
in Ireland**

**http:// www.cihc.org
http:// www.idha.ch**

CURRICULUM / TIMETABLE

As President of the Center for International Health and Cooperation (CIHC), I am pleased to again offer the **International Diploma in Humanitarian Assistance** (IDHA) in New York, long-recognized as the world center of humanitarian leadership. The International Diploma in Humanitarian Assistance (IDHA) is a joint effort program of the CIHC, Fordham University, the Multifaculty Program in Humanitarian Action (PPAH) of the University of Geneva and the Royal College of Surgeons in Ireland.

The IDHA serves the United Nations and other international humanitarian agencies and organizations. Several hundred IDHA graduates hold leading positions in humanitarian operations around the world.

Kevin M. Cahill, M.D.
President, CIHC

Board of Directors of the CIHC

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Peter Hansen
Abdulrahim Abby Farah
Father Joseph O'Hare, S.J.
Eoin O'Brien, M.D.
Lady Helen Hamlyn
Francis Deng

IDHA Courses

1. Dublin, July 1997
2. New York, July 1998
3. Geneva, February 1999
4. Dublin, July 1999
5. Geneva, 30 January - 26 February 2000
6. New York, 11 June - 8 July 2000
7. Geneva, 4 February - 3 March 2001
8. New York, 3 - 29 June 2001
9. Geneva, 27 January - 23 February 2002
10. New York, 2 - 28 June 2002
11. Geneva, 26 January – 22 February 2003
12. New York, 1 – 27 June 2003

IDHA 12

Venue:
Fordham University at Lincoln Center
113 West 60th Street (at Ninth Avenue),
New York, NY 10023 USA
Maps and directions: http://www.fordham.edu/newyork/mapsdir.htm

Application: The application form is available on http://www.idha.ch

Dates: From Sunday afternoon 1 June until Friday 27 June 2003

General Approach: To bring participants to the cutting edge of operational humanitarian issues in a month-long, residential, intensive course (200 hours of lectures, exercises and tests, both individual and in syndicates) with an emphasis on interactive participation.

Faculty: Participants will have the opportunity to meet, listen to and dialogue with top ranking UN, ICRC, Red Cross/Red Crescent and NGO officials as well as leading political, diplomatic and academic figures.

Tutorial staff: Larry Hollingworth (CIHC), Michel Veuthey (CIHC), Ram Subramanian, Lynne Jones, Nicola Smith (MSF), Marla Zapach-Coleman (CIDA).

Participants' level: Field Managers of Humanitarian Agencies or equivalent experience. Other applications may be considered on an individual basis.

Fee: US$ 4,000.00 includes accommodation and weekday food, tuition, exam and diploma fee.

Diploma & Certificate of attendance: Participants who have successfully completed the course will obtain the International Diploma in Humanitarian Assistance (IDHA) awarded by The Center for International Health and Cooperation, Fordham University, the University of Geneva and the Royal College of Surgeons in Ireland. Participants who have not filled all the requirements needed for the diploma will receive a certificate of attendance.

Evening Guests: A number of eminent speakers will be invited for supper.

Suggested reading: See IDHA website: http://www.idha.ch

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Curriculum:

First Week .... (2 – 6 June) ....Introduction to main actors – Causes and Humanitarian Consequences of Complex Emergencies (Armed Conflicts and Natural Disasters) – Law

Second Week .... (9 – 13 June) ....Organizing Emergency Humanitarian Actions

Third Week .... (16 – 20 June) ....From Emergency to Development and Prevention

Fourth Week ..... (23 – 27 June) ....Current Crises and Challenges – Relations with the Military and the Media. Syndicate and Individual Examinations

Daily time table plan (5 day week: Monday to Friday)

Breakfast	7.30 a.m.	8.15 a.m.
Morning	8.30 a.m.	12.30 p.m.
Lunch	12.30 p.m.	2.00 p.m.
Afternoon	2.00 p.m.	5.30 p.m.
Evening	6.00 p.m.	7.30 p.m.
Supper	7.30 p.m.	8.30 p.m.
Group Discussions	8.30 p.m.	10.00 p.m.

Residence and Location:

<u>Location</u>
Fordham University at Lincoln Center
113 West 60th Street (at Ninth Avenue)
New York, NY 10023 USA.
Maps and directions: http://www.fordham.edu/newyork/mapsdir.htm
Classroom is Room 816 unless otherwise mentioned

<u>Residence</u>
McMahon Hall
155 West 60th Street (between 9th and 10th Avenues)
New York, NY 10023 USA.

IDHA Administration in New York	**Administration**
Brendan Cahill	Karalynn Baginsky
CIHC Administrative Director	Michael Fishman
International Institute for Humanitarian Affairs	Heather Johnson
Fordham University	Bernice Raveche
113 West 60th Street, LL224E	Zhanna Povaliaev
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OVERALL COURSE OBJECTIVES – COURSE FORMAT

In order to enable humanitarian aid workers who are actively engaged in the field to attend the training program, and in an attempt to create a teaching program which reflects the complexity and intensity of conditions faced by humanitarian workers, the course has been designed as an intensive four-week training program including more than 200 hours of tuition. The intensity and duration of the course will enable aid workers who are active in the field to attend with minimal disruption to the operations in which they are engaged. Teaching methods include lectures, case studies, seminars, practical exercises and scenarios. A multidisciplinary approach has been taken, covering the full range of disciplines, which are involved in humanitarian programs. These include management, logistics, health, psychology, social sciences, anthropology, communication, agriculture, environment, education, conflict resolution, international law, civil/military relations, security, media, politics and economics.

Student Entry Qualifications

This is a multidisciplinary training program for students from a variety of backgrounds and experience. The entry qualifications for the course are: University degree or equivalent professional qualification or experience. Preference will be given to students with humanitarian field experience (emergency or development).

Overall Course Objectives

1. To provide volunteers and professionals from a wide variety of backgrounds with a comprehensive insight into the needs of the victims of disasters, man made and natural in acute and chronic settings and equip them with the awareness, understanding and skills that are essential for effective service in a humanitarian crisis.
2. To enable humanitarian workers to function effectively, both as individuals and members of a team, in acute and chronic situations of conflict and disaster.
3. To promote cooperation and dialogue between international, governmental or non-governmental agencies involved in humanitarian action (assistance and protection).
4. To evaluate interventions and identify examples of good practice.
5. To examine ways in which humanitarian crisis may be anticipated and prevented.

Weekly schedule

Regular classes are from Monday morning to Friday evening.

Syndicate Work

An important aspect of the IDHA program is to promote an approach of cooperation and teamwork rather than competition and individualism. This is encouraged at a personal level in the sharing of expertise as a member of a 'syndicate' composed of people from a wide variety of experiences and organizations who will work together as a team for the duration of the course. There will be six syndicates.

Weekly Case Studies

The case studies will focus on examples of acute, escalating and chronic crises. Lessons will be drawn from their origin, evolution, and where appropriate, resolution. Particular attention will be given to the role of the international community in cooperation with local authorities and civil society in attempting to avert and/or respond to these crises.

Week 1: Setting the Agenda: Introduction:
Causes and Humanitarian Consequences of Complex Emergencies:
International Law

Sunday 1 June
Welcome and Introduction

**Please note rooms for IDHA Participants and Faculty at Lincoln Center Campus
will not be available until noon**

Location: McMahon 109

When	What	Who
5.30- 6.30 p.m.	Registration	Brendan Cahill Karalynn Baginsky
6.30 - 7.00	Welcome and introduction to the course	Kevin Cahill Larry Hollingworth Michel Veuthey Brendan Cahill Tutorial staff
7.0	Welcome drinks	
8.30	Dinner	

Monday 2 June
Opening Day
Humanitarian Assistance: Historic perspectives, reflections and current issues

Location: Law School Amphitheatre

When	What	Who
09.00 – 09.05	Video Welcome	Kofi Annan, SG, UN
09.05 – 09.30	Welcome to IDHA	Kevin M. Cahill President CIHC
	Welcome to Fordham University	Rev. Joseph O'Hare, SJ President Fordham Univ.
9.30 – 10.15	Humanitarian Action in the Least Developed Countries	Ambassador Anwarul K. Chowdhury UN Under Secretary General and High Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.
10.15 – 11.00	Reflections on Humanitarian Aid	Vanessa Redgrave Actress
11.15 – 12.30	Issues of Food Security and Family Farming	Joan Mencher, Ph.D. Professor of Anthropology, CUNY
12.30 – 1.45	Lunch	

Location: LL816

When	What	Who
2.00 – 2.45	The NGO Perspective	Joelle Tanguy, Global Alliance for Tuberculosis Drug Development, Former Executive Director, Doctors Without Borders USA
3.00 – 5.30	Defining the roles and agendas of the stakeholders in humanitarian action	Tutors and participants

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Tuesday 3 June
The Human Factor – CIHC Roundtable
Natural Disasters, Conflict and Complex Emergencies
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Location: LL816

When	What	Who
8.30 – 9.00	Who is the Right Person to Work in Humanitarian Assistance	Larry Hollingworth
9.00 – 12.30	Participants Individual Introduction	Participants and tutors (5 min each)
2.00 – 4.30	Natural Disasters, Conflict, Complex Emergencies, Definitions and examples.	Roy Williams President, Center for Humanitarian Cooperation

> **Objective:** Examine the lessons learned in complex emergencies over the past decade and identify how these impact decision-making, international capacity and capability to respond and coordinate, and impact on health and public health in particular. Complex emergencies are forever changing. The future expectations of complex emergencies offer a point of discussion for the potential challenges placed on the relief community.

When	What	Who
4.45 – 6.0	Case Study: Colombia	Hugo Benavides, Ph.D. Fordham University
7.30	Dinner	
8.30	Syndicate work	

Wednesday 4 June
Team Building
Risk Assessment

When	What	Who
8.30 – 12.30	Team Building, motivation and Management	Pamela Lupton-Bowers Head of Training, IFRC

> **Objective:**
> **-** To understand the principles of team management and motivation.
> **-** An important aspect of the IDHA program is to promote a philosophy of cooperation and teamwork rather than competition and individualism. This is encouraged at a personal level in the sharing of expertise as a member of a syndicate composed from a wide variety of experiences and organizations. The syndicate session on teamwork is intended to encourage the students to bond as members of the team in which they will be working throughout the course.

When	What	Who
12.30	Lunch	
2.00 – 4.30	Emergency preparedness	Stephen Webster, Ph.D. International Disaster and Emergency Response Associates

> **Objective:**
> To identify the political, economic, social, environmental and agricultural trends that may be used to monitor impending disasters.
> **-** To explore the framework and infrastructure necessary at an international and local level in order to create a rapid response.
> **-** To present the key elements involved in preparedness planning and in responding to an acute emergency including the mobilization of international and local resources.

When	What	Who
5.00 – 5.30	Travel to Circle Line	
6.00	Circle Line Harbor Excursion Pier 83, West 42nd Street and 12th Avenue at the Hudson River	
8.00	Dinner	

Thursday 5 June
Early Warning Systems, Protection, Prevention

When	What	Who
8.30 – 12.30	Early Warning Systems (EWS) Case Studies – Syndicate presentations	Tutors

Objective:
- Syndicates will be required to present a critical analysis of existing EWS (e.g. EWS and vulnerability risk assessment), addressing the following questions:
- Are EWS achieving their objectives?
- What are the strengths and weaknesses?
- What opportunities exist for greater networking and integration?
- Would this always be beneficial?
- What gaps exist and how should be these filled?
- Do existing EWS always imply early (and effective) response? If not, why?
- Where should we set our threshold(s) for response?
- How can we ensure that responses will be timely and effective?

12.30	Lunch	
2.00 – 3.30	Epidemiology and surveillance of disasters scenes	Jesus Gonzalez Moreno M.D. Assistant-Professor, USUHS
3.30 – 3.45	Coffee	
3.45 – 4.30	The SPHERE Project	Gerald Martone Director of Emergency Services, IRC
4.30 – 4.45	Break	
4.45 – 6.45	Law Part I: The Importance of Protection	Michel Veuthey, CIHC
7.30	Dinner	

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Friday 6 June
The Importance of Protection:
International Humanitarian Law
Human Rights and Refugee Law

When	What	Who

Objective:
Emphasize the need for protection in a crisis situation

When	What	Who
8.30 – 10.15	Prohibition of Torture	Professor Tim Harding Professor of Forensic Medicine, U of Geneva
10.30 - 11.30	Asylum Law	James Stillwaggon, Esq. White & Case LLP
11.30 – 12.30	International Humanitarian Law Today Part II	Michel Veuthey, CIHC
12.30	Lunch	
2.00 – 4.30	International Law Today Part III	Michel Veuthey, CIHC
4.45 – 6.30	Syndicate Presentations	Syndicates
7.30	Dinner	

Week 2: Organizing Emergency Humanitarian Actions

Monday 9 June **Acute Emergencies: Managing an Effective Response,** **International Law**

When	What	Who
8.30 – 9.00	Written Test 1	
9.15 – 10.15	Managing and Coordinating Effective Response	Lisa Grande, OCHA
10.30 – 12.30	Water and Sanitation	Marc-André Bunzli Water Specialist, UNHCR
12.30 – 2.00	Lunch	
2.00 – 5.00	International Humanitarian Law - Case Studies	Michel Veuthey, CIHC.

_____
12th Floor

When	What	Who
6.00 – 7.00	Public Lecture: Water	Marc-André Bunzli Water Specialist, UNHCR
7.30	Dinner	

Tuesday 10 June
Health Program Priorities

When	What	Who
9.00 – 10.30	Shelter	Larry Hollingworth, CIHC
10.30 – 12.30	Communicable Diseases in Emergency Settings	Dr. Frederick Burkle USAID
12.30	Lunch	
2.00 – 4.30	The Comprehensive Medical Response	Dr. Frederick Burkle USAID
4.45 – 5.30	Partnership for River Blindness Control	Dr. Jordan Kassalow Council on Foreign Relations
7.30	Dinner	

Wednesday 11 June
Food and Nutrition; Case Studies

Lo

When	What	Who
8.30 – 10.00	Food	Flora Sibanda UNICEF/WFP
10.00 – 10.15	Break	
9.45 – 12.30	Nutrition	Flora Sibanda UNICEF/WFP
12.30	Lunch	
2.00 – 3.0	Case Study: Zimbabwe	Ram Subramanian, CIHC
3.0 – 4.30	Case Study: Philippines	Dr. Henry Schwalbenberg Fordham University

6.00	Chamber Music Concert at the American Irish Historical Society, 991 Fifth Avenue

Thursday 12 June
UN Day

When	What	Who
8.00	Transport to leave Fordham	
9.00 – 9.15	UN Bookstore	
9.15 – 9.45	Welcome and Introduction	Ambassador Anwarul K. Chowdhury UN Under Secretary General
9.45 – 10.30	The Role of OCHA	Steve O'Malley Internal and External Coordinator of Humanitarian Emergencies - OCHA
10.30 – 11.15	Mines: The UN Response	Letitia Rossano UN Mine Action Service
11.15 – 12.00	The Role of the Speechwriter	Edward Mortimer Special Adviser to the Secretary General
12.00 – 2.00	Lunch at the UN Cafeteria	
2.00 – 2.45	WFP overview of current crises	Charles Vincent, Deputy Director Abigail Spring, Public Information Officer, WFP Liaison Office, New York
2.45 – 3.30	UNHCR overview of current crises	Eric Morris UNHCR
4.15 – 4.30	Concluding Remarks	Gillian Sorensen Assistant Secretary-General for External Relations
4.30 – 5.30	The Child in Conflict	Olara A. Otunnu Special Representative for the Secretary General for Children and Armed Conflict
7.30	Dinner	

Friday 13 June
Terrorism
Military briefing

When	What	Who
8.30 – 10.15	Teleconference on Health Issues from WHO Headquarters in Geneva	Dr. David Heymann
10.30 – 12.30	WMD – The Threat	Dr. Dani-Margot Zavasky
12.30	Lunch	
2.00 – 3.00	Psychology of Terrorism	Dr. Lynne Jones Centre for Family Research, Cambridge, University
5.30	Syndicate Presentations	Syndicates
7.30	Dinner	

Week 3: From Emergency to Development and Prevention

Monday 16 June
Conflict and Conflict Resolution
Demobilization, Gender Based Violence

When	What	Who
8.30 – 9.00	Test	Tutors
9.15 – 10.30	Conflict and Conflict Resolution Georgetown University	Prof. Richard Ryscavage

> **Objective:**
> -   Define the issues that give rise to conflict.
> -   Explore the process whereby such conflict may be resolved.

10.45 – 1130	Managing the Transition from Peacekeeping to Peace Building	Prof. Richard Ryscavage, SJ Georgetown University

> **Objective:**
> Discuss the role of humanitarian organizations in the process of peace and reconciliation

11.45 – 12.30	Demobilization	William Barriga IOM

> **Objective:**
> -   Discuss the key issues involved in voluntary vs. forced repatriation.
> -   Discuss the socioeconomic, political, cultural and psychological aspects of repatriation and reintegration.
> -   Discuss the issue of demobilization.

1.00	Lunch	
2.00 – 3.00	Reintegration and repatriation	William Barriga IOM
3.15 – 4.30	Gender-Based Violence	Gerald Martone, IRC
4.45– 5.00	Debrief on Test	Tutors
5.00 -5.30	Syndicate exercise briefing	Tutors
7.30	Dinner	

Tuesday 17 June
Migration, Gender, Beneficiaries
Coping Mechanisms

When	What	Who
8.30 – 10.00	Iraq	Larry Hollingworth, CIHC
10.00 – 12.30	Population, Migration and Refugee Movements	Prof. Mary Powers Associate Chair Graduate Studies Fordham University Prof. William Seltzer Sociology and Anthropology Department, Fordham University
12.30 – 2.00	Lunch	
2.00 – 3.30	Mental Health and Emergencies Part 1	Lynne Jones
3.30 - 5.30	Mental Health and Emergencies, Part II	Lynne Jones
5.30 – 7.00	Coping and Burnout in Humanitarian Workers	Sheila Platt Lynne Jones
7.30	Dinner	

Wednesday 18 June
Humanitarian Negotiation

When	What	Who
08.30 – 9.30	DPKO – An Overview	Col. Ben Klappe UN DPKO
9.30 - 10.30	Principles of Humanitarian Negotiation	Larry Hollingworth Michel Veuthey
10.45 – 12.30	Negotiation Techniques Syndicate Exercise	Lynne Jones
12.30	Lunch	
2.00 – 3.30	NYPD Negotiation Practices	Lt. Jack Cambria NYPD
3.45 – 4.30	Syndicate Exercise	Tutors
7.30	Dinner	

Thursday 19 June
Case Studies

When	What	Who
8.30 – 9.30	Middle East - overview	Ambassador Richard Murphy, CFR
9.45 – 12.30	Case Studies: DRC Sierra Leone Afghanistan	Steve O'Malley Gerald Martone
12.30	Lunch	
2.00 – 3.00	UNICEF	Mackay Wolff Speechwriter for the Executive Director, UNICEF
3.00 – 4.00	Iraq, Part II	Larry Hollingworth
4.00 – 5.30	AIDS	Josh Ruxin, PhD. Columbia University, UN Coordinator, Task Force HIV/AIDS
7.30	Dinner	

Friday 20 June
NGO Issues

When	What		Who
8.30 – 11.30	NGOs in Humanitarian Action		Richard Ryscavage SJ Jesuit Refugee Service
			Gerry Martone IRC
11.30 – 12.30	Logistics		Larry Hollingworth
12.30	Lunch		
2.00 – 4.30	Syndicates Debates		
7.30	Dinner		

Week 4: Transitions and Relations with the Media - Exams

Monday 23 June
Media: Funding

When	What	Who
8.30 – 9.00	Written Test 3	Tutors
9.15 – 10.45	War Photographer: A Film by Christian Frei, With James Nachtwey	
11.00 - 12.30	Media and the War	Rick Davis, NBC Amanda Williamson, ICRC Josh Friedman, Newsday UN Bureau Chief
12.30- 2.15	**CIHC Board Lunch - 12ᵗʰ Floor**	
2.15 – 3.00	Contact with Donors	Bilge Bassani The UN Fund for International Partnerships
3.15 – 4.15	Assessing, Monitoring and Accounting	Larry Hollingworth
4.15 – 5.00	Personal Health of Humanitarian Aid Workers	John D. Cahill, M.D.
5.00 – 6.00	Book Launch - Atrium	
7.30	Dinner	

Tuesday 24 June
Transition, Development and Health

When	What	Who
9.00 – 12.30	Defining the Objectives of the Transition Phase: Checklists for Stabilization	Nat Coletta Former Head, Post-Conflict Reconstruction Unit, World Bank

Objective:
Explore ways in which societies disrupted by natural disaster and conflict can be assisted in the transition from acute and chronic responses to the emergency towards social and economic stabilization.

12.30 – 2.00	Lunch	
2.00 – 3.30	Micro and Macro-economic Stabilization	Nat Coletta

Objective:
- Discuss the importance of including a long-term perspective towards sustainable development as part of the international response to an emergency.
- Discuss the impact of the "Third World Debt" on sustainable development

4.00 – 5.00	Exit Strategies	Nat Coletta
7.30	Dinner	

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Wednesday 25 June
EXAMS – Day I

8.30 – 10.30   Written Exam

2.00 – 7.30   Syndicate Exam Preparation

7.30   Dinner

Thursday 26 June
EXAMS – Day II

8.30 – 12.30	Syndicate exam presentations (20 min each +10 min questions)	External Examiners
2.00 – 4.00	Oral Examinations (where necessary)	Kevin M. Cahill, M.D.
5.30 – 6.30	Humanitarian Action Today	John Fawcett Brookings Institute
7.30	Farewell Dinner – Barbeque on the Lawn	

Friday 27 June
Graduation

10.00	Graduation	Shashi Tharoor UN Under Secretary General for Communications and Public Information - Graduation Speaker
12.30	Lunch	

Departures

Saturday 28 June

Departures by 5pm

Discussion topics

In response to student feedback from previous courses, IDHA 12 is arranged so that the students have protected time in the evenings for group discussions which may include the following subjects:

WEEK 1.

- Humanitarian assistance: the price of international political complacency and inertia?
- Is the International community obliged to respond to each and every crisis?
- Why is there a mismatch between the need and the provision of humanitarian assistance?
- What is the UN? Is it the world parliament or a meeting place? What and where do you want it to be?
- Regional problems. Regional solutions?
- The UN and its agencies: mechanisms of accountability. Are there any? Do they function?
- Is misappropriation and misuse of donor funds and resources inevitable?
- Preventive Diplomacy - Cohesion through coercion?
- Is asylum seeking a lost cause?

WEEK 2.

- Is an integrated multidisciplinary response an impossible ideal?
- Who should be responsible for independent research and evaluation in acute and chronic crises?
- Central Africa. What would have happened if the world had done nothing?
- Competition or cooperation: How can aid organizations optimize their effectiveness?
- Should refugees be kept in camps?
- Should professional registration be mandatory in emergency situations?
- What problems do borders in provision of humanitarian assistance pose?

WEEK 3.

- Donor driven humanitarian assistance - Do funds meet needs or needs meet funds?
- The aftermath of ethnic conflict: oblivion, justice or revenge?
- Can the International Community negotiate with key players if they have "blood on their hands"?
- Child soldiers - what could be the long-term impact on development?
- Is there a need for harmonization of refugee procedures and legislation? Can this need be met?
- Forced repatriation: How do we respond? How should we respond? How can we respond?
- Humanitarian assistance through partnership with host governments and services - rhetoric or reality?
- How to optimize opportunities for training of staff in countries afflicted by humanitarian crises?
- Humanitarian action in situations of conflict: Relief for victims or sustenance for perpetrators?
- Interaction between expatriates and local staff

WEEK 4.

- Institutional amnesia, inertia or impotence?
- Advocacy and neutrality: A dilemma for international agencies Red Cross/Red Crescent and NGOs?
- Humanitarian assistance: Always positive?
- How can we reconcile national security and human rights?
- Is distortion of reality acceptable in the interests of advocacy?
- Is the military logistic machine the best response to a humanitarian crisis?
- Is breach of national sovereignty justifiable in the interest of humanitarian action?

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- Boutros Boutros-Ghali, Director, CIHC; Former UN Secretary-General; Former Secrétaire Général, Organisation Internationale de la Francophonie
- Ed Bradley, Co-Editor, 60 Minutes CBS News Correspondent
- Col. Charles L. Brantz, Former UNPROFOR acting-Commander Sector Northeast (Srebrenica)
- Laura Brav, MSF-USA
- Rachel Brett, Author, Associate Representative, UN Quaker Office in Geneva
- Mark Malloch Brown, The Administrator, UNDP
- Gro Harlem Brundtland, M.D., M.P.H., Director General WHO
- Martine Brunschwig Graf, Minister of Education, Geneva
- Marc André Bunzli, UNHCR
- Frederick M. Burkle, Visiting Professor, Johns Hopkins University
- Gilbert Burnham, Professor, Johns Hopkins University
- Helmut Buss, Senior Donor Relations Officer, UNHCR
- Lisa Buttenheim, Senior Political Advisor to the UN Director General, Geneva
- Nan Buzard, Project Director, Sphere
- Nicolas Bwakira, Director, New York Office, UNHCR
- Kevin M. Cahill, M.D., President CIHC; Professor RCSI., Professor of International Affairs, Fordham University
- Piero Calvi Parisetti, OCHA
- Lt. Jack Cambria, Commanding Officer, Hostage Negotiation Team, NYPD
- David Caputo, President, Hunter College, City University of New York
- Manuel Carballo, M.D., Director, International Center for Migration & Health
- Gilles Carbonnier, Principal Economic Adviser, ICRC
- Jorge Castilla, M.D., Head of Training, MSF
- Didier Cherpitel, Secretary General, International Federation of Red Cross and Red Crescent Societies
- Bernard Chomilier, Head, Logistics Division, IFRC
- Ambassador Anwarul K. Chowdhury, UN Under Secretary General
- Darcy Christen, Spokesman for ICRC
- Andrew Clapham, Associate Professor, International Law, IUHEI
- Michel Clerc, spokesman for MSF Switzerland
- Nat Colletta, Manager, Post-Conflict Unit, The World Bank
- Dr. Alessandro Colombo, WHO
- Dr. Maire Connolly, M.D., WHO
- Riccardo Conti, , Head of Unit Water and Habitat, ICRC
- Danielle Coquoz, Head, Protection Division, ICRC
- Robin Coupland, M.D., Health Coordinator, War Surgery, ICRC
- Major General Tim Cross, Director General Defence Logistic Support, Ministry of Defence UK
- Dominic Crowley, Concern
- Wendy Cue, Humanitarian Affairs Officer, OCHA
- Mark Cutts, Special Assistant to the High Commisioner, UNHCR
- Luca Dall'Oglio, IOM Representative in Rome
- Pascal Daudin, ICRC
- Steven Davey, IFRC
- Rick Davis, NBC News Correspondent
- Sean Deely, IFRC
- Roland Desmeules, Deputy Head, Training Division, ICRC
- Robert P. DeVecchi, Council on Foreign Relations
- Philippe Dind, Head, Security Unit, ICRC
- Colm Doyle, Colonel, Irish Army
- Luc Dumoulin, Logistic Division, ICRC
- Jean Dupraz, UNICEF

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- Philippe Dind, Head, Security Unit, ICRC
- Colm Doyle, Colonel, Irish Army
- Luc Dumoulin, Logistic Division, ICRC
- Jean Dupraz, UNICEF

- Jan Eliasson, Director CIHC; Swedish Ambassador to the United States; Former Secretary of State Foreign Affairs Sweden
- Dr. Akram Eltom, Migration Health Programme Development Officer, IOM
- Paul Emes, Head, Recruitment & Human Resources Planning Service, IFRC
- Daniel Endres, Senior Emergency Officer, UNHCR
- Francesca Erdelmann, WFP
- Dr. Bruce Eshaya-Chauvin, Institut de médecine sociale et préventive, Geneva
- Yves Etienne, Head, Training Division, ICRC
- Geldolph Everts, Deputy Head of Service, UNHCR
- Prof. Richard Falk, Albert G. Milbank, Professor of International Law and Practice, Princeton University
- John Fawcett, Brookings Institute
- Abdulrahim Abby Farah, Former UN Under-Secretary-General
- Erika Feller, Director, International Protection, UNHCR
- Fr. Angus Finucane, President and Founder, Concern Worldwide
- Nigel Fisher UNICEF
- Martin S. Flaherty, Professor of Law, Fordham University
- Shepard Forman, Director, The Center on International Cooperation, NYU
- Jacques Forster, Professor at the Development Cooperation Institute, Vice President, ICRC
- Veronica Foubert, SPHERE
- Anne Sophie Fournier, Nutritionist, MSF
- Ivo Freijsen, Humanitarian Affairs Officer, OCHA
- Josh Friedman, CPJ Board Member and Newsday UN Bureau Chief
- Amb. Walter Fust, Director General, DDC
- Prof. Ibrahim A. Gambari, Under-Secretary-General of the UN, Special Adviser on Africa
- Emanuella Gillard, Legal Division, ICRC
- Herbert Gilles, Dean Emeritus, Liverpool School of Tropical Medicine
- Edward Girardet, Director, Media Action International
- Anne Golaz, M.D., Medical Epidemiologist, CDC
- Jean Pierre Gontard, Deputy Director, The Graduate Institute for Development Studies (IUED), Geneva
- Jesus Gonzalez Moreno, M.D., Assistant Professor, USUHS
- Earl Goodyear, Ph.D., Emergency Preparedness Unit, IFRC
- Kim Gordon-Bates, ICRC
- Lisa Grande, OCHA
- Filippo Grandi, Special Assistant to the High Commissioner, UNHCR
- Martin Griffiths , Director, Henry Dunant Centre for Humanitarian Dialogue
- Johanna Grombach, Henry Dunant Centre for Humanitarian Dialogue
- Dr. Danielle Grondin, Director, Migration Health, IOM
- Dr. Paul Grossrieder, Director General, ICRC
- Virginia Guerrero, Head, Training, IOM
- Theo-Ben Gurirab, Foreign Minister of Namibia, President of the United Nations General Assembly
- Luc Hafner, Esq., President of the First Appeal Swiss Military Court
- Denis Halliday, Former Under-Secretary General UN and Former Humanitarian Coordinator UN Iraq
- Steven Hansch, Johns Hopkins University
- Mary Haour-Knipe, Senior Advisor, HIV/AIDS and migration, IOM
- Timothy Harding, M.D., Professor, Head, Forensic Medicine Institute, University of Geneva, Director, Multi-Faculty Programme on Humanitarian Assistance (PPAH), University of Geneva
- Alexandra Harley, IBE
- Jennifer Hayward-Karlsson, Chief Nurse, ICRC
- Joe Hegenauer, Senior Emergency Preparedness Response Officer, UNHCR
- Astrid N. Heiberg, M.D., President, IFRC
- Marie Heuze, Director, Information Service, UNOG

- Dr. David L. Heymann, M.D., Executive Director, Communicable Diseases, WHO
- Dr. Annette Hildabrand, US Army, Centre for Health Promotion and Preventive Medicine
- Larry Hollingworth, CBE, CIHC Projects Director; Adjunct Professor, Fordham University
- David Horobin, Deputy Head Logistic Division ICRC
- Bela Hovy, Head, Population Data Unit, UNHCR
- Alexandra Humme, OCHA
- Maria Hutchinson, Head, Staff Development and Training unit, IOM
- Bill Hyde, IOM Regional Delegate, Washington DC USA
- Philip D. Jaffe, M.D., University of Geneva, FAPSE
- Kris Janowski, Spokesman for UNHCR
- Stephane Jaquemet, Chief, Promotion of Refugee Law Section, UNHCR
- Lynne Jones, M.D., Centre For Family Research
- Sydney Jones, Human Rights Watch (HRW)
- Dr. Jordan Kassalow, Adjunct Senior Fellow, Global Health Policy, Council on Foreign Relations
- Nils Kastberg, Director of the Office of Emergency Programmes, UNICEF
- Maria Keating, OCHA
- Michael Keating, UNDP
- Dr. Charles B. Keely, Ph.D. Professor of International Migration, Georgetown University
- Allen S. Keller, M.D., Professor, New York University
- Maurice King, Senior Research Fellow, Leeds University
- Stuart J. Kingma, M.D., Executive Director, Civil-Military Alliance to Combat HIV and AIDS
- Ismat Kitani, Former President UN General Assembly: S.G. Special Rep in Somalia
- Col. Benjamin Klappe, UN DPKO
- Dr. Doug Klaucke, Communicable Disease Surveillance and Response, WHO
- Dr. Radha Kumar, Senior Fellow, Peace and Conflict Studies, Council on Foreign Relations
- Heidi Kuttab, OCHA
- Vincent Lacour, UNHCR
- Sylvia Ladame, ICRC
- Anthony Land, Head of Pristina Office, UNHCR
- Phyllis Lee, OCHA
- Dr. Xavier Leus, M.D., Director, Department of Emergency and Humanitarian Action, WHO
- Charlotte Lindsey, Gender Issues, ICRC
- Geoff Loane, ICRC
- Salvatore Lombardo, Legal Adviser, UNHCR New York Office
- Dr. Alessandro Loretti, M.D., Team Coordinator AI, Development Activities, WHO
- Natale Losi, Head, Psychosocial and cultural Integration Unit, IOM
- Dr. Louis Loutan, M.D., University of Geneva, Unité Médecine des Voyageurs
- Ruud Lubbers, United Nations High Commissioner for Refugees, UNHCR
- Pamela Lupton-Bowers, Training Officer, IFRC
- William Lyerly, Senior Advisor for Crisis Mitigation, Transition and Recovery, USAID
- Dominic MacSorley, Concern
- Kirsten Maddi, Project Officer, Emergency Division, UNICEF
- Serge Male, M.D., UNHCR
- Edward Markierwicz, Media Action International
- Gerald Martone, IRC
- Harold Masterson, Head, Training Support Service, IFRC
- Feena May, Trainer, ICRC
- Roger Mburente, Theologian
- Denis McClean, spokesman for IFRC
- Jamie McGoldrick, OCHA
- Lt. Hugh McGowan, Chief, Hostage Negotiation, NYPD

- Brunson McKinley, Director-General, IOM
- Larbi Mebtouche, Chief, Reintegration and Local Settlement Section, UNHCR
- David R. Meddings, M.D., WHO
- Joan Mencher, Ph.D., Professor of Anthropology, CUNY
- Liliana Mircescu, Senior Staff Development and Training Assistant, IOM
- Johan Molander, Ambassador, Swedish Permanent Representative to the UN in Geneva
- Guillaume de Montravel, OCHA
- George Moose, American Ambassador to the UN in Geneva
- Kamel Morjane, Assistant High Commissioner for Refugees, UNHCR
- Eric Morris, UNHCR
- Edward Mortimer, Special Adviser to the Secretary-General of the UN
- Madeleine Moulin-Acevedo, Advocacy and External Relations Officer, UNOG
- Ross Mountain, Director, OCHA, United Nations, Geneva
- Alain Mourey, ICRC
- Jean-Luc Muhlebach, Head of National Staff Unit, ICRC
- Dr. Richard Murphy, Ambassador, Former Assistant Secretary for Near Eastern and South Asian Affairs (NEA), Department of State
- James Nachtwey, Photographer
- Christine Neveu, NGO Coordination Unit, UNHCR
- Matthew Nimitz, Former US Under Secretary of State, UNSG Special Representative in the Former Yugoslav Republic of Macedonia
- Eric Noji, M.D., M.P.H., Senior Medical Officer, HINAB Coordinator, WHO
- François Nordmann, Ambassador, Swiss Permanent Representative to the International Organisations in Geneva
- Tim O'Dempsey, M.D., Senior Lecturer, Dept. Of International Health, RCSI
- Father Joseph A. O'Hare, SJ, President, Fordham University
- Steve O'Malley, Internal and External Coordinator of Humanitarian Emergencies, OCHA
- Serguei Ordzhonikidze, Director General, UN Office in Geneva
- Ibrahim Osman, Under-Secretary General, IFRC
- Olara A. Otunnu, Under-Secretary General UN, Special Representative of the Secretary General for Children and Armed Conflict
- Lord David Owen CH, M.D., Director CIHC, Former UK Foreign Minister and EU Rep. to the former Yugoslavia
- Carolyn Oxlee, Media Services, IFRC
- Georges Paclisanu, Head of the ICRC Delegation in New York
- Dr. Arjuna Parakrama, Carnegie Endowment for International Peace
- Luc Paunier, M.D., Professor, President, Geneva Foundation to protect health in war
- Gilles Peres, Photographer
- Dr. Pierre Perrin, M.D., Chief Medical Officer, ICRC
- Richard Perruchoud, Executive Officer, Legal Advisor, IOM
- Soren Jessen Petersen, UN Deputy High Commissioner for Refugees
- Prof. Vladimir Petrovsky, Director General of United Nations Office Geneva
- Sergio Piazzi, Chief, Advocacy and External Relations Section, OCHA
- Giandomenico Picco, Personal Representative of the Secretary General for Dialogue among Civilizations
- Mike Pillinger, IOM
- Pierre-François Pirlot, Director, UNHCR
- Shelly Pitterman, Chief Resettlement Section, Division of International Protection, UNHCR
- Sheila Platt, Clinical Social Worker, Former Director of Youth Project Committee, Former Overseas Briefing Center Trainer Community and Family Services International
- Mary Powers, Ph.D., Associate Chair Graduate Studies, Fordham University
- Bertrand Ramcharan, UN Deputy High Commissioner for Human Rights

- Mark Raper, SJ, Former International Director, Jesuit Refugee Service
- Vanessa Redgrave, Actress and Activist
- Peter Rees-Gildea, Director, Operations Funding and Reporting, IFRC
- Everett Ressler, UNICEF
- Jean-Pierre Revel, M.D., Senior Relief Health Officer, Relief Health Service, DROC, International Federation of Red Cross and Red Crescent Societies
- François Reybet-Degat, Afghan Emergency Team, UNHCR
- Dr. Hernan Reyes, M.D., ICRC
- David Rieff, Author, Journalist and Humanitarian Aid Commentator
- Prof. François Rigaux, Université Catholique de Louvain
- Helen Robinson, Head, Training Unit, WHO
- Guenael Rodier, M.D., Communicable Disease Surveillance and Response, WHO
- Letitia Rossano, UN Mine Action Service
- Jean Roy, M.D., Senior Officer, IFRC
- Dr. Remi Russbach, M.D., Vice President, The Geneva Foundation to protect health in war
- Sarah Russel, Afghan Emergency Team, UNHCR
- Josh Ruxin, Ph.D., Columbia University, UN Coordinator, Task Force HIV/AIDS
- Dr. Michael Ryan, M.D., WHO
- Prof. Richard Ryscavage, SJ, Professor, Georgetown University
- Amb. Mohamed Sahnoun, Spec. Rep. of the UN Secretary General
- Dr. Dirk Salomons, M.D., Praxis Group, Adjunct Professor, NYU, Former Director of the Peacekeeping operation in Mozambique, Special Advisor on management to both the UN staff college in Italy and the UN Office for Project Services in New York
- Craig Sanders, NGO Coordination Unit, UNHCR
- Joe Saunders, Human Right Watch
- Felicity Savage, Medical Officer, Department of Child and Adolescent Health and Development, WHO
- Peter Schatzer, IOM
- Catrin Schulte-Hillen, MSF, Barcelona
- Lt Colonel Bill Schultz, Canadian Armed Forces Liaison Officer Training and Doctrine Command
- Henry Schwalbenberg, Professor and Director, IPED Program, Fordham University
- Didier Segui, MSF
- William Seltzer, Professor, Anthropology and Sociology, Fordham University
- Alfredo Sfeir-Younis, Special Representative of the World Bank to the UN and the WTO, Geneva
- Flora Sibanda, UNICEF/WFP
- Jean-Luc Siblot, Representative WFP Switzerland
- David Solomon
- Gillian Sorensen, UN Assistant Secretary General for External Relations
- Eric Sottas, OMCT
- Marie de la Soudiere, Director, International Rescue Committee
- Abigail Spring, WFP
- Matthias Stiefel Director, War-Torn Societies Project, UN Research Institute for Social Development
- James Stillwaggon, Esq., Attorney, New York City
- Dr. Laurent Subilia, Hopital Universitaire de Geneve, Unité Medecine des Voyageurs
- Ram Subramanian
- Frances Sullivan, IOM Senior Regional Officer in Sarajevo
- Paul Szaz, Professor, NYU School of Law
- Peter Tarnoff, Director CIHC., Former President, The Council on Foreign Relations, New York
- Enrique Ter Horst, Special Rep of UN Secretary General in El Salvador and Haiti
- Fiona Terry, MSF Foundation, Author
- Shashi Tharoor, Under Secretary General for Communications and Public Information
- Besida Tonwe, Humanitarian Affairs Officer, OCHA

- Richard de Torrenté, Executive Director, MSF-USA
- Richard Towle, Senior Legal Advisor, UNHCR
- Marco Tulio Boasso, IOM
- Sridhar R. Uttara, Head of Computer Department, Lenox Hill Hospital, New York
- Jon Valfells, Head Media Service, IFRC
- Michel Veuthey, Doctor of Laws, CIHC Academic Director and Geneva Representative, Adjunct Professor, Fordham University
- Bastien Vigneau, Deputy Program Manager, MSF
- Frédéric Vigneau, Head of Mission, MSF
- Jean-Daniel Vigny, Swiss Mission to the UN
- Charles Vincent, Deputy Director, WFP
- Prof. Jean-Jacques Wagner, Director, Centre d'études des risques géologiques, (CERG), University of Geneva
- Margareta Wahlstrom, Under-Secretary-General, IFRC
- Prof. Ronald Waldman, M.D., Columbia University
- Stephen Webster, Ph.D., International Disaster and Emergency Response Associates
- Matthew Whatley
- Andrew Whitley, Special Assistant SG, UNCTAD
- Geoffrey Wiffen, UNICEF
- Roy Williams, Former Director, US Office of Foreign Disaster Assistance (USAID)
- Amanda Williamson, Spokesperson, ICRC Regional Delegation, Washington, D.C.
- Mackay Wolff, Speechwriter for the Executive Director, UNICEF
- Neill Wright, Director, UNHCR
- Amb. Hubert Wurth, Permanent Representative of Luxembourg to the UN, Chairman of the Humanitarian Liaison Working Group, HLWG NY
- Colonel (Dr) Steven J. Yevich, Command Surgeon, United States Special Operations Command
- Frédéric Zanetta, Geneva Administrator and Course Webmaster, CIHC
- Dani-Margot Zavasky, M.D., NYPD Counter-Terrorism Squad

IDHA Graduates (405)

Name	Country	Affiliation
ABDELHADI Asmaa	Morocco	IFRC
ABDULKADEER Paula	Iraq	Medical Doctor, UNICEF
ABDULLAH Saade	Kenya	Medical Doctor, John Hopkins Univ.
ABENDE Joseph	Kenya	MSF
AGHEGN Tedros	Ethiopia	WFP
AHMAREEN Karim	Pakistan	WFP, East Timor
AHMED Mohammed	Somalia / Canada	UNOPS
AK Masood	Bangladesh	UNICEF
AL SADR Mohammad	Ireland	Medical Doctor, HRW
AL SHARESTANI Hassan	United Kingdom	Admin, Iraqi Refugee Aid Council
AL-HAJRI Mohammed	Qatar	Medical
ALBERTY Helene	France	Manager / Private business
ALI Sheikha	Kenya	IOM
ALI SHAH Syed Mohammad	Pakistan	Dutch NGO – Caritas – Cordaid
ALYKHAN Suleman	Canada	FOCUS Canada
AMANO Rika	Japan	HCR

ANDONOVA Vessala	Bulgaria	Sofia Univ./NGO
ANICAMA CAMPOS Cecilia	Peru	Andean Com. Of Jurists ACJ
ANJOTI Elizabeth	Uganda	NY Social Services
ANKERSEN Helle	Denmark	UNHCR
ANSEDE Lola	Spain	WFP/UNHCR
ARAGONES Patricia C.	Spain	Lawyer
ARIF KHAN Nurul	Bangladesh	Exchange scholar
ARIF Shukrulla	Dubai	Medical Doctor
ARMSTRONG Jana	USA	MSF
ASOMANING Odei-Mensah	Ghana	Disaster Management
ASSUMANI Raymond Kimika	DRC	Student Community Health
ATIENO Margaret	Kenya	UNHR, Kenya
AWATE Catherine	Sudan	UNICEF, Khartoum
AYINLA Temitayo.F.	Nigeria	Fordham University
AZE Jean-Christophe	France	MSF
BAKER Richard	USA	Missionary Priest, Ethiopia
BAKURADZE Archil	Georgia	Norwegian Refugee Council in Georgia
BASHIR Nadeen	Pakistan	British Refugee Council
BAUDINNE Pierre	Belgium	
BAYARMAA Luntan	Mongolia	IFRC
BEDOCK Gerard	France	MSF
BEGLEY Michael	Ireland	Missionary Priest
BEIDAS Sandra	United Kingdom	UN Haiti
BELLO Aliu	Nigeria	Medical Doctor UNICEF Pakistan
BELOPOPSKYAlexander	Switzerland	World Council of Churches
BELTRAND Diego	Uruguay	IOM
BENOTHMAN Sarah	Tunisia	WFP, Lawyer
BERNARDI Selma	Italy	IFRC
BEYAN Camelia	Ethiopia	IMC
BJERKENBo Jans	Denmark	WFP
BLAU Ervin	Yugoslavia	IFRC
BOISSON David	France	MSF
BOKHARI Laila	Norway	TIPH
BOLIMA Nelson	Cameroon	World Bank
BONZON-QUARTA Tiziana	Italy	IFRC
BOOTSMA Sandra	Burkina Faso	WFP
BOUKAA Maria Johanna	The Netherlands	World Vision
BOUSSALEM Fabrice	France	UNDP
BRODIER Jean-Etienne	Switzerland/France	ICRC
BROERS Martien	Belgium	MSF, Lawyer
BRUZZONI Walter	Uruguay	UN Security Officer
BUSCH Susan	Australia	Major, Australian Army
BWOGO Agyedho O.	Sudan	WCC
CAFISO Jenny	Italy	Jesuit Refugee Service
CAHALAN Mary	USA	NY Social Service
CAHILL Brendan	USA	IIHA/CIHC
CAHILL Denis	USA	Lawyer, HRW
CAHILL John	USA	Medical Doctor
CALVI Francesca	Italy / USA	Anthropologist
CAMILLERI Maria Theresa	Malta	Ph. D. Student
CANDIA PECORARO Ciro	Switzerland	ICRC
CAPACHIETTI, Andrea	USA	Professor, UCLA
CARY Sam	United Kingdom	
CASOLARI Samantha	Italy	WFP
CHEVALIER Maxim	The Netherlands	Handicap International
CHOMILIER Christine	France	WHO
CIERVIDE Joaquim	Spain	Priest, Jesuit Refugee Service (JRS)
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DAGASH Rania	Sudan	WFP
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DE FRANCO Michael	USA	Medical Student
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DE WARLINCOURT Elodie	Switzerland	ICRC
DEEK OSMAN Gurhan	Finland	IFRC
DEKKER Robert	The Netherlands	WFP
DELCOUR Hannelore	Belgium	OCHA – DRC
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DESSIMOZ Sandra	Switzerland	ICRC
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KOMBA FAILA Moza	Congolese	Nutritionist, M.D.
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KREYSLER Peter	Germany	Media Producer
KUHNE-HELLMESSEN Stefan	Germany	Swiss Red Cross

KULENOVIC Indira	Bosnia	EU, Medical Doctor
KYU Win Win	Burma	WHO, Doctor
LA BUDA David	USA	Maryknoll Priest
LABOVITZ Jeffrey	USA	IOM
LAKE Marsha	Canada	UNMIK
LAMA Simone	Guinea	Translator, Former UNMISET
LAMBE Jonathan	USA	NGO
LAUGHLIN Seth	USA	Student
LEE Nicolas	United Kingdom	I.R.C.
LEVIS Guy	Trinidad & Tobago	Government
LINDHOLM Jonas Keiding	Denmark	WFP
LLEWELLYN Craig H.	USA	Medical Doctor
LLUBERAS Manuel	USA	Private company
LOCKHART Caroline	United Kingdom	UN
LOPEZ PEREZ Elias	Spain	JRS
LOSELOSE Kabwika Kasindi	DRC	NGO
LUHAN Michael	USA	People in Need, Czech Rep.
LULIE Shewangezaw	Ethiopia	WFP
LUND Jesper Holmer	Denmark	OCHA, Humanitarian Officer
LYNCH Jude	Ireland	Missionary Priest
MACKAY Colin Angus	United Kingdom	IFRC
MAHLER Per	Denmark	Medical Doctor, Swiss Health Service
MAHONEY Anthony	United Kingdom	Christian Aid, Coordinator
MAINDO MONGA N.Alphonse	Congo	Grad. Student
MAKKI Nabil	Lebanon	UNHCR, Pakistan
MALABIN Hilda	Borneo	Med. Student
MALANCA Mario Lito	Mozambique	IOM
MANCUSO Vincenza	Italy	German Red Cross
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MBURENTE Roger	Burundi / Switzerland	Theologian
MCCARRICK Gwynn	Australia	Lawyer / former UNHCR
MCCARTHY Hanora	Ireland	JRS, Project Director
MCCREE Jocelyn	USA	Research Assistant
MCENTEE Martha	USA	Lawyer
MCEVOY Maria	Ireland	Nurse
MCLACHLAN Alexander	United Kingdom	European Union
MEIJA Carlos	Colombia	Jesuit Refugee Service
MENDOZA Carolina	Venezuela	Diplomat
MITHA Amin	USA	Focus USA / NGO
MIYAZAKI Takeshi	Japan	Concern
MKIMBO Mary	Kenya	Diplomat, Head of Mission
MORENO Elsa	Colombia	ACT
MORLAND Jake	United Kingdom	UNHCR
MOTUS Nenette	Philippines	Medical Doctor, IOM Cambodia
MUAALA Robin	Australia	Diplomat, UN
MUHAMMAD Yussef	Pakistan	Medical Doctor
MULANGU John	The Netherlands	MD, IFRC
MULLER Joy	Switzerland	IFRC
MURRAY Michael	Ireland	Missionary Priest, JRS
MURUGAN Catherine C.	South Africa	JRS
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NAGUBANDI Ravi	India	Medical Doctor
NATHOO Alnaaze	Canada	MSF, Former Alberta government
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NEDGAARD Geir	Norway	IFRC
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PSATHAS Tania	NZ/Greece	PhD student, Counselor
PUCCI Idanna	Italy	Writer
QUINN Alison	United Kingdom	BBC Producer
RABANTEK Jaroslaw Jan	Poland / Canada	United Nations
RAJWANI Tazmeen	Canada	Military
RANTANEN Jyri	Kenya	MSF
RATTRAY Sarah	United Kingdom	UNHCR
REDONDO Gema	Spain	Former MSF
REXHA Ali	Albania/USA	UNHCR Kosovo
RICHARD Claudine Mariko	Belgium	NGO
RIDLEY Dominic	United Kingdom	UNHCR
RILEY Kevin F.	USA	US Air Force
RIVERA Arnet	Philippines	Medical Doctor, Gov. Ministry
ROBERT-NICOUD Hugues	Switzerland	MSF
RONAN Mary	USA	MA Student
ROWE Patrick	Ireland	Missionary Priest

RUGE Paul	Ireland	Medical Doctor
SADEK Mona	Egypt/UK	NGO
SAGARNO Ines	Spain	WFP Nicaragua
SALAD Hussein	Somalia	ICRC Somalia
SALVETTO Micol	Italy	ICAS
SAMA Kpandja	Togo	Jurist, Togolese Red Cross
SAVAGE Joanne	Australia	Med. Student
SCHERRER Valerie	Switzerland	Occupational Therapist
SCHNEEBELI Roland-Daniel	Switzerland/France	Lawyer
SCHRAKNEPPER Johann	Germany	Medical Doctor
SCOTT Belinda	St Vincent	Diplomat
SEBUKYU Vincent B.	Uganda	Caritas
SECHAUD Isabelle	Switzerland	IFRC
SELIVANOVA Tatyana	Belarus	UNHCR
SELVARATNAM Sinnadurai	Malaysia	IFRC Afghanistan
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SHAHU Xhemil	Albania	UNHCR
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SMITH Doreen	USA	US Army
SMITH Michael	USA	Military
SMITH Nicola	United Kingdom	MSF
SNOW Michelle Susan	USA	WFP
SOLOMON David	United Kingdom	Henry Dunant Centre
SONG Yumie	USA	MA Student
SORENSEN Hanne	Denmark	UNDP
SPALTON Anthony	United Kingdom	IFRC
STENIER Pascal	Belgium	IFRC
STREBELLE Karine	Belgium	WFP
SUBRAMANIAM Ram	USA	Paralegal
SUGIJOPRANOTO Andreas	Indonesia	Priest, Jesuit Refugee Service, Sri Lanka
SVINSAS Eirik	Norway	Norway Defense Research Establishment
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TANAKA Hiroto	Japan	WFP
TANDIA Mahamadou	Mali	UNHCR, Mali
TANYAG Benita	Philippines	Mare Foundation
TAX Blanche	The Netherlands	UNHCR
THURING Willem	The Netherlands	WFP
TJUGASHVILI Tomaz	Georgia	Civil Servant
TOBIN Pat	USA	Nurse
TOKUNAGA Yumiko	Japan	WFP, Kenya
TOSCANO Anissa	USA	Conflict and Humanitarian Affairs
TOUSSAINT Jeremie	France	Program Officer – Relief
TRASPAS TEJERO Pablo	Spain	MSF/Geologist
TSILOSANI Giorgi	Georgia	Surgeon
TURAY Foday	United Kingdom	WFP
UNNIKRISHNAN Puthanveettil	India	Medical
VASQUEZ Cecilia	USA	Paramedic
VEUTHEY Justin	Switzerland	Other
VIGNEAU Bastien	France	MSF

VIGNEAU Frederic	France	MSF
VILLANUEVA Elena	Spain	MSF
VINNY Dunstan Joseph	India	Priest, Jesuit Refugee Service
VIVIER-REVEL Emmanuel	France	ICRC
VON HABSBURG-L. Ferdinand	Switzerland	Other
VONKEMAN Andrea	Sri Lanka	UNHCR
VOUFO Alfred	Cameroon	NGO
VRENTAS Gregory L.	USA	Med. Op. Officer US Special Ops Cmd
WAAIJMAN Gabriella	The Netherlands	UNDP
WAGANI Edward	Kenya	Economist
WALSH Kathleen	USA	Lawyer
WARD Terence	USA	Writer
WESTHOFF Wayne	USA	University of South Florida – Public Health
WHITE Leo	Australia	Lawyer & Mediator
WHITING James	United Kingdom	Hope and Homes for Children
WIELAND Patrick	Switzerland	MSF Burma
WIN Thein	Burma	Medical Doctor, South Africa
YEVICH Steven	USA	Military, Medical Doctor
YEVICH Steven	Ukraine	Student
YOMI Zogbellou Adele	Cote d'Ivoire	Nutritionist – MD
YOUNG Rich	USA	Military
YOUSSEF Sameh	Egypt	MSF, Medical Doctor
YUSSUF Hussein	Kenya	CARE International, Zambia
ZAPACH-COLEMAN Marla	Canada	UNDP
ZELLER Anne-Laure	Switzerland	Ethnologist - Anthropologist
ZIMMERMANN Lorly	Switzerland	MSF
ZLOT Marc	Switzerland	HR Manager at Swiss Red Cross
ZSOLT Peter Gorog	Hungary	Graduate Student, Univ. of Geneva
ZVEGINTZOV Piers	United Kingdom	HALO

Honoris Causa

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CASTILLA Jorge	Colombia	MSF
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HOLLINGWORTH Larry	United Kingdom	CIHC
JOYCE Tina	Ireland	RCSI
KREYSLER Jo	Germany	IFRC
LUPTON BOWERS Pamela	United Kingdom	IFRC
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O'DEMPSEY Tim	Ireland / UK	RCSI
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PIRLOT Pierre-François	France	UNHCR
VEUTHEY Michel	Switzerland	CIHC

Certificate of attendance

ANSAH Abraham Asamoah	Ghana	Disaster Management
BUHENDWA MIRINDI Victor	DRC	NGO
MAC ACUEK John	Australia	UWS - Sydney
MOPENDZA Marcelline	Congo	Economist
PIGNI Lilian Abanto Vasquez	Peru	Teacher
REINHOLZ Carmen	Germany	German Red Cross
SANCHEZ LARA Diana Patricia	Colombia	NGO, MINGA, Journalist
SCHOU Anne	Norway	International Museum of Red Cross

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Humanitarianism, Aid and Politics

School of Advanced International Studies (SAIS)
Johns Hopkins University

Prof. Victor Tanner
Spring Term 2003
United States of America

Course Description:

This course focuses on arguably the most important issue in humanitarian assistance: the interplay between politics and emergency aid programs, and how these programs can empower, rather than further marginalize, communities affected by crisis.

Students in this course will acquire skills critical to pursuing professional activities in and around the field of humanitarian assistance:

- They will gain an understanding of the political dimensions of emergency aid programs with respect to both international and local politics.
- They will develop a feel for the practical analysis of the political repercussions of emergency assistance programs.
- They will learn to think critically and creatively of how external actors — donors, multilateral organizations, non-profit agencies and for-profit contractors, peace-keepers, and so on — intervene in the lives of local people and local societies.

The course, rooted in the extensive field experience of the professor, emphasizes a field-based, ground-up focus while including a balance of discussion on the dominant literature and theoretical debates.

The course is relevant to professionals and aspiring professionals in humanitarian assistance, human rights, foreign policy, academia, and the military who intend to work with societies in crises.

Purpose of the Course:

The course will review the relationship between humanitarian aid and politics — both local and international — with a special emphasis on conflict-related crises and so-called complex humanitarian emergencies (otherwise known as wars).

While the international arena has changed dramatically following the September 11th attacks in the United States, the transformation that has occurred since the end of the cold war is nearly as impressive. Over the course of the last decade, the attention given to the humanitarian consequences of conflict has risen considerably, thanks in part to media technology advances. These so-called 'humanitarian crises' are marked by large numbers of civilian casualties, massive population displace-

ment, widespread food insecurity, the breakdown of traditional political and economic structures, war-lordism, widespread insecurity and human rights abuses, conflict over natural resources such as oil, diamonds, timber, or poppy, and so on. The increased visibility of the human toll of these conflicts has placed enormous public pressure on donor nations and aid agencies to respond with rapid and effective assistance, at a time when foreign aid levels are at their lowest since the 1960s. This assistance carries huge political repercussions, both at the local level, and at the international level.

This course examines these repercussions, their causes, and the tendency of the humanitarian community to disengage from the political sphere. It provides a foundation for understanding the context of conflict and humanitarian emergencies, laying out such components as the nature of conflict, forced migration, humanitarian law, how the international aid community, and the use of militaries in humanitarian interventions. The course also follows current trends in humanitarian action and track the dynamics in specific crises.

The course draws on the experience of the professor, who has worked in a variety of functions and settings in the field over the past 12–15 years, and also has extensive analytical experience in writing and teaching about humanitarian aid and related subjects.

Syllabus:

January 23

Class 1: Setting the Scene I: What Is a Humanitarian Crisis and the Foundations of Humanitarianism

Introduction. Syllabus and methodology. Course assignments, readings, and expectations. Presentation and brief discussion of the course's themes: the interplay between humanitarianism and politics.

January 30

Class 2: Setting the Scene II: What Is a Humanitarian Crisis and the Foundations of Humanitarianism

A short history of humanitarianism. Defining the terms: complex humanitarian emergency, complex political emergency vs. humanitarian crisis. Various components of humanitarianism. International actors on the scene and their roles and obstacles. Coordination and its discontents. Funding mechanisms. A first look at the so-called dilemmas in international humanitarian operations.

Readings:

Chambers, Robert: Challenging the Professions: Frontiers for Rural Development.

(Intermediate Technology Publications, 1993) — Chapter One: "Normal Professionalism, New Paradigms and Development" (pp. 1–14).

McKnight, Robert: The Careless Society: Community and its Counterfeits (Basic Books, 1995) — "Professionalized Service and Disabling Help" (pp. 36–52).

USAID/OFDA Field Operations Guide for Disaster Assessment and Response (on library reserve) (skim).

The Sphere Project: Humanitarian Charter and Minimum Standards for Humanitarian Assistance. Chapter One: "Introduction," pages 1–31 and Annex: "The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief" (on library reserve).

Tamara Jones, "Relief Cowboy," The Washington Post Magazine, 4 July 1999.

Duffield, Introduction: "The New Development — Security Terrain" (pp. 1–17).

De Waal, Chapter Four: "Retreat from Accountability part II: The Humanitarian International" (pp. 65–85).

February 6

Class 3:   Conflict As a Backdrop for Aid

Changes in conflict over the past century. The context of conflict and its interrelationship with aid. Social, economic, political, environmental impacts of conflict. Regional implications of conflict. Conflict and displacement. The media factor in aid and political responses to conflict.

Readings:

Maynard, Kimberly: Healing Communities in Conflict: International Assistance in Complex Emergencies (Columbia University Press, 1999) — Chapter Five: "Communities in Conflict" (pp. 107–122).

Anderson, Mary: Do No Harm: How Aid Can Support Peace-or War (Lynne Rienner, 1999) Chapter 3: "Characteristics of Conflict Areas" (pp. 23-29).

Maas, Peter: "Emroz Khan is Having a Bad Day," New York Times Magazine, October 21, 2001.

Duffield, Chapter Five: "Global Governance and the Causes of Conflict," pages 108–136.

Reno, William: Warlord Politics and African States (Lynne Rienner 1999) — Chapters One "The Distinctive Political Logic of Weak States" (pp. 15–44) and Seven "Warlords in the Global Systems of States" (pp. 217–228).

Rufin, Jean-Christophe: "The Economics of War: A New Theory for Armed Conflicts," in International Committee of the Red Cross, War, Money and Survival (Geneva 2000), (pp. 22–27).

Keen, David: "Going to War: How Rational Is It?" in International Committee of the Red Cross, War, Money and Survival (Geneva 2000), (pp. 28–31).

Optional Readings

International Peace Information Service (IPIS): Supporting the War Economy in the Democratic Republic of Congo: European Companies and the Coltan Trade (Antwerp, January 2002).

Keen, David: "The International Functions of Violence in Civil Wars," International Institute for Strategic Studies, Adelphi Paper 320.

February 13

Class 4:   Aid Writ Large: Foreign Policy

The interaction between domestic politics, foreign policy and local wars. Plots versus unintended consequences. Interests of the local society versus interests of the external actors. Short-term versus long-term interests. The power of organized charity.

Readings:

Natsios, Andrew: US Foreign Policy and the Four Horsemen of the Apocalypse: Humanitarian Relief in Complex Emergencies (Center for Strategic and International Studies, 1997) Chapter 2: "Complex Humanitarian Emergencies and the US National Interest," (pp. 19–32).

Natsios, Andrew: The Great North Korean Famine: Famine, Politics, and Foreign Policy, (US Institute of Peace, 2001) Chapters 6: "The Diplomacy of the Famine," and 7: "The Politics of Famine: The Battle in Washington." (pp. 123–163).

De Waal, Chapter Nine: "Humanitarian Impunity: Somalia 1993, Rwanda 1994," (pp. 179–191, Somalia part only).

Fawcett, John and Victor Tanner: "Birth of the Aid Juggernaut in Former Yugoslavia (1991–1992): Humanitarian Plot or Unintended Consequences?" (Washington DC, 2000.).

February 20

Class 5: Military Intervention in Humanitarian Crises

"Humanitarian Intervention" — a view from history. Military roles in humanitarian crises. The positive side of military intervention. Contentious use of the military. The political agenda of military use. Soldiers and aid-workers, soldiers as aid-workers.

Readings:

Cuny, Frederick C.: "Dilemmas of Military Involvement in Humanitarian Relief," occasional paper, no date.

Stapleton, Barbara: "A British Agencies Afghanistan Group Briefing Paper on the Development of Joint Regional Teams in Afghanistan," (Kabul, January 2003).

Reuters: "U.S. Army Under Fire for Giving Afghans Aid," 13 January 2003.

Langewiesche, William: "Peace is Hell," Atlantic Monthly, October 2001, pages 51–80.

Optional Reading

Cuny, Frederick C.: "Humanitarian Intervention: A Study of Operation Provide Comfort" (Intertect, Dallas 1995).

February 27

Class 6: Protection and Human Rights Issues

Current debates in human rights. Preventive protection. IDPs: Debate over policies, responsibility, and methodologies. Protection for local citizens and remainees.

Readings:

Mendiluce. Jose-Maria: "War and Disaster in the Former Yugoslavia: The Limits of Humanitarian Action" in World Refugee Survey (US Committee for Refugees, 1994).

Fawcett, John and Victor Tanner, "Bosnia 1992–1994: Fighting Ethnic Cleansing with Humanitarian Action?" Washington DC, 2000.

Paul, Diane: "Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm," RRN Paper no. 30, Humanitarian Practice Network, Overseas Development Network (London, 1999).

Hathaway, James: "New Directions to Avoid Hard Problems: the Distortion of the Palliative Role of Refugee Protection," Journal of Refugee Studies, volume 8, no. 3, 1995 (pp. 288–294).

"Change and Stability: A Strategy to Combat Reprisals and Human Rights Abuses.

During and After Régime Change in Iraq," Washington DC (forthcoming).

Cuny, F.C.: Kuwait City 1991 anti-reprisal action memo.

March 6

Class 7: Humanitarianism and The Neutrality Principle

Mid-Term Take-Homes Due

Foundations of the neutrality debate. The meaning of neutrality and impartiality. The uses and opportunities of neutrality. So-called 'operational neutrality.' The case for and against impartiality. Advocacy and its role.

Readings:

Zinn, Howard: "Growing Up Class Conscious" (from You Can't Be Neutral on a Moving Train), in The Zinn Reader: Writings on Disobedience and Democracy (Seven Stories Press NY, 1997), (pp. 145–162).

Weber, Max: "Politics as a Vocation" (originally a speech at Munich University, 1918), from H.H. Gerth and C. Wright Mills (Translated and edited), From Max Weber: Essays in Sociology, (Oxford University Press, 1946), (pp. 77–128).

Exteberria, Xabier: "The Ethical Framework of Humanitarian Action," in Reflections on Humanitarian Action: Principles, Ethics and Contradictions, Humanitarian Studies Unit ed., (Pluto Press, London 2001), (pp. 78–98).

March 20

Class 8: When Aid Does Harm I — War and Aid in Sudan

Triggering displacement. Making victims more vulnerable. Hurting refugee prospects for protection and return. Creating dependency. Encouraging conflict. Undermining the social fabric. Destroying the environment. Economic implications.

Readings:

Prendergast, John: Frontline Diplomacy: Humanitarian Aid in Times of Conflict in Africa, (Lynne Rienner, 1996) — Chapters One ("The Context of Aid in Complex Emergencies: The Seven Deadly Sins") and Two ("Good Intentions on the Road to Hell") (pp. 1–36).

Cuny, Frederick C.: Disasters and Development (Oxford University Press, 1983) Chapter 5: "Disaster Assistance: Some Concerns," (pp. 89–100).

Davies, Robin: "Humanitarian Assistance: Negative Spin-Offs for the Host Country," in International Committee of the Red Cross, War, Money and Survival (Geneva 2000), (pp. 82–87).

Duffield, Chapters Eight ("Internal Displacement and the New Humanitarianism: Displacement and Complicity in Sudan") and Nine ("Aid and Social Subjugation: Displacement and Complicity in Sudan") (pp. 202–256).

African Rights: Food and Power in Sudan: A Critique of Humanitarianism (London 1997)—Chapters 8 (pp. 175–185, part on Nuba Mountains only) and Eleven ("Aid Resources and Disunity in the SPLA" pp. 262–292).

African Rights: "Imposing Empowerment? Aid and Civil Institutions in Southern Sudan," Discussion Paper No. 7 (London, December 1995).

Optional Readings

Mertus, Julie: "The Impact of Intervention on Local Human Rights Culture: A Kosovo Case Study" USIP 2001.

Terry, Chapters Two ("Afghan Refugee Camps in Pakistan," pp. 55–82), Three ("The Nicaraguan and Salvadoran Refugee Camps in Honduras," pp. 83–113), Four ("The Cambodian Refugee Camps in Thailand," pp. 114–154) and Five ("The Rwandan Refugee Camps in Zaire," pp. 155–216).

March 27

Class 9:   When Aid Does Harm II: Bosnia After Dayton, A Case Study

A close look at the repercussions of post-conflict assistance in the case of Bosnia-Herzegovina after the Dayton Accords.

Readings:

Gersony, Robert and Cynthia Gersony. "A Summary of Findings and Recommendations: Bosnia Reconstruction Assessment," USAID/BHR, April 1996.

U.S. Agency for International Development: "Bosnia: When Customers Tell Us What We Don't Want to Hear," The Participation Forum, USAID (Washington, D.C.), 23 January 1997.

Fawcett, John and Victor Tanner, "OFDA After Dayton: The Emergency Shelter Repair Program and the Political Repercussions of Reconstruction Aid," in Review of USAID's Office of Foreign Disaster Assistance in the Former Yugoslavia (1991–1996), (Washington DC, March 2002), (pp. 96–159).

April 3

Class 10: The Positive Potential of Aid

Enhancing potential for recovery. Smart aid. Livelihoods and coping mechanisms. Empowerment. Building the resilience of affected communities. Long term perspectives. Using aid to build peace.

Readings:

Cuny, Frederick C.: "Working with Local Communities to Reduce Conflict: Spot Reconstruction" Disaster Prevention and Management Journal, volume 4, no. 1.

Lautze, Sue: "Savings Lives and Livelihoods: The Fundamentals of a Livelihood Strategy," Feinstein International Famine Center, Tufts University, March 1997.

UNDP/World Bank: Document on the Nuba Mountains Programme for Advancing Conflict Transformation (NMPACT), forthcoming.

Fisher, Ian: "Can International Relief Do More Good Than Harm? Amid the complexities of post-cold-war trouble spots, aid groups have stumbled badly. In remote Nuba, they have a chance to get it right." The New York Times, 11 February 2001.

Cutts, Mark: "Surviving in Refugee Camps," in International Committee of the Red Cross, War, Money and Survival (Geneva 2000), (pp. 62–67).

Optional Readings

Mancino, K. et al, "Developmental Relief: NGO Efforts to Promote Sustainable Peace and Development in Complex Humanitarian Emergencies," InterAction's Transition Working Group, June 2001.

Cuny, Frederick C.: Disasters and Development (Oxford University Press, 1983) Chapter 10: "Program Kuchubal," pages 164–193.

April 10 & 17

Classes 11 and 12: Debating the Aid Dilemmas

In class debates on the dilemmas of humanitarian aid: Does relief inhibit development? Can relief prevent ethnic cleansing? Does aid prolong wars? Can one fight a war with humanitarian aid? The génocidaire dilemma: when do aid agencies decide to deny assistance? How much aid is appropriate?

Readings Class 11:

Slim, Hugo: "Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War," Disaster 1997, 21 (3), pages 244–257.

Vaux, Tony: The Selfish Altruist, (Earthscan Publications, 2001) Chapter 1: Kosovo: the Loss of Impartiality, pages 17–42.

Martone, Gerald: "Relentless Humanitarianism," in Global Governance, vol. 8, nr. 2 (Lynne Rienner, May 2002) (pp. 149–154).

Terry, Introduction (pp. 1–16).

Readings Class 12:

Macrae, Joanna: Aiding Recovery? The Crisis of Aid in Chronic Political Emergencies — Chapter Five: "Legitimacy Dilemma: Aid in a Vacuum," and "The Sustainability Dilemma," (pp. 73–119).

Terry, Chapter One: "Humanitarian Action and Responsibility" (pp. 17–54).

April 24

Class 13: Final class: Monitoring the Political Impact of Aid

Monitoring the aid mechanisms. Who influences the system? Who can hold whose feet to which fire, and how? Who is accountable to whom? Who is the 'client?' Follow the money. Public influence. Coalitions. Changes on the horizon.

Readings:

Brauman, Rony: "Refugee Camps, Population Transfer, and NGOs" in Hard Choices: Moral Dilemmas in Humanitarian Intervention, Jonathan Moore ed. (Rowman and Littlefield, 1998), (pp. 177–193).

Duffield, Chapter 10: "Conclusion." (pp. 257–265).

Tom Brennan, "Final Report on Humanitarian Assistance in Bosnia-Herzegovina," USAID/OFDA, 7 December 1992.

De Waal, Chapter 11 "Political Contracts and Humanitarian Dilemmas" (pp. 213–221).

Terry, Chapter Six "Humanitarian Action in a Second Best World" (pp. 216–244).

Course Readings:

The recommended publications below are the primary reference sources for students taking the class. Students are advised, but not required, to purchase these books (all available in paperback). Additional material is listed under each class. All readings are either from the primary publications, or on e-res or library reserve. Class handouts of current articles will further augment the reading.

Recommended works:

Famine Crimes: Politics and the Disaster Relief Industry in Africa.

Alex de Waal, Indiana U. Press (1997).

Global Governance and the New Wars: the Merging of Development and Security.

Mark Duffield, Zed Books (2001).

Condemned to Repeat? The Paradox of Humanitarian Action.

Fiona Terry, Cornell University Press (2002).

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Refugee Law and Policy

Georgetown University

Profs. Susan Forbes Martin and Andrew Schoenholtz
Fall 2001
United States of America

Syllabus:

Sept. 4

Course Introduction: The Nature of Forced Migration: Who, Why, Where

Mertus (ed.), *The Suitcase: Refugee Voices from Bosnia and Croatia*

Sept. 11

The Origins of Modern Refugee Law and Policy

Loescher, *Beyond Charity*, Chapter 2, "The Origins of the International Refugee Regime" pp. 32–54; Chapter 3, "The Cold War and the Early Development of the UNHCR" pp. 55–74

Zucker and Zucker, *The Guarded Gate*, Chapter 1, pp. 1–47

Sept. { }

The Legal Framework for Protection: Asylum and Non-refoulement

Musalo, *Sale v. Haitian Centers Council*, pp. 104–128

Goodwin-Gill, *The Refugee in International Law* (2nd ed.), Chapter 4, "Non-refoulement," pp. 117–124, 137–145

UNHCR, *The State of the World's Refugees 1997–1998*, Chapter 5, "The Asylum Dilemma," pp. 183–224

Sept. 25

The Asylum Process

Musalo, Chapter 12, pp. 844–855

Martin and Schoenholtz, *Asylum in Practice: Success, Failures, and the Challenges Ahead*

Legomsky, *An Asylum Seeker's Bill of Rights in a Non-Utopian World*

Credibility, *Matter of A.S.*

Oct. 2

Criteria for Determining Refugee Status under U.S. Law

The Persecution Standard: Degrees of Risk, the Necessary Harm, and the Agent of Persecution

Musalo, *INS v. Stevic; INS v. Cardoza-Fonseca*

> Group 1:   Kalin, *Non-State Agents of Persecution and the Inability of the State to Protect*; Edminster, *Recklessly Risking Lives: Restrictive Interpretations of "Agents of Persecution" in Germany and France*
> Group 2:   Past Persecution, pp. 218–223, 247–254 (Musalo)
> Group 3:   The Exercise of Discretion: *Matter of Pula*, pp. 145–184, 194–202 (Musalo)

Oct. 9

No Class (Monday classes meet)

Oct. 16

Criteria for Determining Refugee Status under U.S. Law (continued)

The Nexus Requirement; the Grounds of Persecution: Political Opinion

Musalo, *Zacarias* decisions, pp. 308–319, 331–337

> Group 1:   Actual/Imputed Political Opinion, pp. 353–382
> Group 2:   Criminal Prosecution/Political Persecution, pp. 446–456
> Group 3:   Refusal to Serve in Military, pp. 395–422

Oct. 23

Criteria for Determining Refugee Status under U.S. Law (continued)

The Grounds of Persecution: Religion, Race, and Nationality

Musalo, pp. 457–460, 511–521

> Group 1:   Religious Persecution, pp. 462–465, 504–510
> Group 2:   Race and Nationality, pp. 523–533
> Group 3:   War Crimes, pp. 534–548

Oct. 30

Criteria for Determining Refugee Status under U.S. Law (continued)

Social Group and Gender-Based Claims to Refugee Status

Musalo, Matter of Acosta, pp. 555–562

Matter of R-A, BIA 1999

Proposed Rule on Social Group and Gender, 65 Fed. Reg.76588, 12/7/00

House of Lords, March 25, 1999: Islam and Shah

> Group 1:   Female Genital Mutilation, pp. 677–689
> Group 2:   INS Gender Guidelines, pp. 699–711
> Group 3:   Protection of Refugee Women, excerpts from Martin, *Refugee Women*

Nov. 6

Rights of Asylum Seekers: Access to Asylum Determinations, Bars on Asylum

INS Fact Sheet and GAO Report on Expedited Removal

> Group 1:   Persecution of Others, pp. 738–752
> Group 2:   Serious Non-Political Crime, *Aguirre*
> Group 3:   Lack of Representation, Georgetown Study

Nov. 13

Detention of Asylum Seekers

Zadvydas v. Davis, 121 S.Ct. 2491, 69 USLW 4581 (June 28, 2001)

Women's Commission for Refugee Women and Children, "Liberty Denied: Women Seeking Asylum Imprisoned in the United States"

UNHCR Guidelines on the Detention of Asylum Seekers

Human Rights Watch, "Locked Away: Immigration Detainees in Jails in the United States" (asylum excerpts)

Nov. 20

Temporary Protection

Yakoob, "Report on the Workshop on Temporary Protection: Comparative Policies and Practices"

Kalin, "Reconciling Temporary Protection with Refugee and Human Rights Law"

Van Selm, "Temporarily Protecting Displaced Persons or Offering the Possibility to Start a New Life in the European Union"

Review *The Suitcase*

Nov. 27

Internally Displaced Persons

Guiding Principles on Internal Displacement and Handbook for Applying The Guiding Principles on Internal Displacement (www.reliefweb.int/ocha_ol/index.html, select "Publications")

IDPs: The Hot Issue for a New Millennium, *Refugees* Magazine, Issue 117, 1999 (www.unhcr.ch/pubs/rm117/rm117toc.htm)

Dec. 4

Durable Solutions

U.S. Refugee Admissions Program FY 2002 (http://www.state.gov/www/global/prm/admissions_resettle.html)

UNHCR Resettlement, particularly 1997 report http://www.unhcr.ch/resettle/reset.htm

Office of Refugee Resettlement excerpt from the 1999 Triennial Comprehensive Report on Immigration (pp. 152–164, Part 4 on web, Ch. 8 http://www.ins.usdoj.gov/graphics/aboutins/repsstudies/addition.html)

UNHCR State of the World's Refugees 1997–98, "Return and reintegration," pp. 143–181.

Bonoan, Rafael, *When Is International Protection No Longer Necessary?*, June 2001.

Course Readings:

Text:

Musalo, Moore and Boswell, *Refugee Law and Policy: Cases and Materials*

Musalo, Moore and Boswell, *Refugee Law and Policy: Selected Statutes*

Mertus (ed.), *The Suitcase: Refugee Voices from Bosnia and Croatia*

Note: All other required reading can be found on the web or in the handouts distributed in Room 473A.

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The Protection of Refugees

St. Thomas University

Pierre-Michel Fontaine
Fall 2001
United States of America

Course Description:

The forced displacement of persons within and/or across national borders has been one of the most tragic and persistent issues of the twentieth century and it is likely to remain with us well into the twenty-first. The refugee phenomenon concerns that of flight across borders. While it is often associated and shares many characteristics with flight within nations, which gives rise to the phenomenon of internally displaced persons (IDPs), it is, unlike the latter, the object of a relatively well established, if in some respects fragmented, international regime. While the international regime of IDPs is still in gestation, albeit a rapidly developing one, that of refugees started soon after the First World War within the context of the League of Nations.

This course will start with an introduction to the concept of international protection of refugees and an examination of the various international attempts since 1921 to meet the problem of the forced movements of people due to persecution or armed conflict. This will be followed by an introduction to the basics of international refugee law, including the gaps in this body of law. This will in turn lead to a comparative study of the refugee definitions as a basis for the determination of refugee status (RSD), the issue of the safe third country and the problem of responsibility for determining an asylum claim, and other contentious issues relating to RSD.

Other themes will include: the mandate and work of the Office of the United Nations High Commissioner for Refugees; refugee protection and human rights; asylum; non-*refoulement* under the 1951 Convention relating to the Status of Refugees and under general human rights law; temporary or time-limited protection and "subsidiary protection"; refugee detention and freedom of movement; refugee protection in armed conflict and complex emergencies; security of refugee camps and settlements; the protection of refugee women and the problem of sexual violence against refugees; the protection of refugee children; the developing law of internally displaced persons; the solutions to the refugee problem; the challenge of voluntary repatriation; and the future of international protection.

Syllabus:

The forced displacement of persons within and/or across national borders has been one of the most tragic and persistent issues of the twentieth century and it is likely to remain with us well into the twenty-first. The refugee phenomenon concerns that of flight across borders. While it is often associ-

ated and shares many characteristics with flight within nations, which gives rise to the phenomenon of internally displaced persons (IDPs), it is, unlike the latter, the object of a relatively well established, if in some respects fragmented, international regime. While the international regime of IDPs is still in gestation, albeit a rapidly developing one, that of refugees started soon after the First World War within the context of the League of Nations.

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Module 1: Introduction to the International Protection of Refugees and its Evolution.

This first session will start with an overview of the course, which will be followed by a discussion of the nature, the rationale and the legal basis of international protection of refugees. This will serve as background to an exploration of the evolution of the international regime of protection of refugees, emphasising the development of the institutions, norms, values, and policies that have characterized it since the creation of the Office of the High Commissioner for Russian Refugees by the League of Nations in 1921.

Module 2: Introduction to Contemporary International Refugee Law.

Building on the groundwork laid in the first module, we will discuss the normative framework of refugee protection, i.e. refugee law at the universal, regional and national levels, emphasizing at the international levels not only the refugee instruments, but also the international human rights instruments. This survey will also include an examination of the role of the Conclusions on international protection of the Executive Committee of the High Commissioner's programme (EXCOM Conclusions).

Module 3: The Refugee Definitions and Refugee Status Determination.

The determination of refugee status is a core function of refugee protection. It is the act from which flows the full enjoyment of the rights and protection provided by refugee law. It is based normatively on the criteria contained in the applicable refugee definition. One of the principal dis-

tinguishing characteristics of the instruments analyzed in the previous module is the extent to which they modify or deviate from the refugee definition of the oldest still valid refugee definition, that contained in the Statute of UNHCR. A rapid comparison of these refugee definitions will be followed by a discussion of the legal basis of refugee status determination and of its criteria and procedures. As the bulk of refugee litigation is linked directly or indirectly to refugee status determination, it will be necessary to discuss in some depth the notions of persecution, persecution by non-state agents, discrimination vs. persecution, effective nationality, membership of a particular social group, as well as the related notions of internal flight alternative and safe third country.

Module 4:   The Office of the United Nations High Commissioner for Refugees (UNHCR)—Mandate and Work.

UNHCR is the international organisation mandated by the General Assembly of the United Nations to provide international protection to refugees. It plays a crucial role in the operation of the international regime of refugee protection. It has undergone considerable transformation in size and approaches since its creation by General Assembly Resolution 428 (V) of 14 December 1950. As the organization responsible for monitoring the implementation of international conventions relating to refugees, and one that is almost totally dependant financially on a handful of Western donor countries, UNHCR faces a major challenge in our times in trying to conciliate state interests with its refugee protection mandate.

Module 5:   Human Rights and Refugee Protection.

The refugee issue is intimately linked with that of human rights. Refugee flows are often due to large-scale violations of fundamental human rights. The protection of the human rights of refugees is a major objective of refugee protection. Indeed, the rights protected by the various human rights instruments are available to all human persons. Yet, only in recent years has even UNHCR acknowledged openly the usefulness of utilizing the human rights mechanisms of the United Nations to achieve the protection of refugees. Meanwhile, a considerable jurisprudence on refugee and asylum cases is developing in the European institutions of human rights on the basis of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and its Protocols, especially of the prohibition against torture and other inhuman or degrading treatment contained in Article 3 of the Convention. There and elsewhere recourse is also had to Article 3 against *refoulement* in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment of 10 December 1984. Practical ways of utilizing human rights to protect refugees will be discussed.

Module 6:   Asylum.

Asylum is the core principle and objective of refugee protection. Yet, because it implies giving the asylum-seekers the full enjoyment of rights in the country of asylum whether the authorities of that country wish so or not, that puts it at odds with the principle of state sovereignty. For this reason, States are reluctant to acknowledge an individual right to asylum and prefer to assert their right to grant or not to grant it. The efforts of the High Commissioner for Refugees to obtain the adoption of a Convention on Territorial Asylum ended in failure and what we still have at the universal level is a United Nations Declaration on Territorial Asylum of. 14 December 1967. Nevertheless, the Universal Declaration of Human Rights of 10 December

1948 proclaims in Article 14 everyone's "right to seek and to enjoy in other countries asylum from persecution." This is echoed by Article 22(7) of the American Convention of Human Rights of 22 November 1969: "right to seek and be granted asylum." There is, furthermore, a vibrant Latin American tradition of conventions and treaties on territorial and diplomatic asylum dating back to the late 19th century, which the United States has more or less consistently shunned. And the OAU Convention governing the Specific Aspects of the Refugee Problem in Africa of 10 September 1969 has dared, in Article II on asylum, tread where neither of the two universal refugee instruments, nor the EHCHR have ventured. The uncertain status of the right to asylum will be examined.

Module 7:   Non-*refoulement* under the 1951 Convention relating to the Status of Refugees and general human rights law.

More firmly established would seem the principle of non-*refoulement*, which many international jurists consider to be a peremptory norm, a norm of *jus cogens.* It is a norm without which refugee law and protection would be without efficacy and it replaces advantageously the principle of asylum. Unlike asylum, the norm of non-*refoulement* holds its rightful place in the 1951 Convention. It is proclaimed by the above mentioned African and American conventions as well. Yet it is not without controversy as to its extent and application, in particular as to whether is encompasses non-rejection at the frontier. The juridical basis, nature and applications of the norm will be studied, in particular the practical ways of protecting refugees and asylum-seekers from *refoulement.*

Module 8:   Refugee Rights and Freedoms to be Protected.

Having discussed the two most fundamental principles of refugee protection, we will examine such other principles of interest to refugees as those of freedom of movement and freedom from detention, access to court, the right to family reunification, the right to non-discrimination, the protection from expulsion and extradition, and the right not to be penalized for illegal entry or stay.

Module 9:   Temporary Protection and "Subsidiary" Protection.

Temporary protection is the term applied to the status accorded the persons fleeing from the former Yugoslavia conflicts on the ground that they did not meet the conditions for refugee status since their problem was not a fear of persecution in the terms of the definition of the 1951 Convention, but rather a fear of conflict or mass violence. It was thought nevertheless that, while these persons did not qualify for refugee status under the Convention, they deserved some sort of protection. That protection is limited in time and in substance. The recently coined term of "subsidiary protection" refers to what used to be called B status or humanitarian status, that was accorded to individual cases that could not meet the criteria of the 1951 Convention's refugee definition as interpreted by Western governments. Due to their limited nature, temporary and subsidiary protection poses many problems that will be explored in this module, in particular for temporary protection the fact that many people being given it could in fact qualify under the refugee convention and the thorny problem of when to end this protection and send the protected persons home.

Module 10:   Refugee Protection in Armed Conflict and Complex Emergencies.

A defining characteristic of refugee emergencies in the post-Cold War period is for them to occur increasingly in the midst of violent conflict situations. This present a number of problems, including the presence of armed elements in the camps and the need to disarm them and/or separating hem from the rest; the increasing problem of military or armed attacks on refugee camps and settlements, and more recently the targeting of UNHCR staff and other humanitarian workers for kidnapping and assassination., not to mention the mixing up of humanitarian with military elements. The examination of these problems and of the possible solutions thereto will be the focus of this module.

Module 11:   The Protection of Particularly Vulnerable Persons: Refugee Women, Unaccompanied Minors, and Seniors.

These categories of persons show vulnerability at all stages of the refugee trajectory, from flight to arrival to refugee status determination to the recognized refugee stage to solutions. The particular problems of these categories of persons and the search for their solution will be the focus here. This is without prejudice to these persons' capacity to intervene and to act for their own protection and the benefit of their communities.

Module 12:   The Developing Law of Internally Displaced Persons.

It is often pointed out that there are more internally displaced persons (IDPs) than refugees around the world. It is also true that, while their situation is, legally, essentially different from that of refugees, they share the same distress, destitution and vulnerability. Furthermore, the two groups often live side by side in the same physical settings. The same persons sometimes move from one status to the other or vice versa. It is therefore imperative for the international community to accord its protection and assistance to IDPs. For these reasons, UNHCR often finds itself having to extend its care to IDPs, in spite of its own mandate limitations. This, however, can only be done under certain conditions. Internally displaced persons therefore remain especially vulnerable for lack of an established body of law protecting them or of a specific international organization charged with implementing it or monitoring its implementation. The efforts to develop such a body of law and how to mobilize it are the subjects of this discussion.

Module 13:   Solutions to the Refugee Problem and the Challenge of Voluntary Repatriation.

Refugee status is not meant to last for ever, as it is abnormal that a person should be without the protection of his own country or of a country of adoption. For this reason, one charged with the protection of refugees must start from the beginning to seek for a solution to their problem. UNHCR has traditionally, with the support of the States concerned, sought solutions in voluntary repatriation, local integration, and third-country resettlement. In recent years, it has shifted its interest to voluntary repatriation after a period of intensive recourse to resettlement, first immediately after World War (first under the International Refugee Organization) then in Southeast Asia in the 1970s and early 80s in the wake of the Indochina Wars. It has been proclaiming that voluntary repatriation is the preferable solution, or perhaps even the only solution. The voluntary character of repatriation has come under heavy strain in recent years, however, as

a result of various factors linked with the numerous civil conflicts in Africa, Asia and the Balkans; hence the recently minted concepts of "repatriation under less than ideal conditions", or even such aberration as "forced spontaneous repatriation." We will discuss the protection implications of these solutions, with special reference to the mounting challenge of repatriation.

Module 14: The Future of International Protection (reconciling state interests, organizational interests, and the norms of refugee protection?).

The foregoing leads us to the necessity of engaging in some reflection on the future of refugee protection, taking into account the continuing refugee problem, the mounting violence of civil conflicts, the increasing disregard for international humanitarian law, the growing awareness of the resort of many to the refugee avenue as a means to migration, the ceaseless efforts of the rich countries to fend off the perceived hordes at the door, the ability of those countries to use their financial and power leverages to influence UNHCR's orientation, but also the rising awareness of human rights and the growing resourcefulness of the advocacy community.

Course Readings:

Bibliography

K. Musalo, J. Moore and R.A. Boswell, *Refugee Law and Policy: Cases and Materials* (Durham, N.C.: Carolina Academic Press, 1997)

S. Lavenex, *Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe* (Budapest: Central European University Press, 1999)

B.S. Chimni, *International Refugee Law: A Reader* (New Delhi: Sage Publications, 2000)

R. Cohen and F. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, D.C.: Brookings Institution, 1998)

G.S. Goodwin-Gill, *The Refugee in International Law* (2nd ed. Oxford: Clarendon Press, 1996)

A. Grahl-Madsen, *The Status of Refugees in International Law* (vols. 1 and 2. Leyden: Sijthoff, 1966, 1972)

J. Hathaway, *The Law of Refugee Status* (Toronto: Butterworths, 1991)

J. Hathaway (ed.), *Reconceiving International Refugee Law* (The Hague: Nijhoff, 1997)

I. Jackson, *The Refugee Concept in Group Situations* (The Hague: Kluwer, 1999)

W. Kalin, *Guiding Principles on Internal Displacement: Annotations* (Studies in Transnational Legal Policy no. 32, American Society of International Law, Washington, D.C., 2000)

Raoul Wallenberg Institute, *Temporary Protection: Problems and Prospects* (Report no. 22, Lund, 1996)

R. Skran, *Refugees in Interwar Europe: The Emergence of a Regime* (Oxford: Clarendon. 1995)

Amnesty International and International Service for Human Rights, *The UN and Refugees' Human Rights* (London and Geneva, 1997)

UNHCR, *Determination of Refugee Status* (RLD2 Training Module, Geneva, 1987)

UNHCR, *Introduction to International Protection of Refugees* (RLD1 Training Module, Geneva, 1992)

UNHCR, *Collection of International Instruments and Other Legal Texts concerning Refugees and Displaced Persons* (2 vols., Geneva, 1995)

UNHCR, *Conclusions on International Protection of Refugees* (Geneva, 1991 ff.)

UNHCR, *Handbook of Procedures and Criteria for the Determination of Refugee Status* (Geneva, 1979)

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Refugee and Asylum Law

Department of Public and International Law
University of Oslo

Cecilia Bailliet
Spring 2002
Norway

Course Description:

This course seeks to present the international legal framework for refugee and asylum issues and assess its evolution. The course will not concentrate on the asylum laws of one country in particular, rather the approach is multinational in order to provide an overview of the commonalities and conflicts within the world system. Students will attain thorough understanding of the Convention relating to the Status of Refugees (1951), as well as the principal regional conventions. Main areas of discussion include the basic U.N. criteria for the attainment, denial, and withdrawal of refugee status, the development of the non-refoulement principle, and the standard of treatment of refugees. Students will be asked to address the role of human rights within the pre-flight and post-flight cycles of the refugee experience. In addition, the political, social, and economic context of prevention, protection, and solution strategies will be explored. A basic review of jurisprudence within international, regional, and national courts will provide an understanding of how refugee and asylum law is interpreted and implemented. This course will also analyze the drawbacks and benefits of alternative forms of protection, e.g. temporary protection and safe haven. Trends vis-a-vis the expansion of the refugee definition will be assessed by studying regional approaches to mass flight, gender persecution, the rise of Non-State actors, and "development/environmental" refugees within Africa, Latin America, and Europe. Progressive issues such as internally displaced persons, restitution rights, sanctuary, and will also be presented.

Requirements: Students are expected to have prior knowledge of international law. Previous study of human rights law, regional law, or the law of international organizations is helpful, however it is not required. Recommended Reading: Martin Dixon, *Textbook on International Law*, (Blackstone Press 1996). The course and examination will be conducted in English, however you may answer the question in either Norwegian or English.

Syllabus:

February 5th

Introduction—Structure of Refugee Law

Required Reading:

Text Vevstad, Chapters 1 & 2

Universal Sources of Law—Browse through Compendium on International Instruments

1.   Refugee Law

Convention Relating to the Status of Refugees of 28 July 1951

Protocol Relating to the Status of Refugees of 28 July 1967

UN Declaration of Territorial Asylum of 1967

UN Resolutions/EXCOM (see Goodwin-Gill Annex 3, browse)

2.   Human Rights Law

UN Declaration of Human Rights of 1948 (Articles 13, 14 & 15)

UN Convention Against Torture of 1984 (Articles 1, 2 & 3)

CCPR & CESCR

3.   Humanitarian Law

Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Common Article 3)

Protocols I & II

February 7th & February 12th

Who is a Refugee?

Required Reading:

Vevstad pages 43–78

Examination of UN Definition

Traditional Definition—Outside of Country of Nationality

Subject to "well-founded" fear of persecution (objective & subjective)

Race

Religion

Nationality

Membership of a particular social group

Political Opinion (active & implied)

Persecution by whom? State v. Non-State Agents

Required Cases:

Ahmad et. al v. Secretary of State for the Home Department, Court of Appeal (Civil Division), (1990) IMM AR 61, hearing date 6 October 1989 (England).

Brijmati Singh v. Immigration and Naturalization Service, No. 96-70930, U.S. Court of Appeals for the Ninth Circuit, 134 F. 3rd 962, January 22, 1998, Filed.

Required Instruments:

1951 Geneva Convention, Article 1 A & B

1967 Protocol Article 1

February 14th

Guest Lecture: Helga Fastrup Ervik

Evolution of the UN Definition—Gender & Sexual Identity

Required Reading:

Goodwin-Gill, pp. 358–365, Vevstad pp. 78–85

Required Cases:

Department of Justice, Board of Immigration Appeals Decision In Re Fauziya Kasinga, June 13, 1996, 35 ILM 1145 (1996) (United States).

Pitcherskaia v. INS, No. 95-70887, United States Court of Appeals for the Ninth Circuit, 118 F 3rd. 641, June 24, 1997 Filed.

Instruments:

EU Proposed Definition of Refugee
Treaty of Rome establishing ICC
EXCOM Nos. 64 & 39

February 19th

Exclusion & Cessation Clauses

Required Reading:

Goodwin-Gill, Chapter 3, Vevstad pp. 86–94

Cessation:

Voluntary re-availment of the protection of the country of nationality
Voluntary re-establishment in the country of nationality
Durable change of circumstance in the country of nationality
(Compelling reasons exception)

Exclusion:

Commission of a crime against peace, war crime, crime against humanity
Commission of a serious non-political crime
(Mitigating Factors exception)
Commission of an act contrary to the purposes and principles of the UN

Required Cases:

In the matter of Yong-Gueico et. al v. The Minister of Citizenship and Immigration (Canada), Court File No. IMM-3413-96, Federal Court of Canada, Trial Division, Toronto, Ontario, June 26, 1997.

McMullen v. Immigration and Naturalization Service, No. 84-7468, U.S. Court of Appeals for the Ninth Circuit, 788 F. 2nd 591, April 25, 1986, Decided.

Required Instrument:

1951 Geneva Convention, Article 1 C-F

February 26th

Non-Refoulement Theory

Required Reading:

Vevstad, Chapter 5

Required Cases:

Tahir Hussain Khan v. Canada, Committee against Torture, Communication No. 15/1994, U.N. Doc. A/50/44 at 46 (1995).

Ahmed v. Austria; European Court of Human Rights (71/1995/577/663) 17 December 1996.

EXCOM No. 6.

March 5th

Non-Refoulement—Debate on Haitian Refugee Crisis

Half of the class will present the view of the United States Supreme Court and the other half will argue on behalf of the Inter-American Commission of Human Rights.

Sale, Acting Commissioner, Immigration and Naturalization Service, et.al. v. Haitian Centers Council, INC, et. al., No. 92-344, decided June 21, 1993. (United States).

The Haitian Centre for Human Rights et. al. v. United States, Case 10.675, Report No. 51/96, Inter-Am. C.H.R., OEA/Ser.L/V/II.95 Doc. 7 rev. at 550 (1997).

March 7th

The Refugee Concept at the Regional Level

Asylum:

Browse through excerpts from International Instruments

Caracas Convention on Territorial Asylum of 1954
Caracas Convention on Diplomatic Asylum of 1954
Council of Europe Declaration on Territorial Asylum of 18 November 1977
Cairo Declaration on Human Rights in Islam 1990 (Article 12)
Fourth Seminar of Arab Experts on Asylum and Refugee Law 1992
UN Declaration on Territorial Asylum
EXCOM No. 5

Expanded Definitions:

Africa & Latin America

Required Reading:

Vevstad, pp. 95–135 and Chapter 6

Arboleda, Eduardo, "The Cartagena Declaration of 1984 and its Similarities to the 1969 OAU Convention—A Comparative Perspective" International Journal of Refugee Law (1995)

Africa:

OAU Convention governing the Specific Aspects of Refugee Problems in Africa (1969)
Principles Concerning the Treatment of Refugees 1966
African Charter on Human and People's Rights 1981 (Arts. 5, 12 & 23)

Latin America:

American Convention on Human Rights 1969 (Article 5 & 22)
American Declaration on the Rights and Duties of Man (Article 8 & 27)
Cartagena Declaration on Refugees 1984
San Jose Declaration on Refugees and Displaced Persons
CIREFCA

March 14ᵗʰ

Developments in European Asylum Issues from a Human Rights Perspective

Guest Lecture: Vigdis Vevstad, Ministry of Foreign Affairs

EU Proposal for Common Definition

Required Reading:

Vevstad, Chapter 7

First Country of Asylum
Safe Third Country
Refugee "in orbit" and "forum shopping"
Regional Instruments:
European Convention for the Protection of Human Rights 1950 (Art. 3)
Treaty of Amsterdam
Dublin Convention Determining State Responsible for Examining Applications for Asylum
The London Resolutions
Council of Europe Recommendation 773 (1976)
EXCOM No. 15

Required Cases:

R. v Secretary of State for the Home Department ex parte Aitsegeur, Queen's Bench Division (Crown Office List) CO/1765/98 18 December 1998 (England).

R. v. Secretary of State for the Home Department ex parte Iyadurai, Court of Appeal (Civil Division) Imm A R 470, 10 June 1998 (England).

March 19th

Temporary Protection: Safe Haven/Internal Flight Alternative

Required Reading:

Fitzpatrick, Joan, «Flight From Asylum: Trends Toward Temporary 'Refuge and Local Responses to Forced Migrations», 35 Virginia Journal of International Law, p. 71 (1994)

Domanski, Maciej, «Insights from Refugee Experience: A Background Paper on Temporary Protection», in Hathaway, James, Reconceiving International Refugee Law, p. 22 (Nijhoff 1997)

Required Case:

Thirunavukkarasu v. Minister of Employment and Immigration (Canada), Court File No. A-81-92, Federal Court of Appeal, 109 D.L.R. 4th 682, Nov. 10, 1993, received Jan. 21, 1994.

Sanctuary

Required Reading:

Anayea, Toney, «Sanctuary: Because There Are Still Many Who Wait for Death», Hoftsra Law Review Vol. 15 p. 101 (Fall 1986)

April 2nd

Asylum Procedures

Required reading: Goodwin-Gill, pages 324–352, Walter Kalin, Troubled Communication: Cross-Cultural Misunderstandings in the Asylum Hearings, 20 Intl. Mig. Rev. 230 (1986).

A. **Theory**
   UNHCR & EU Perspectives
   Vulnerable Groups: Women & Children

B. **Practice**
   Due Process
   Pre-screening and expedited Adjudication
   Detention
   Appeal
   Evidence
   Ethics

Required Case:

Thirunavukarasu Kandasamy v. The Minister of Citizenship and Immigration (Canada), IMM-4730-96, Federal Court of Canada, Trial Division, November 5, 1997.

Required Instrument:

>   1951 Convention, Articles 31 & 32
>
>   Brussels Resolution on Minimum Guarantees for Asylum Procedures 20 June 1995
>
>   EXCOM No. 44, No. 22, No. 8, No.84
>
>   UN Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment
>
>   UNHCR Guidelines on Detention

April 9th

Prosecution of Forced Migration: Potential Use of the ICC

Guest Lecture: Research Fellow Jo Stigen

Required Case:

Prosecutor v. Blaskic paras. 549–50

April 16th

Hour One: Resettlement, Repatriation and Prevention

Required Reading:

Zweig, Ronald, «Restitution of Property and Refugee Rehabilitation: Two Case Studies», Journal of Refugee Studies Vol. 6, No. 1/4 (1993)

Djuve, Anne Britt & Hagen, Kåre, "Living Conditions among Refugee Immigrants in Oslo", FAFO 1997

Required Instrument:

>   1951 Convention, Article 3, 12–30
>
>   Dayton Peace Accords Annex 7 Agreement on Refugees and Displaced Persons
>
>   ILA Declaration of Principles of International Law on Compensation to Refugees
>
>   EXCOM No. 6, No. 40, No. 18

Hour Two: Return to Afghanistan: Legal Pluralism

Guest Lecture: Pål Nesse from the Norwegian Refugee Council

Required Reading:

To be distributed.

April 23rd

Guest Lecture: Research Fellow Geir Ludvigsen

Refugee Children

Required Case:

Feng Chai Li v. The Minister of Citizenship and Immigration, Federal Court of Canada, 11 September 2001.

April 30th

Off the Beaten Path: Internally Displaced Persons

Instruments:

UN Guiding Principles on Internal Displacement

ILA Principles on Internal Displacement

EXCOM no. 75

"Development, Environmental, and Economic Refugees"

Reading:

Gosine, Andil, «Roots of Flight: Environmental Refugees in Latin America-A Response to Analysis by Homer-Dixon, Refuge, Vol, 15, No. 2 (April 1996).

Weist, Katherine M., "Development Refugees: Africans, Indians and the Big Dams", Journal of Refugee Studies, Vol. 8 No. 2, (1995).

Nkiwane Muzenda, Tandeka, "The Role of Social and Economic Factors and Natural Disasters in Forced Population Displacements in Africa", in International Journal of Refugee Law Special Issue p. 46 (1995).

Course Readings:

Literature includes Textbooks, Conventions, Case law and Journal Articles.

Main Literature:

Required Textbooks:

Goodwin-Gill, Guy, *The Refugee in International Law* 2nd Ed., (Clarendon 1996).

> This book provides an in-depth analysis of the international framework for refugee and asylum law, the refugee definition, exclusion and cessation clauses, the development of the non-refoulement principle, and the concept of asylum. The Annex contains selections of the relevant refugee, human rights, and humanitarian law.

Vevstad, Vigdis, *Refugee Protection: A European Challenge* (Tano Aschehoug 1998).

> This book is a very clear account of the development of the refugee concept and specifically addresses non-refoulement and asylum policy in Europe.

Compendiums of Case Law, Instruments, and Selected Readings

Principal International Instruments:

Convention Relating to the Status of Refugees of 28 July 1951

Protocol Relating to the Status of Refugees of 28 July 1967

UN Declaration on Territorial Asylum 1967

Cartagena Declaration on Refugees 1989

OAU Convention Governing the Specific Aspects of Refugee Problems in Africa 1969

Dublin Convention Determining the State Responsible for Examining Applications for Asylum 1990

Selections from Human Rights Instruments

UN Declaration of Human Rights of 1948 (Articles 13 & 14)

UN Convention Against Torture of 1984 (Articles 1, 2 & 3)

European Convention for the Protection of Human Rights 1950 (Article 3)

African Charter on Human and People's Rights 1981 (Arts. 5, 12 & 23)

American Declaration on the Rights and Duties of Man (Article 27)

American Convention on Human Rights 1969 (Articles 5 & 22)

In addition, the compendium contains other human rights and humanitarian legal instruments of relevance.

Recommended Supplementary Texts:

Musalo, Moore & Boswell, *Refugee Law and Policy*, (Carolina Academic Press 1997).

This is an American casebook which is highly recommended as it provides a clear, in-depth analysis of refugee law jurisprudence, legislation, and theory.

Hathaway, James, *The Law of Refugee Status* (Butterworths 1991).

This book provides a comprehensive analysis of the refugee definition, the concept of persecution, and cessation and exclusion clauses.

Grahl-Madsen, Atle, *The Status of Refugees in International Law*, vols. 1 and 2, (Sijthoff, Leyden 1972).

This is the classic treatise of Refugee Law. It offers a profound discussion of the historical evolution of refugee law.

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Refugee Law

Columbia University School of Law

Prof. Arthur Helton
Fall 2002
United States of America

Syllabus:

Class 1   Introduction

Reading:Please read the refugee-related stories in the New York Times from Sunday, September 2, through Thursday, September 6.

Class 2   The evolution of the international refugee regime
Reading:

Loescher, G., *Beyond Charity: International Cooperation and the Global Refugee Crisis* (Oxford 1993), Chapter 2, *The Origin of the International Refugee Regime*, pp 32–54.

UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action* (Oxford 2000), Chapter 1, *The early years*, Chapter 2, *Decolonization in Africa*, Chapter 3, *Rupture in South Asia*, pp 13–57.

Harding, J., *The Uninvited: Refugees at the Rich Man's Gate* (Profile Books 2000) pp 7–77.

Classes 3, 4 and 5 The UN refugee treaties
Reading:

Goodwin-Gill, G., *The Refugee in International Law* (2ed., Oxford 1996) Chapter 2, *Determination of Refugee Status: Analysis and Application*, pp 32–79, Chapter 4, *Non refoulement*, Chapter 5, *The Concept of Asylum*, pp 117–204, and Chapter 8, *Treaty Standards*, pp 296–311.

Frontier issues of coverage under the treaties:

Marx, R., *The Notion of Persecution by Non-State Agents in German Jurisprudence* in *The Changing Nature of Persecution* (Univ. of Berne, 2001); 2 BvR 260/98 and 2 BvR 353/98 (10 August 2000) (German Federal Constitutional Court) (*persecution by non-state actors*); *Hernandez-Montiel v. INS, 225 F. 3d 1084 (9th Cir. 2000)*; *In re R-A-*, Int. Dec. 3403 (U.S. Board of Immigration Appeals 1999) and *In re S-A-*; Int. Dec. 3433 (BIA 2000) (domestic violence as persecution), 65. Fed. Reg. 76588-98 (Dec. 7, 2000); *Islam (A.P.) v Secretary of State for the Home Dept.* [1999] 2 All E.R. 545, [1999] 2 W.L.R. 1015 (U.K. H.L. 1999) (House of Lords) (women as a social group).

Class 6   The international institutional framework

Reading:

Anonymous, *The UNHCR Note on International Protection That You Won't See*, 9 International Journal of Refugee Law 267–73 (1997).

Ignatieff, M., The Warriors Honor: Ethnic War and the Modern Conscience (Henry Holt 1998), Chapter 5, *The Warrior's Honor*, pp 109–63.

Loescher, G., *UNHCR: Refugee Protection and World Politics: A Perilous Path* (Oxford 2001) (forthcoming) pp 348–83.

Class 7   Protection under human rights and humanitarian law

Reading:

The illustrative case of internal displacement:

Cohen, R. and Deng, F., *Masses in Flight: The Global Crisis of Internal Displacement*, Chapter 3, *Legal Framework*, pp 73–125, and Appendix, *Guiding principles on internal displacement*, pp 305–16 (Brookings Institution 1998).

Goodwin-Gill, G., *supra*, pp 311–23.

Other issues:

1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Helton, A., et al, *Protecting the World's Exiles: The Human Rights of Non-Citizens*, 22 Human Rights Quarterly 280–97 (2000).

Class 8   Exercise: drafting a convention on internal displacement

Preparation of papers on negotiating strategies and proposed text and negotiation.

Class 9   Regional arrangements

Reading:

Arboleda, E., *The Cartagena Declaration of 1984 and its Similarities to the 1969 OAU Convention— A Comparative Perspective* in OAU/UNHCR, *The Addis Ababa Symposium 1994*, International Journal of Refugee Law (1995 Special Issue) pp 87–101.

Guild, E., *The impetus to harmonize: asylum policy in the European Union*, in Nicholson, F., and Twomey, P., eds., *Refugee Rights and Realities* (Cambridge 1999) pp 313–35.

Helton, A. and Voronina, N., *Human Rights and Forced Displacement in the Former Soviet Union: Law and Policy* (Transnational 2000) Chapter 3, *Regional Framework*, pp 67–87.

Jackson, I. *The Refugee Concept in Group Situations*, Chapter VI, *The extended refugee definition in the 1969 OAU convention relating to the specific aspects of refugee problems in Africa*, pp 177–194, and Chapter IX (D), *The "extended" Refugee Definition in the Cartagena Declaration on Refugees of 22 November 1984*, pp 395–401 (Martinus Nijhoff 1999).

Lavenex. Sandra, *Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe*, Chapter 3, *The Extension of the EU Refugee Regime* (CEU Press 1999), pp 73–127.

Class 10 The US system
Reading:

Helton, A., *Criteria and Procedures for Refugee Protection in the United States*, in 34th Annual Immigration & Nationality Institute (Practicing Law Institute 2001) pp 1–62.

Screening and discussion of portions of the film *Well-founded Fear*.

Optional visit to the immigration court in New York to observe the hearing of asylum cases.

Classes 11 and 12 New directions in refugee protection: humanitarian intervention and state building (Cambodia, Haiti, Bosnia and Herzegovina, Kosovo, East Timor, etc.)
Reading:

Helton, A., *Forced Displacement, Humanitarian Intervention, and Sovereignty*, SAIS Review, Vol. 20, No. 1 (2000) pp 51–86.

Helton, A., *The Price of Indifference: Refugees in the New Century:* (forthcoming) (2002) (Chapter 10: Achieving comprehensive and proactive refugee policy).

Class 13: Policy scenario exercise

Preparation and discussion of alternative futures papers.

Class 14: Summing up

22° Curso Sobre El Derecho Internacional De Los Refugiados

Instituto Internacional de Derecho Humanitario

Various
October 2002
Italy

Course Description:

Perfil General

El programa de los Cursos sobre Derecho Internacional de los Refugiados comenzó en 1982. Los Cursos se organizan en cooperación con el Comité Español del ACNUR, el Alto Comisionado de las Naciones Unidas para los Refugiados y con el apoyo de la Oficina Federal Suiza para los Refugiados y del Gobierno de los Estados Unidos de América.

Los cursos se han diseñado para facilitar la participación de funcionarios gubernamentales y personal de ONGs responsables de la protección de los refugiados y apátridas. Este curso durará 5 días y se impartirá en castellano.

Su objetivo será:

* Promover y difundir el conocimiento de los instrumentos regionales e internacionales de protección a los refugiados y apátridas.

* Mejorar y armonizar su aplicación práctica y su ejecución a nivel nacional.

* Formar a responsables de gobiernos y de ONG para la organización de cursos sobre el Derecho Internacional de los Refugiados a nivel nacional.

> *Desde el año 1998, y con el fin de mejorar el perfil de los cursos, el programa se centra no sólo en aspectos generales del derecho de los refugiados sino también asuntos específicos de interés y actualidad, como la detención de solicitantes de asilo y refugiados, "la cláusula de exclusión", las causas de persecución, la protección de mujeres y niños o la protección internacional en caso de éxodos masivos.*

> *El perfil del curso requiere una buena selección de los participantes, quienes deben tener conocimientos básicos del derecho de los refugiados, así como una sólida experiencia en la gestión de asuntos relativos a los refugiados.*

El intercambio de experiencias y de conocimientos entre los participantes es también uno de los objetivos del curso.

El programa del curso comprende, entre otros, conferencias sobre materias específicas impartidas por académicos, expertos gubernamentales y de organización internacionales. Estas materias serán desarrolladas con los participantes, divididos en grupo, a través de discusiones sobre casos prácticos.
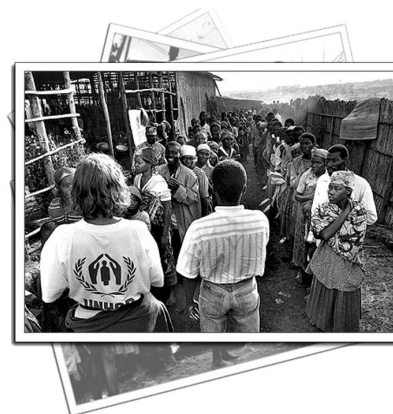
Syllabus:

Programa Provisional

Martes, 22 de octubre 2002

09.00 – 09.15   Bienvenida
Profesor Jovan Patrnogic
Presidente, Internacional Instituto de Derecho Humanitario

09.15 – 10.00   Presentación del Curso y de los participantes
"Relación e interdependencia entre el Derecho Internacional de los Derechos humanos, el Derecho Humanitario y el derecho de los Refugiados"
Maria Angeles Siemens
Directora del Curso

10.00 – 10.30   Coffee Break

10.30 – 12.45   "La distinción entre Asilo y Refugio en la tradición latinoamericana"
Prof D. Leonardo Franco
Director del Centro de Derechos Humanos de la Universidad de Lanús, Buenos Aires, Argentina

12.45 – 14.00   Almuerzo

14.00 – 17.45   "La Convención de 1951: su historia y su legado — Especial consideración del principio de non-refoulement"/La complementariedad de la "Declaración de Cartagena de 1984"
Jaime Ruiz de Santiago
ACNUR
(+ Coffee Break/Discusión)

Miércoles, 23 octubre 2002

09.00 – 12.30   "La definición de Refugiado: cláusulas de inclusión"
Dr Roberto Garretón
ex asesor del ACNUR en Chile, Rep eSpecial de la Oficina de la A.C para los Derechos Humanos y
Maria Angeles Siemens
(+ Coffee Break / Discusión)

12.45 – 14.00   Almuerzo

14.00 – 17.45   "La definición de Refugiado: cláusulas de exclusión — Especial consid-
    eración del problema del terrorismo"
Guillemo Bettochi
División del la Protección Internacional — ACNUR, Ginebra
(+ Coffee Break/Discusión)

Jueves, 24 octubre 2002

09.00 – 10.30   "Procedimientos para la determinación del estatuto del refugiado y sus
    garantías"
Prof. Pablo Santolaya
Universidad Complutense, Madrid

10.30 – 11.00   Coffee Break

11.00 – 12.30 "Aspectos prácticos del procedimiento de asilo"
Dª Gloria Bodelón
Directora de la Oficina de Asilo, España

12.30 – 14.00   Almuerzo

14.00 – 20.00   Excursión por Mónaco/Monte Carlo

Viernes, 25 de octubre 2002

09.00 – 10.30   "La Protección de los Refugiados en casos de Afluencia Masiva"
Prof. Luis Peral
Univ. Carlos III de Madrid

10.30 – 11.00   Coffee Break

11.00 – 12.30   Proyección del video:
"El olvido de la Memoria"
Discusión

12.45 – 14.00   Almuerzo

14.00 – 17.45   "Los Desplazados Internos" — Estudio del caso de Colombia
Leila Lima y Maria Angeles Siemens
(+ Coffee break/Discusión)

20.00   Cena de Despedida

Sábado, 26 de octubre 2002

09.00 – 10.30   "Soluciones duraderas: lecciones aprendidas de America Central y otros
    procesos"
D. Carlos Boggio
representante de ACNUR en España

10.30 – 11.00 Coffee Break

11.00 –12.30 "Asilo y Migraciones: una problemática contemporánea"
Secretario de Estado para las Migraciones España

12.30 – 14.00 Almuerzo

14.00 – 16.00 Evaluación del Curso y Clausura
(Distribución de Certificados)

Contact Information:

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Asistencia y Protección a Poblaciones Refugiadas y Desplazadas en las Grandes Crisis Internacionales

Universidad Carlos III
Sesiones del Máster en Acción Solidaria Internacional de Europa

Prof. Luis Peral
Ongoing
Spain

Syllabus:

I.   Asistencia y protección a las poblaciones refugiadas

1. Orígenes de la prestación de asistencia internacional en el marco del Derecho Internacional de los refugiados

    1.1 Época de la Sociedad de Naciones: de los Altos Comisionados *ad hoc* al Comité Intergubernamental para las Migraciones

    1.2. Época de las Naciones Unidas: la Administración de Socorro y Rehabilitación de las Naciones Unidas (UNRRA) y la Organización Internacional para los refugiados (OIR)

2. El ACNUR y el subsistema de asistencia y protección para los refugiados en las décadas de los setenta y los ochenta del siglo XX

    2.1. Funciones del ACNUR y conceptos de población refugiada y éxodo forzoso trasfronterizo

    2.2. Actuación del subsistema internacional de asistencia para los refugiados y ampliación del principio de *non refoulement*

    2.3. Soluciones tradicionales al problema de los refugiados en los marcos regionales

3. Crisis del subsistema asistencial para los refugiados liderado por el ACNUR en la década de los noventa del siglo XX

II.   Asistencia y protección a las poblaciones desplazadas en el seno de su propio Estado

1. El Representante Especial del Secretario General para el desplazamiento interno y los Principios rectores de los desplazamientos internos

2. Mandato asistencial actuación práctica del ACNUR en favor de los desplazados y "desbordamiento" del Derecho Internacional de los Refugiados

3. Asistencia y protección por razón del desplazamiento interno y asistencia y protección *in situ* a las poblaciones cuya subsistencia se encuentra amenazada

    3.1. Desplazamiento interno y protección *in situ* en el Derecho Internacional Humanitario

    3.2. Prestación de asistencia internacional y prevención del éxodo forzoso en el marco del mantenimiento de la paz y la seguridad internacionales: las decisiones del consejo de

Seguridad respecto de Irak, Somalia, Ruanda, Antigua Yugoslavia, Zaire (hoy República del Congo), Albania, Kosovo y Timor Oriental

3.3. Derecho a la supervivencia colectiva en el lugar de origen y derogación del principio de *non refoulement* ampliado: ¿fundamentos de un derecho a permanecer?

Contact Information for Luis Peral:

Luis Peral
Derecho Internacional Público
Facultad de Ciencias Sociales y Jurídicas
Universidad Carlos III de Madrid
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28903 Spain
Email: lperal@der-pu.uc3m.es

Global Development and Environmental Displacement

York University

Prof. Peter Penz
Winter 1998
Canada

Course Description:

Fixed short calendar description:

The course focuses on global patterns of environmental vulnerability and displacement of people due to particular strategies and processes of economic development. Phenomena such as frontier colonization, deforestation, soil degradation, desertification, famines, flooding, conflicts and population movements will be covered.

Prerequisite: Either ENVS 2300.03 (Foundations of Global Development, Peace and Justice) or another course providing an introduction to development-and-environment issues

Purpose and objectives of the course:

The central purpose of the course is to explore the consequences of various development strategies and processes for people in terms of their access to the environment and the quality of the environmental base for their livelihood. The more specific objectives of the course are to:

1. distinguish different strategies and processes of development;
2. explore the consequences for people in terms of the concepts of access to the environment, environmental vulnerability and environmental displacement;
3. focus specifically on the processes of expulsions or exclusions of people, including in particular indigenous peoples, from their traditional environments, of processes of environmental degradation such as soil depletion, desertification, deforestation, and flooding, and of social consequences in the form of environmental conflicts, famines and large-scale movements of populations;
4. provide an informed basis for thinking about policy development, advocacy and development projects that is cognizant of environmental vulnerability and displacement.

This year the focus will be primarily on the following issues:

i the relationship between famines, environmental crises and military conflict;
ii environmental and military conflict between states and indigenous peoples in particular.

Organization of the classes:

The classes will consist of short lectures and extensive seminar discussions. *The readings are central to this course* and the lectures will merely serve to provide introductory frames for the readings amd occasionally commentaries on the readings. The class discussions offer an opportunity for the clarification and assessment of the readings. Beginning in March, student presentations will be made in class.

The structure of topics is as follows:

1. Development and displacement: general patterns
    1.1 State policies and patterns of displacement
    1.2 Development: historical evolution and contemporary alternatives
2. Famines and violent conflict
    2.1 Famines and natural and social environments
    2.2 Population, environment, and conflict
    2.3 Environmental scarcity and conflict "
3. The displacement of indigenous peoples
    3.1 Introduction and the contemporary global pattern
    3.2 Dams in Asia and agribusiness in Central America
    3.3 History I: establishing colonial control
    3.4 History II: the colonial "civilizing" mission
    3.5 Canada past and present
4. Social justice and political action
    4.1 Indigenous peoples, environmental justice, and human rights
    4.2 Resistance and political action

Course Syllabus:

1.   Development and displacement: general patterns

Jan 7 – 14

1.1   State policies and patterns of displacement

*Independent Commission on International Humanitarian Issues (1987). *Indigenous peoples: a global quest for justice.* (London: Zed Books). Ch. 5 ("Mother Earth": 43–67, notes 133–5)

*Independent Commission on International Humanitarian Issues (1986). *Refugees: the dynamics of displacement.* (London: Zed Books).
    from Ch. 6   ("States and the control of population movements"):
    -    pp. 73–4 (ch. intro., "Politicians, planners and people")
    -    pp. 82–4 ("States and planned population movements")
    Ch. 8   "People as pawns: removal and relocation programmes": 99–114

*Hall, June D., and Arthur J. Hanson (1992). A new kind of sharing: why we can't ignore global environmental change. (Ottawa: International Development Research Centre.)
    Ch. 8   "Environmental refugees": 219–52

Optional readings:

Richmond, Anthony H. (1994). *Global apartheid: refugees, racism, and the New World Order.* (Toronto: Oxford University Press.) Ch. 4 ("Environmental refugees": 75–88).

Jacobsen, Jodi L. (1989). "Abandoning homelands". In Brown, Lester R. (1989), *The state of the world 1989* (New York: Norton): 59–76, notes 207–10

Harrison, Paul (1992). *The third revolution: population, environment and a sustainable world.* (London: Penguin Books.)
   Ch. 9   "A little patch of ground: living on the margin": 126–39, notes 347–8
   Ch. 10   "Quintessence of dust: Kalsaka, Burkina Faso": 140–55, notes 348
   Ch. 11   "The interim is mine: Abidjan, Côte d'Ivoire": 156–66 (no notes)
   Ch. 16   "Sorrows come not single spies: Hatia Island, Bangladesh": 221–35, notes 360

Jan 14 – 21

1.2   Development: historical evolution and contemporary alternatives

Harrison, Paul (1992). *The third revolution: population, environment and a sustainable world.* (London: Penguin Books.)
   **Ch. 1   "One part wisdom: the great debate": 1–20
   *Ch. 2   "The o'ergrowth of some complexion: three billion years of environmental crisis":
   21–37, notes 332–4

*Harrison, Paul (1992). *The third revolution: population, environment and a sustainable world.* (London: Penguin Books.)

**Steidlmeier, Paul (1987). "Models of development and social change". In Weisband, Edward (ed., 1989), *Poverty amidst plenty: world political economy and distributive justice* (Boulder, CO: Westview Press): 89–109. From Steidlmeier (1987), *The paradox of poverty: a reappraisal of economic development policy* (Ballinger Publishing): 200–21.

Optional readings:

Gadgil, Madhav, and Ramachandra Guha (1992). *This fissured land: an ecological history of India.* (Berkeley, CA: University of California Press). Ch. 1 ("Habitats in human history": 11–68).

Hall, John A., and G. John Ikenberry (1989). *The state.* (Minneapolis, MN: University of Minnesota Press.) Ch. 2 ("The origins of the state": 16–21).

Shannon, Thomas Richard (1989). An introduction to the world-system perspective (Boulder, CO: Westview Press). Ch. 3 ("World-system structure": 38–75, notes 181).

The Ecologist (1993). *Whose common future? reclaiming the commons.* (Gabriola Island, BC: New Society Publishers.) Ch. 2 ("Development as enclosure: the establishment of the global economy": 21–58; notes 199–202)

Commission on Developing Countries and Global Change (1992). *For earth's sake.* (Ottawa: International Development Research Centre.) Ch. 2 ("Causes of the global environment/development crisis": 36–56).

2.   Famines and violent conflict

Jan 21 – 28

2.1   Famines and natural and social environments

*Timberlake, Lloyd (1985/88). *Africa in crisis: the causes, the cures of environmental bankruptcy.* (London: Earthscan Publications.) ISBN 1-85383-013-5
   Ch. 2   "Why famine?": 9–22

Drze, Jean, and Sen, Amartya (1989). *Hunger and public action.* (Oxford: Clarendon Press.)
   **Ch. 1   "Introduction": 1–19
   *Ch. 2   "Entitlement and deprivation": 20–34
   *Ch. 4   "Society, class and gender": 46–61

Optional readings:

Crow, Ben (1992). "Understanding famine and hunger". In Allen, Tim, and Thomas, Alan (eds., 1992), *Poverty and development in the 1990s* (Oxford: Oxford University Press): 15–33.

Drze, Jean, and Sen, Amartya (1989). *Hunger and public action.* (Oxford: Clarendon Press.) Parts II ("Famines": 63–161), III ("Undernutrition and deprivation": 163–253), and IV ("Hunger and public action": 255–79).

Jan 28 – Feb 4

2.2   Population, environment, and conflict

Harrison, Paul (1992). The third revolution: population, environment and a sustainable world. (London: Penguin Books.)
   **Ch. 1   "One part wisdom: the great debate": 7–20
   *Ch. 9   "A little patch of ground: living on the margin": 126–39, notes 347–8

*World Commission on Environment and Development (1987). *Our common future* [the Brundtland Report]. (Oxford: Oxford University Press.) ISBN 0-19-282080-X
   Ch. 11   "Peace, security, development, and the environment": 290–307

*Homer-Dixon, T.; Boutwell, J.H.; and Rathjens, G.W. (1993). "Environmental change and violent conflict". *Scientific American*: 38–45.

Optional readings:

Epp-Tiessen, Esther (1991). "Missiles and malnutrition: the links between militarization and underdevelopment". In Swift, Jamie, and Tomlinson, Brian (eds., 1991), *Conflicts of interest: Canada and the Third World* (Toronto: Between The Lines): 241–66.

Feb 4 - 11

2.3   Environmental scarcity and conflict

**Suhrke, Astri (1993)."Pressure points: environmental degradation, migration and conflict". Project on Environmental Change and Acute Conflict. Washington, DC: American Association for the Advancement of Science. 43 pp.

**Percival, Valerie, and Homer-Dixon, Thomas (1995)."Environmental scarcity and violent conflict: the case of Rwanda". The Project on Environment, Population and Security. Washington, DC: American Association for the Advancement of Science. 18 pp.

Optional readings:

Timberlake, Lloyd (1985/88). *Africa in crisis: the causes, the cures of environmental bankruptcy.* (London: Earthscan Publications.) Ch. 9 ("Conflict, refugees and the environment": 162–73).

Chege, Michael (1994). "What's right with Africa?" *Current History* 93: 193–7. (Takes position between "romantic ultra-nationalists" and "Afro-pessimists".)

Kaplan, Robert (1994). "The coming anarchy". *Atlantic Monthly* Feb 1994: 44–76. (An example of what Chege refers to as "Afro-pessimism".)

3.   The displacement of indigenous peoples

Feb 11 – 24 (cuts across Reading Week)

3.1   Introduction and the contemporary global pattern

T Bodley, John H. (1975/90). Victims of Progress, 3rd edn. (Mountain View, CA: Mayfield).
  -    "Introduction": 1–2
  Ch. 1   "Progress and tribal peoples": 3–23

*Durning, Alan T. (1993). "Supporting indigenous peoples". In Brown, Lester R. et al. (1993), *The state of the world 1993* (New York: Norton): 80–100, notes 219–28
    N.B. For this week's topic, read only pp. 80-96 (notes 219–27). The remainder is left for topic 4.2 later in the term.

*Cultural Survival (1993). *State of the peoples: a global human rights report on societies in danger.* (Boston: Beacon Press.) "Charts and Tables": 72–82

Optional readings:

Perry, Richard J. (1996). …*from time immemorial: indigenous peoples and state systems.* (Austin, TX: University of Texas Press.)
    Ch. 1   "A long view": 3–24
    Ch. 2   "Ideas and ideology": 25–42
    Ch. 8   "Conclusions from cases compared": 223–52

Feb 24   short mid-term test; the term essay instructions are distributed

Feb 24 – Mar 4

3.2   Dams in Asia and agribusiness in Central America

**Nguyen, Thi Dieu (1996). "The state versus indigenous peoples: the impact of hydraulic projects on indigenous peoples of Asia". *Journal of World History* 7(1): 101–30. (Focuses on the Batang Ai dam in Sarawak, Narmada, and Three Gorges.)

*Weinberg, Bill (1991). *War on the Land: Ecology and Politics in Central America.* (London/New Jersey: Zed Books.)
    Ch. 2   "Ecological destruction as the roots of war": 6–15
    Ch. 3   "Cotton cultivation and ecocide": 16–20
    Ch. 4   "Tropical rainforests as a political safety valve": 21–5
    Ch. 5   "Beef production as the spark for regional war": 26–32
    Notes: 172-74; Biblio 187–92

Optional readings:

Burger, Julian (1987). Report from the Frontier: The State of the World's Indigenous Peoples. (London: Zed Books).

Perry, Richard J. (1996). …from time immemorial: indigenous peoples and state systems. (Austin, TX: University of Texas Press.) Ch. 7 ("Other states and indigenous peoples [Indonesia, Papua New Guinea, Southern Africa, East Africa, Siberia]": 201–22).

Mar 4

The mid-term test results are returned. (The last day to drop the course without academic penalty is Mar 7.)

Mar 4 – 11

3.3   History I: establishing colonial control

T   Bodley, John H. (1975/90). *Victims of Progress,* 3rd edn. (Mountain View, CA: Mayfield).
    Ch. 2   "The uncontrolled frontier": 24–41
    Ch. 3   "We fought with spears": 42–56
    Ch. 4   "The extension of government control": 57–75
    Ch. 5   "Land policies": 76–93

Mar 11 – 18

3.4   History II: the colonial "civilizing" mission

T Bodley, John H. (1975/90). *Victims of Progress,* 3rd edn. (Mountain View, CA: Mayfield).
    Ch. 6   "Cultural modification policies": 94–113
    Ch. 7   "Economic development": 114–36
    Ch. 8   "The price of progress": 137–51

Optional readings:

Berger, Thomas R. (1991). *A long and terrible shadow: white values, native rights in the Americas, 1492–1992.* (Vancouver: Douglas & McIntyre.)   Ch. 6 ("John Marshall and the Indians": 66–84, notes 169–70).

Perry, Richard J. (1996). *…from time immemorial: indigenous peoples and state systems.* (Austin, TX: University of Texas Press.)
Ch. 3   "Mexico": 45–84
Ch. 4   "United States": 85–123
Ch. 6   "Australia": 161–198

Mar 18 – 25

3.5   Canada past and present

*Waldman, Carl (1985). *Atlas of the North American Indian.* (New York: Facts On File.)
from Ch. 4 ("Indians and explorers")
-      pp. 73–8 ("The White penetration of North America", "The fur trade")
from Ch. 5 ("Indian wars")
-      pp. 93–5 ("The Beaver Wars")
-      pp. 159–64   ("The Canadian Indian wars")
from Ch. 6 ("Indian land cessions")
-      pp. 165–8, 169–72   (Ch. intro., "The spread of European diseases", "European use of Indian lands and resources": intro, [skip "Spain"], "France", "England")

*Fleras, Augie, and Elliott, Jean Leonard (1992). *The nations within: aboriginal-state relations in Canada, the United States, and New Zealand.* (Toronto: Oxford University Press.)
Ch. 4   "Aboriginal policy [in Canada]": 39–54

**Canada, Royal Commission on Aboriginal Peoples (1996). *People to people, nation to nation: highlights from the Report of the Royal Commission on Aboriginal Peoples.* (Ottawa: Supply and Services Canada.)
Ch. 2   "Restructuring the relationship": 23–58.

Optional readings:

Perry, Richard J. (1996). *…from time immemorial: indigenous peoples and state systems.* (Austin, TX: University of Texas Press.) Ch. 5 ("Canada": 124–60).

Mercredi, Ovide, and Turpel, Mary Ellen (1993). I*n the rapids: navigating the future of First Nations.* (Toronto: Viking/Penguin.) "Conclusion: paddling more peaceful rivers": 229–48

Frideres, James S., et al. (1974/93). *Native peoples in Canada: contemporary conflicts.* (Scarborough, Ont.: Prentice Hall Canada.)

4. Social justice and political action

Mar 25 – Apr 1

4.1 Indigenous peoples, environmental justice, and human rights

*Penz, G. Peter (1993). "Colonization of tribal lands in Bangladesh and Indonesia: state rationales, rights to land, and environmental justice". In Howard, Michael C. (ed., 1993), *Asia's environmental crisis* (Boulder, CO: Westview Press): 37–73

*Bay, Christian (1984). "Human rights on the periphery: no room in the ark for the Yanomami?" In Bodley, John H. (ed., 1988), *Tribal peoples and development issues: a global overview.* (Mountain View, CA: Mayfield Publishing Co): 258–70

Optional readings:

Goulet, Denis, and Charles K. Wilber (1988). "The human dilemma of development". In C.K. Wilber (ed., 1973/88), The political economy of development and underdevelopment (New York: Random House, 4th edn.): 459–67.

Apr 1 – 8

4.2 Resistance and political action

T Bodley, John H. (1975/90). *Victims of Progress,* 3rd edn. (Mountain View, CA: Mayfield).
  Ch. 9   "The self-determination revival": 152–78
  Ch. 10   "Human rights and the politics of ethnocide": 179–207

*Durning, Alan T. (1993). "Supporting indigenous peoples". In Brown, Lester R. (1993), *The state of the world 1993* (New York: Norton): 80–100, notes 219–28
  N.B.   For this week's topic, the remainder of this article: 96–100 (notes 227–8).

Optional readings:

Hall, June D., and Arthur J. Hanson (1992). *A new kind of sharing: why we can't ignore global environmental change.* (Ottawa: International Development Research Centre.) Ch. 9 ("Networking: the potential power of indigenous peoples' worldwide campaign for rights": 253–93)

Drucker, Charles (1985). "Dam the Chico: hydropower development and tribal resistance". In Bodley, John H. (ed., 1988), *Tribal peoples and development issues: a global overview* (Mountain View, CA: Mayfield Publishing Co.): 151–65.

Amnesty International (1992). *Human rights violations against the indigenous peoples of the Americas.* (New York: Amnesty International USA.) Ch. 4 ("Campaigning for indigenous rights": 79–98).

Apr 15 (Wed.)

final papers are due (by 3:00 p.m., to be delivered to the drop-box for this course, outside 308 Lumbers Bldg.)

Course Readings:

Reference material:

All required readings are from

    (i) the course text: Bodley, John H. (1975/90), *Victims of Progress,* 3rd edn., (Mountain View, CA: Mayfield);

    (ii) a course reading package.

These items will be available for purchase at the York University Bookstore.

Other references useful in getting started with the research for the presentations and essays:

Burger, Julian (1987). *Report from the Frontier: The State of the World's Indigenous Peoples* (London: Zed Books).

Cultural Survival (1993). *State of the peoples: a global human rights report on societies in danger.* (Boston: Beacon Press.)

Burger, Julian et al. (1990). *The Gaia atlas of First Peoples: a future for the indigenous world.* (New York: Doubleday.)

Fourth World Quarterly.

Cultural Survival Quarterly.

Newsletter of IWGIA [International Work Group on Indigenous Affairs, Copenhagen].

Publications of Survival International.

Sometimes Amnesty International issues statements concerning violations of the rights of indigenous peoples.

Contact Information for Peter Penz:

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China Resettlement Policies and Practices

National Research Center for Resettlement
Hohai University

Prof. Shi Guoqing
Associate Professor Chen Shaojun
December 1999
China

Syllabus:

1.   China Resettlement Policy and Legal Framework

1.1 China's Legal System and Constitution

    1.1.1 Legal System

    1.1.2 The Legislation on Land after the Foundation of the People's Republic of China

1.2 Policies of Land Acquisition, Demolition, Relocation, and Resettlement

    1.2.1 Development of the Policies on Land Acquisition, Demolition, Relocation, and Resettlement

    1.2.2 The Main Policies of Land Acquisition, Demolition, Relocation, and Resettlement

1.3 Laws

    1.3.1 The Constitution

    1.3.2 Land Administration Law

    1.3.3 Law of the PRC on Administration of the Urban Real Estate

    1.3.4 Other Laws Which Concern Land Acquisition, Demolition, and Relocation

1.4 Administrative Regulation

    1.4.1 Administrative Regulations on Demolition and Relocation of Urban Houses

    1.4.2 Land Acquisition and Resettlement Regulation for the Construction of Large and Medium-sized Water Conservancy Project

    1.4.3 Rules for the Implementation of Land Administration Law of the PRC

    1.4.4 Regulations on Protection of Capital Farm Land

    1.4.5 Rules for Implementation of the Mineral Resources Law of the PRC

    1.4.6 Regulations on Resettlement for the Construction of the Three Gorges Project on the Yangtze River

1.5 Administrative Regulations

1.6 Local Laws and Regulations

1.7 Existing Problems

1.8 The Application of ADB's Policy

2.   China Resettlement and Rehabilitation Institutions

2.1 Sector Resettlement Classification

    2.1.1 Classification of Resettlement

    2.1.2 Sector Resettlement Classification

2.2 Principal Institutions

    2.2.1 Governmental Management Institutions

    2.2.2 Land Acquisition and Houses Demolishing Management Department

    2.2.3 Sector Department

    2.2.4 Project Owner

    2.2.5 Resettlement Implementation Institutions

2.3 Investment Source

2.4 Other Institutions

    2.4.1 Primary Organization in Countryside

    2.4.2 Primary Organization in City

    2.4.3 Resettlement Plan and Design Unit

    2.4.4 Monitoring and Evaluation Institution

    2.4.5 Audit Institution

    2.4.6 Non-Government Organization(NGO)

2.5 Staffing

2.6 Capacity of Resettlement Institution

    2.6.1 Industry Management Sector

    2.6.2 Resettlement Implementation Institution

    2.6.3 Owner

    2.6.4 Investigation and Design Institution

    2.6.5 Supervising System, Monitoring & Evaluation Institution

    2.6.6 Non-Government Organization

2.7 Existing Problems

2.8 Perfecting Methods

    2.8.1 Arrangement of Charging Institution for Resettlement

    2.8.2 Capacity of Institution

    2.8.3 Strengthen the Capacity of Human Resources

    2.8.4 Quality Management of Institutions

3.   China Resettlement Practice

3.1 Investment Project

    3.1.1 Project Type

    3.1.2 Project Cycle

3.2 Resettlement Working Procedure

    3.2.1 Resettlement Implementation

    3.2.2 Resettlement Plan

3.3 Resettlement Implementation

    3.3.1 In Countryside

5.2.2 Institutions and Organization

5.2.3 Social-economic Investigation

5.2.4 Resettlement Action Plan (RAP)

5.2.5 Special Policies for the Project

5.2.6 Public Participation

5.2.7 Land Acquisition and House Removal

5.2.8 Compensation and eligibility

5.2.9 Livelihood and Production Restoration

    5.2.9.1 Living Recovery of the Displaced Persons

    5.2.9.2 Production Recovery of Rural Resettles

5.2.10 Grievance Procedures

5.2.11 Resettlement Budge

5.2.12 Monitoring and Evaluation

5.3 Review and Evaluation

5.3.1 Existing Policies and Directives

5.3.2 Institutional Arrangements

5.3.3 Implementation

5.3.4 Allocation of Human and Material Resources

    5.3.4.1 Owner

    5.3.4.2 Implementation Agencies of Local Governments

    5.3.4.3 Villages, Teams

5.3.5 Participation by Resettlers and NGOs

    5.3.5.1 Participation by Resettlers

    5.3.5.2 Participation by NGOS

5.3.6 Level of Satisfaction of Affected Persons

5.4 Main Experiences and Lessons

6.　Case Study on Shanxi Multipurpose Reservoir Project

6.1 Project Description

6.1.1 Outline of the Project

6.1.2 Resettlement Impacts

6.1.3 Outline of the Resettlement Plan for the Displaced Persons

6.1.4 Implementation of the Resettlement Plan

6.2. Analysis

6.2.1 Social-economic Investigation

    6.2.1.1 The Inundated Areas

    6.2.1.2 Host Areas

6.2.2 Legal Framework

    6.2.2.1 Legal Framework

    6.2.2.2 Special Policies

    Policies of Reducing and Remitting Taxation

6.2.3 Institutions

Contact Information for Shi Guoqing:

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Website: www.chinaresettlement.com

Seminario Optativo Del Posgrado

Universidad Metropolitana—Iztapalapa
Departamento de Anthropología

Mtra. Gabriela Vera y Dr. Scott S. Robinson
1999
México

Course Description:

Este seminario es optativo para los alumnos del posgrado en la UAM-Iztapalapa. Su objetivo es ofrecer un perfil de dos procesos distintos pero relacionados, los desastres y las relocalizaciones de poblaciones por motivo de obras de infraestructura en México, América Latina y el mundo en general, las diferentes lógicas del desenlace y/o desarrollo de estos procesos y los esquemas analíticos disponibles para mejor comprender estos eventos y sus impactos. Se parte de la premisa que los desastres y las relocalizaciones involuntarias son procesos totalizadores que afectan dimensiones estratégicas de la reproducción social, las relaciones del poder y los imaginarios culturales. Se intenta incorporar una visión latinoamericana, con la excepción de la amplia bibliografía brasileña. Se propone una reunión semanal del seminario en el calendario acordado con la Coordinación del Posgrado.

Syllabus:

1. **Globalización desde las diferentes disciplinas, formas de abordaje. Geografía, Antropología y Sociología.**

Boaventura de Sousa Santos; "Reinventando un paradigma subalterno de reconocimiento y redistribución"; en Chiapas No. 12; 2001; Instituto de Investigaciones económicas, UNAM y Ediciones ERA; México.

Chomsky, Noam, 2000, El beneficio es lo que cuenta—Neoliberalismo y orden global. Buenos Aires.

Dussel, Enrique; 2000; Ética de la liberalización en la edad de la globalización y de la exclusión.

Hoogvelt, Ankie (1997); Globalization and the postcolonial world. The new political economy of development, Baltimore, John Hopkins University Press.

Ianni, Octavio; 1996; La sociedad global; siglo XXI, México.

Sassen, Saskia; 1994; Globalization and its discontents, Nueva York, The New York University Press.

2. **La figura del Estado.**

Borón, Atilio; 1997; Estado, capitalismo y democracia en América Latina; Publicaciones del CBC, Buenos Aires.

Bourdieu, Pierre; 1998; Contrafuegos. Reflexiones 'para servir a la resistencia contra la invasión neoliberal. Anagrama; Barcelona; España.

Castells, Manuel; 1999; ¿El Estado impotente" en La Era de la información. Economía, sociedad y Cultura; Vol. II; Siglo XXI. México.

Nogué Font, Joan y Joan Vicente Rufi; 2001; Geopolítica, identidad y globalización; Ariel; España.

3.   La Dimensión Cultural.

Bonfil Batalla, Guillermo; 1992; Pensar Nuestra Cultura; Editorial Alianza, México.

García Canclini, Nestor; 1999; La globalización imaginada; Paidos; México.

Hannerz, Ulf; 1998; Conexiones transnacionales: cultura, gente, lugares; Madrid, Cátedra.

Ortiz, Renato; 1997; Mundialización y cultura; Alianza Editorial, Buenos Aires; Argentina.

4.   Teorías de desastres (formas de abordaje).

Blaikie, Piers, Terry Cannon; Ian Davis y Ben Wisner; At Risk. Natural Hazards, People´s Vulnerability, and Disasters. London; Routledge, 1995.

Calderón, Georgina; 2001; Construcción y reconstrucción del desastre; Plaza y Valdés; México.

Dynes, Russell R; 1994; "Community Emergency Planning: False Assumptions and Inappropiate Analogies", en International Journal of Mass Emergencies and Disasters, Vol. 12 num. 2, august, pp. 141–158.

Hewitt, Kenneth, 1983; Interpretations of Calamity; Boston; Mass:. Allen & Unwin.

Hewitt, Kenneth; 1997; Regions of Risk. A Geographical introduction to disasters; Longman Singapore Publishers; Singapore.

Lavell, Allan (comp); 1994; Viviendo en riesgo. Comunidades vulnerables y prevención de desastres en América Latina. LA Red, FLACSO; CEPREDENAC América Centra; Colombia.

Luhman, N; 1991; Sociología del riesgo; México. Universidad Iberoamericana, Universidad de Guadalajara.

Watts, Michael J; 1983. "On poverty of theory: natural hazards research in context", en Hewitt, K (ed), Interpretation of Calamity, from the viewpoint of human ecology. Boston, Allen & Unwin.

5.   Efectos de la globalización y análisis de riesgos en los desastres.

Argüello Rodríguez y Allan Lavell; 2000; Internacionalización y Globalización: Notas sobre su Incidencia en las Condiciones y Expresiones del Riesgo en América Latina. Texto en internet.

Calderón, Georgina; 2001; Construcción y reconstrucción del desastre; Plaza y Valdés; México.

Caputo, María Graciela, Jorge Hardoy e Hilda María Herzer (Comps); 1985; Desastres Naturales y Sociedad en América Latina. Buenos Aires, Grupo Editor Latinoamericano.

Cardeña, Etzel and David Spiegel; Disociative Reactions to the San Francisco Bay Area Earthquake of 1989; Am J Psychiatry 150:3, March 1993.

Cernea, Michael, Riesgos de empobrecimiento y reconstrucción : Un modelo para el desplazamiento y la relocalización de poblaciones.

Oliver-Smith, Anthony and Susanna M. Hoffman; The Angry Earth. Disaster in Antropological Perspective; Routledge, London.

Russell, Gordon W., Robert K. Mentzel; Sympathy and Altruism in Response to Disasters; The Journal of Social Psychology; 130(3), 309–317.

Smith, Elizabeth; Carol S. North; Robert E. McCool; and James M. Shea. Acute Postdisaster Psychiatric Disorders: Identification of Parsons al Risk; Am J Psychiatry 147:2. February 1990.

6. Estudios de casos. Desastres I

Calderón, Georgina; 2001; Construcción y reconstrucción del desastre; Plaza y Valdés; México.

Maskrey, Andrew; 1996; Terremotos en el Trópico Húmedo. La gestión de los desastres del Alto Mayo, Perú (1990–1991), Limón, Costa Rica (1991) y Atrato Medio, Colombia (1992); La Red; Perú.

Vera, Gabriela, 2003, "La construcción de la Vulnerabilidad Social. El distrito de Pochutla, Oaxaca" en García, Virginia (Coord); LA LENTA CONSTRUCCIÓN SOCIAL DEL RIESGO A DESASTRE—EL HURACÁN PAULINA EN OAXACA Y GUERRERO. CIESAS, México.

————, "Ancianos, tiemperos y otras figuras de autoridad en Santiago Xalitzintla, Puebla y Hueyapan, Morelos (Volcán Popocatépetl), México, ms.

7. Estudios de casos. Desastres II

Macías, Jesús Manuel (comp.); 2001; Reubicación de comunidades humanas y la reducción de desastres; Universidad de Colima; México.

Macías, Jesús Manuel y Georgina Calderón (comp.) 1994; Desastre en Guadalajara: Notas preliminares y testimonios; CIESAS; México.

Pliego, Carrasco, Fernando; 1994; Hacia una sociología de los desastres; UNAM, México.

8. Estudios de casos. Relocalizaciones I

Esta bibliografía refiere a una serie de tesis realizadas en la misma institución disponibles en el mismo Depto. de Antropología.

Castellón Zamora, Ricardo José (1987), 111 pag.
Ganadería capitalista y reacomodo poblacional. El caso de los mazatecos y chinantecos del Papaloapan.

Escalante García Lourdes (1989), 165 pag.
Conflicto político en un reacomodo de Población. El caso de Balsas, Guerrero y de la Hidroeléctrica Ing. Carlos Ramírez Ulloa, "El Caracol"(1978–1986)

Taifeld Levy, Rebeca (1991), 172 pag.
El reacomodo y la reacción política del Ejido Vista Hermosa frente al proyecto Hidroeléctrico Zimapán.

Guzmán Chavez, Maurcio Genet (1995), 141 pag.
Estructura, biografía y proceso: un análisis de liderazgos chinantecos.

Hernández Sánchez, Lorna (1995), 114 pag.
Migración y género en tres comunidades reubicadas.

Maltos Sandoval, Mario Hector (1995), 181 pag.
La CFE y el desplazamiento involuntario de poblaciones. _Una nueva política? Relación de lo acontecido en el P.H. Aguamilpa.

Gutiérrez Torres Joel (1999), 65 pag.
La Central de Abastos; Estudio de un reacomodo urbano.

9.   Estudios de casos Relocalizaciones II

Ensayos analíticos y etnográficos de distintos casos en México y otros países de la región latinoamericana.

Robinson, S. 1989 "Los Reacomodos de Poblacion a Raiz de Obras Hidroelectricas e Hidraulicas", Anuario de Antropologia, pp.139–162, Universidad Metropolitana-iztapalapa, Mexico.(ISBN 968-840-538-8, Departamento de Antropología, www.uam.mx).

————, "The Politics of Resettlement: Dams and Campesino Resistance to State Encroachment", in P. Ross & M. Howard, eds. Mexico: A Second Revolution?, Simon Fraser University, Burnaby, B.C., Canada, pp. 113–124.

————, 1992 "El Proyecto Hidroelectrico Pangue, Río Bio Bio, Chile y su Importancia para el Futuro de las Obras de Infraestructura", Alteridades, 2: (4) , 85–91 (issn 0188 7017), special issue, Reacomodos y Construccion de Presas, Journal of the Dept. of Anthropology, Universidad Metropolitana,México, D.F.).

————, 1993 "Participación y Responsabilidad: Hacia una Comprensión de la Cultura Política de los Reacomodos Involuntarios en México, Relaciones (sin 0185-3929), Colegio de Michoacán, Zamora, Mich. México), 54:43–58.

————, 1995 "Desalojos Involuntarios por Obra Pública", El Campo Mexicano en el Umbral del Siglo XXI, México, Espasa Calpe, Págs. 563–586.

————, 1995 "La Convergencia del Derecho Público Internacional: Legislación Mexicana y Normas Jurídicas en el Contexto Norteamericano de la Reglamentación del Impacto de Presas Entre Comunidades Indígenas", Pueblos Indigenas Ante el Derecho, V Chenaut y Ma. T. Sierra, coord., Ciesas-Cemla, Págs. 313–344

————, 1998 "Desarrollo, Relocalizaciones Involuntarias y Redes de Informática Rural: Múltiples Escenarios, Guiones y el Perfil de un Contexto Emergente" en, Las Disputas por el México Rural Transformaciones de Prácticas, Identidades y Proyectos, vol. i, Actores y Campos Sociales, editado por Sergio Zendejas y Pieter de Vries. Zamora, Michoacán: El Colegio de Michoacán. (ISBN 968-6959 866, volumen I), Págs. 243–252.

10.   Una Mirada comparativa—Otros casos en México

Amith, Jonathan. La tradición del amate. Innovación y protesta en el arte mexicano.
The amate tradition. Innovation and dissent in mexican art. Mexican Fine Arts Center Museum y La Casa de la Imágenes, Chicago-México, 1995.

Aronson, Inga-Lill, Negoitiating Involuntary Resettlement—A study of local bargaining during the Construction of the Zimapán Dam, Uppsala University, Sweden, 2002.

Barabas, Alicia y M.A. Bartolomé, Hydraulic Development and Ethnocide: the Mazatec and Chinantec People of Oaxaca, Mexico. Copenhagen: IWGIA, 1973.

—————, La Presa Cerro de Oro y el Ingeniero El Gran Dios, 2 tomos, México, Instituto Nacional Indigenista y Conaculta, 1990.

—————, Relocalización y etnocidio: La presa Cerro de Oro 20 años despues, Cuadernos del Sur, Ciencias Sociales 11, año 4, Agosto 1997, Oaxaca, México, págs. 79–101.

Bartolomé, Miguel Alberto, "Presas y Relocalizaciones de Indígenas en America Latina", INAH-Centro Regional Oaxaca, 1992.

Bartolomé, Leopoldo, "El Papel de los programas de acción social en los procesos de relocalización compulsiva de población", Revista Interamericana de Planificación, 1983:17(68):115–131.

Calderón Rivera, Edith, La Dimension de la Perdida: Un Analisis Antropologico de la Poblacion Reubicada por la Construccion de la Presa Zimapan, Tesis de Licenciatura, Depto. de Antropología, UAM-Iztapalapa, México, D.F., 1996.

Centro de Estudios Fronterizos y de Promoción de los Derechos Humanos, A.C., La Construccion de la Presa el Cuchillo y el Impacto en el Medio Ambiente en Tamaulipas, Cd. Reynosa, Tamps, Mexico, octubre 1996.

Cernea, Michael, Relocalizaciones Involuntarias en Proyectos de Desarrollo—Lineamientos de Políticas a Ser Aplicadas en Proyectos Financiados por el Banco Mundial, Documento Técnico del Banco Mundial, Número 80s, 1988

Cañez de la Fuente, Gloria M., Procesos, Actores y Cambios en la Vida Social y Productiva de la Población del Ejido Cruz Gálvez, Costa de Hermosillo, Sonora (1964–1998). Tesis de Maestría, Desarrollo Rural, Univ Metropolitana, Xochimilco, México, 2001.

Díaz, Marcelino de Jesús, et al. Alto Balsas: pueblos nahuas en lucha por la autonomía, desarrollo y defensa de nuestra cultura y territorio. Historia testimonial de un pueblo en lucha. Consejo de Pueblos Nahuas del Alto Balsas/Consejo Guerrerense 500 Años de Resistencia Indígena, México, 1996.

Díaz-Polanco, Héctor. La rebelión zapatista y la autonomía. Siglo XXI. México. 1997 (Capítulo V: Un inmenso diluvio: nahuas del Alto Balsas).

Escudero, Alejandro, "Retrospectiva y Análisis del Proceso de Relocalización Compulsiva de la Población Afectada por la Construcción del P.H. Aguamilpa, Nayarit", ms., 1992.

—————, "Informe Etnográfico de las Comunidades Huicholas de Colorado de la Mora y Playa de Golondrinas: Núcleos Indígenas que serán afectados por la construcción de la Presa Aguamilpa", ms. inédito, Tepic, Nayarit, 1990.

Gates, Marilyn, "Lessons from the Uxpanapa Resettlement Project, Mexico", Cultural Survival Quarterly, 12(3):18.20, 1988. (traducido y publicado como "Lecciones de Uxapanapa", Mexico Indigena 4, INI, México, DF, 1990.

Greaves, Patricia, La Intervencion del Banco Mundial y la Comision Federal de Electricidad en los Proyectos Hidroelectricos de Aguamilpa y Zimapan: Los Limites de una Politica Social de Reacomodos, Tesis de Maestría en Antropología Social, Escuela Nacional de Antropología e Historia, México, D.F. 1997.

Guggenheim, Scott E., "Salvaging the Damned: Resettlement in Mexico", en M.C. Cernea y S.E. Guggenheim, comps., Anthropological Approaches to Involuntary Resettlement: Policy, Practice and Theory, Westview Press, Boulder, 1991.

Hansen, Art & A. Oliver-Smith, Involuntary Migration and Resettlement: the Problems and Responses of Dislocated Peoples, Westview Press, Boulder, 1982.

Hémond, Aline. Des *amateros* aux Nahuas du Haut-Balsas. Reformulations identitaires et territoriales d'une région indienne au Mexique. Trace, junio 1998.

—————, Peintre et identité culturelle chez les Nahuas du Balsas (Mexique). Documento disponible en el CEMCA, México, D.F.).

—————, Las nuevas elites indígenas en la etapa de aprendizaje de responsabilidades (Guerrero). Colloque international "Identités, droits culturels et pouvir. Recontre tripartites d'anthropologues mexicanistes (France, Grande Bretagne, Mexique)". Manuscrito.

Hernández Santander, Andrés, Conversión Religiosa y Reacomodos de Población: el caso de la comunidad de Nuevo Balsas, Guerrero, Tesis de Licenciatura, Depto. de Antropología, UAM-Iztapalapa, 1991.

Hindley, Jane, "Indigenous Mobilization, Development and Democratization in Guerrero", en Subnational Politics and Democratization in Mexico, compilado por Wayne A. Cornelius, Todd Eisenstadt y Jane Hindley, La Jolla: US-Mexico Center, UCSD, 1998.

Iturralde, Diego, "Movimiento Indio, costumbre jurídica y usos de la ley," en R. Stavenhagen y D. Iturralde, comps., Entre La Ley y La Costumbre—El Derecho Consuetudinario Indígena en América Latina, Instituto Indigenista Interamericano y Instituto Interamericano de Derechos Humanos, México, 1990.

Jorgensen, Joseph, Native Americans and Energy Development, Anthropology Research Center, Boston, 1986.

Lawson, Michael, Damned Indians, University of Oklahoma Press, Oklahoma, 1984.

Molina L., Virginia, "Construcción de Presas y sus Consecuencias Sobre la Población Afectada: Efectos Sociales de los Proyectos de Inversión en Infraestructura", en La Etnología: Temas y Tendencias, I Coloquio Paul Kirchhoff, Instituto de Investigaciones Antropológicas, UNAM, 1988:263–273.

Molina Ramos, Eduardo, Faccionalismo y Poder en Arroyo Tambor: el Impacto de la Presa Miguel de la Madrid Hurtado sobre un Microproceso Político, Tesis de Licenciatura, Depto. de Antropología, UAM-Iztapalapa, 1993.

Oliver-Smith, A., "Involuntary Resettlement, Resistance and Political Empowerment", Journal of Refugee Studies 4(2), 1991.

OECD-Development Assistance Committee, Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects, Guidelines on Environment and Aid, No. 3, Organization for Economic Cooperation and Development, Paris, 1992.

Ortega Vega, Arturo, Ruptura y Cambio en el Sistema Doméstico de Producción a Raíz de un Reacomodo de Población: el caso de tres comunidades de Balsas, Guerrero, Tesis de Licenciatura, Depto. de Antropología, UAM-Iztapalapa, 1992.

Schütze Stephani. Con la resistencia llegaron los conflictos políticos. Procesos de transformación de la cultura política de los pueblos nahuas del Alto Balsas en relación al movimiento de resistencia contra la presa "San Juan Tetelcingo". Tesis 'Magister Artium' entregada a la Universidad Libre de Berlín. Enero, 1997.

Scudder, Thayer y E. Colson, "From Welfare to Development: A Conceptual Framework for the Analysis of Dislocated People", en Hansen, Art & A. Oliver-Smith, Involuntary Migration and Resettlement: the Problems and Responses of Dislocated Peoples, Westview Press, Boulder, 1982, págs. 267–287.

Waldram, James B., As Long As the Rivers Run: Hydroelectric Development and Native Communities in Western Canada, Winnipeg, University of Manitoba Press, 1988.

11.   La Globalización de la Resistencia y contrapropuestas—la Comisión Global de Presas (WCD)

El amplio fenómeno global de las relocalizaciones involuntarias fue analizada por un ente anómalo en el ambiente institucional internacional, la Comision Mundial de Presas (www.wcd.org), cuyo proceso de evaluación de casos selectos e informe final suscitó revisar con detenimiento. El sitio WWW ofrece una cantidad de recursos suficiente para una sesión del seminario.

Cernea, Michael, C. McDowell, eds., Risks and Reconstruction—Experiences of Resettlers and Refugees, Washington. D.C., The World Bank, 2000.

McCully, Patrick, Silenced Rivers—The Ecology and Politics of Large Dams, London, Zed Books, 1996.

Picciotto, Robert, W. Van Wicklin, E. Rice, Involuntary Resettlement—Comparative Perspectives, World Bank Series on Evaluation and Development, Vol. 2, Transaction Publishers, 2001.

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Univ. Metropolitana-Iztapalapa
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Resettlement Science

National Research Center for Resettlement
Hohai University

Prof. Shi Guoqing
Associate Professor Chen Shaojun
February 2001
China

Course Description:

Aims

Know and understand the main theory, mythology and their application on survey, planning, design, analysis, forecast, monitoring, evaluation and management, and know the new advance research results in resettlement world widely.

Syllabus:

Main Content

Chapter 1   Interdiction
1.1 Basic Concept and and Cause on Resettlement

1.2 Resettlement and Development

1.3 Worldwide Experiences and Lessons on Resettlement

1.4 Research on Resettlement Science

Chapter 2   Resettlement System Analysis
2.1 Structure of Resettlement System

2.2 Relation within resettlement subsystems

2.3 Basic regulation on operation of Resettlement System

Chapter 3   Resettlement Policy and Regulation
3.1 Resettlement Policy and Regulation Framework

3.2 Land Administrative Law

3.3 Urban House Demolition Management Regulation

3.4 Reservoir Resettlement Regulation

Chapter 4   Resettlement Sociology
4.1 Basic issues in Resettlement Sociology

4.2 Analysis framework in Resettlement Sociology

4.3 Resettlement and Poverty

4.4 Resettlement and Gender

4.5 Resettlement and Entice

4.6 Resettlement and Participation

Chapter 5   Resettlement Economics

5.1 Basic issues in Resettlement Economics

5.2 Analysis framework in Resettlement Economics

5.3 Cost Analysis on Resettlement

5.4 Benefit analysis on Resettlement

5.5 Cost-benefit analysis on Resettlement

Chapter 6   Resettlement Management

6.1 Basic issues in Resettlement Management

6.2 Analysis framework in Resettlement Management

6.3 Resettlement Management of Project Cycle

6.4 Socioeconomic Survey on Resettlement

6.5 Planning and Design on Resettlement

6.6 Resettlement Implementation Management and

6.7 Resettlement Monitoring and Evaluation

6.8 Resettlement Supervision

7   New Specific Topic Introduction on Resettlement Research

Course Readings:

Reference lists

SHI Guoqing etc., Involuntary Resettlement in Sociology View, China Price Press,2003

SHI Guoqing, Involuntary Resettlement, 2003

SHI Guoqing etc. Planning Theory and Application on Reservoir Resettlement System, Hohai University Press,1996

ADB, Resettlement Handbook, 1998

Michael M Cernea, Resettlement and Development, Hohai University Press, 1996

Michael M Cernea, Resettlement, Reconstruction and Development, Hohai University, 1998

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Website: www.chinaresettlement.com

Anthropology and Sociology of Development

University of Sussex

Lyla Mehta
2001–2003
United Kingdom

Course Description:

Introduction

Sociological and anthropological approaches provide distinct ways to view development issues. Development interventions do not occur in a vacuum but instead act upon and are influenced by the prevailing social and cultural systems. It does not take much to say that some place needs to increase the productivity of agriculture, or that in another place primary education has to be provided. But beyond that first diagnosis, the specification of the problem, its magnitude, possible amelioration strategies, and the likely outcome of particular approaches to its solution, are all topics on which you will find considerable disagreement. In this disagreement you will witness conflicting world views and perspectives. How people articulate and justify their politics will reveal further the cultural values that shape their perceptions and the social and power relations underlying them. Politics, culture, power and social organisation are very important if we are to define development problems, identify just and viable solutions, and propose ways and means to carry out those solutions in a fair and humane manner. Which means we need to develop some specialised skills of social analysis. To help you develop some of the requisite skills this course will:

- Introduce key approaches and debates in social theory in historical perspective and examine how they have influenced development thought
- Understand how questions concerning knowledge, power and difference are key themes in social analyses
- Illustrate the application of these questions to selected areas in development studies such as the household, knowledge, gender, identity, health, technology, economy, power and participation.
- Examine in detail selected cases so that the approaches and topics can be understood in terms of concepts and ideas specific to social-anthropological analyses (in contrast to purely neo-classical economic and rational choice analyses).

Constraints of time, and the compulsions of covering many topics, will not make it possible to provide a thorough treatment of all anthropological and sociological theories and approaches. But it will give you ample opportunity to grasp what is meant by sociological and anthropological approaches to development. The introduction provides the overview to the course and outlines a brief history of sociology and anthropology and discusses similarities and differences. This will be followed by 15 two-hour sessions where we explore different themes such as power, participation, knowledge and institu-

tions which will outline theoretical insights in historical perspective and draw on case study material. There will be no separate tutorials; rather the classes will consist of a mixture of short lectures, small group discussions, student presentations, and the use of audio-visual materials. Building on the course work from terms one and two this course will also maintain a critical focus on the development process itself turning the analytic lens on developers as well as the targets of development.

The course will be assessed by means of a 5,000 word term paper. There is no text book for the course but the books listed for session one may be useful as basic reference for providing overviews.

Syllabus:

Term III, April–June 2002

Sociology and Anthropology of Development

	Date	Session	Tutor
1	29 April	Introduction	LM/ AC/ ML
2	2 May	Culture	ML
3	7 May	Society	LM
4	9 May	Post-Modernity	LM
5	13 may	Issues of Difference in Development	AC
6	16 May	Place and Displacement	LM
7	20 May	Power and Participation	JG
8	23 may	Empowerment	JG
9	27 May	Resistance	LM
10	30 May	Discourses	LM
11	5 June	Knowledge	ML
12	6 June	Households	ML
13	10 June	Markets	ML
14	13 June	Institutions	LM
15	17 June	Fertility	AC
16	20 June	Rights	CN

Year: 1
Term: 3
Week: 1

Session Title:	**Introduction and Panel Discussion**
Lecturer:	*Andrea Cornwall, Melissa Leach and Lyla Mehta*
Date:	*29 April*

In this session, we will discuss the course overview and structure. We will also review the emergence of the disciplines of sociology and anthropology in historical context and tease out the similarities and differences between them. Sociology and anthropology had very distinct origins and traditionally

appeared to focus on different key issues and underpinnings despite some obvious commonalities. Today, however the boundaries are blurring not least because both sociology and anthropology draw on the same body of theory. However there still remain some distinct approaches. Through a panel discussion, two anthropologists and a sociologist will help stimulate discussion on the nature of the two disciplines, their boundaries and overlaps.

Essential Reading

'Social Anthropology: comparison and context.' In Thomas Hylland Eriksen. 1995. Small Places, Large Issues. An Introduction to Social and Cultural Anthropology. London: Pluto. Chapter 1.
12 copies SUL

Giddens, A. 1986. Sociology. A brief but critical introduction. London: Macmillan. 2nd Edition. Chapter 1. 'Sociology—Issues and Problems.'

Beteille, Andre. 1987. Essays in Comparative Sociology. Oxford. Chap. 1 'Sociology and Anthropology.'

Additional Reading

Sociology

Barnett, Tony. 1988. Sociology and Development. London: Routledge.
5 copies SUL

Long, Norman. 2001. Development Sociology. Actor Perspectives. Routledge.

Bilton, et al. 1996. Introducing Sociology. Third Edition. MacMillan.
8 copies SUL

Lee and Newby. 1983. The Problem of Sociology. An Introduction to the Discipline. Hutchinson.

Beteille, Andre. 2002. Sociology. Essays on Approach and Method. See Chapter 3 Sociology and Anthropology: Their Relationship in One Person's Career)

M. Haralambos and M. Holborn. Sociology. Themes and Perspectives. CollinsEducational. London.

Roberts, Bryan, Robert Cushing and Charles Wood. 1995. The Sociology of Development. International Library of Critical Writings in Sociology. Volumes I and II. Brookfield Vermont and Aldershot: Edward Elgar Publishing House (Historical Overview).

Giddens. A. Sociology. A Brief but critical Introduction.

Giddens. A. Sociology. Cambridge: Polity Press.

Social Anthropology

Thomas Hylland Eriksen. 1995. *Small Places, Large Issues. An Introduction to Social and Cultural Anthropology*. London: Pluto.
12 copies SUL

Katy Gardner and David Lewis. 1996. *Anthropology, Development and the Postmodern Challenge*. London: Pluto
IDS 1 copy Course Provision. 9 copies SUL

Layton, Robert. 1997. *An Introduction to Theory in Anthropology*. Cambridge: Cambridge University Press.

Kuper, Adam. 1993. *Anthropology and Anthropologists. The Modern British School.* Routledge.

Social Theory

Mouzelis, N. 1995, *Sociological Theory. What went wrong?* London: Routledge.

Frisby, D. and D. Sayer. 1986. *Society.* London: Tavistock.

Layton, Robert. 1997. *An Introduction to Theory in Anthropology.* Cambridge: Cambridge University Press.

Baert, Patrick. 1998. *Social Theory in the Twentieth Century.* Cambridge: Polity Press. Chapter 3

Schurmann, Frans. 1993. (ed). *Beyond the Impasse: New Directions in Development Theory.* London: Zed.

Booth, David. (ed). 1994. *Rethinking Social Development: Theory, Research and Practice.* Longman Scientific and Technical.

Session Title: Place And Displacement
> *Lecturer:*   *Lyla Mehta*
> *Date:*   *16 May 2002*

Recent trends in post-modern literature have convincingly argued that place and culture are fluid and identity is performative and increasingly deterritorialised in a globalised world. As mobility is one of the definitive characteristics of the contemporary world, identity, it is argued by Appardurai, Gupta and Ferguson and others, can no longer be seen as tied to place but instead must be viewed as increasingly fluid and adaptative Displacement is thus seen to be a natural condition in an increasingly globalised world.

However, displacement often means involuntary uprootment from ancestral homes and dramatic changes in social and cultural relations. It has also entailed a gross violation of a variety of rights: the right to livelihood and a decent standard of living, the right to information and the right to first and informed prior consent. Indeed, the struggles around spatial practices and the identity associated with a particular place are the key assertions of protest movements against forced migration. Thus rights such as access to sources of livelihoods, land and occupation are linked to what Kibreab calls 'territorially anchored identities', the lack of which can lead to impoverishment and deprivation. The range of this displacement has been document by numerous studies on development-induced-displacement by authors such as Cernea, Scudder, Colson and others.

Thus arguments that notions of place are largely 'imagined' and idealised would be to deny the strong links between displaced peoples' rights to resources and livelihoods and spatial rootedness and well-being. Currently 10 Million worldwide are affected by 'development' projects such as mines, dams and roads. Resettlement theory has tended to be largely applied and blind to questions concerning identity, difference and contestation. This lecture draws on IDS research on forced displacement, place and gender to examine the legacy of post-modern thinking on identity and place for resettlement and displacement theory and map out what this means in concrete terms for displaced people's rights and sense of well-being.

Essential Readings

Gupta, Akhil, and James Ferguson, (1992), "Beyond 'Culture': Space, Identity, and the Politics of Difference", *Cultural Anthropology* 7(1): 6–23

McDowell, C., (ed), 1996, *Understanding Impoverishment. The consequences of Development-Induced-Displacement*, Oxford: Berghahn, 13–33

Forced displacement

Cernea, M., (1997), "The Risks and Reconstruction Model for Resettling Displaced Populations", *World Development*, 25:10, 1569–1587

Cernea, M., and S. Guggenheim, (eds), (1993), "Anthropological Approaches to Resettlement", *Policy, Practice and Theory*, Boulder: Westview

Colson, E., (1999), "Engendering those uprooted by 'Development'", in Indra, D., (ed), *Engendering Forced Migration: Theory and Practice*, Oxford: Refugee Studies Programme, 23–39

Guggenheim, S., (1994), "Involuntary Resettlement: An Annotated Reference Bibliography for Development Research", *Environment Working Paper no. 64*. Washington DC: The World Bank

Indra, D., 1999. (ed), *Engendering Forced Migration: Theory and Practice*, Oxford: Bergahn.

Scudder, T., (1995), "Resettlement", in Biswas, A., (ed), *Handbook of Water Resources and Environment*, McGraw Hill

McDowell, C., (ed), 1996, *Understanding Impoverishment. The consequences of Development-Induced-Displacement*, Oxford: Berghahn, 13–33

Mehta, L. (2000). 'Women Facing Submergence: Displacement and Resistance in the Narmada Valley', in Damadoran Vinita and Maya Unnithan (eds), *Identities, Nation, Global Culture*. Sage: New Delhi

Place, Development and Social Change

Gupta, Akhil, and James Ferguson, (1992), "Beyond 'Culture': Space, Identity, and the Politics of Difference", *Cultural Anthropology* 7(1):6–23

Kibreab, Gaim, (1999), "Revisiting the Debate on People, Place Identity and Displacement, in *Journal of Refugee Studies*, Vol. 12, No. 4

Li, Tania Murray, (1999), "Compromising Power: Development, Culture, and Rule in Indonesia", *Cultural Anthropology*, 14(3):1–28

Appardurai, A., (1990), "Disjuncture and Difference in the Global Cultural Economy", *Public Culture*, 2(2): 1–24

Olwig, KF & Hastrup, K— eds. 1997. *Siting culture: the shifting anthropological object*. Routledge London

Mehta, L., and A. Punja, forthcoming. Changing water worlds. Resettlers' and official perceptions of the water/wellbeing nexus. In Baviskar, A. *Cultural Politics of Water*. OUP.

Baviskar, A. *In the belly of the river*. OUP.

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Development and Resettlement in Comparative Context

Rhodes University

Prof. Chris de Wet
2003
South Africa

Course Description:

Development-induced displacement and resettlement (DIDR) is a type of forced migration, and refers to the situation whereby people have to move to make way for infrastructure development projects. Some ten million people are displaced each year in the face of projects, such as the construction of dams, irrigation schemes, conservation areas, urban renewal and housing schemes, water or transport supply systems, energy generation projects and open cast mining. DIDR has had overwhelmingly negative economic, health, psychological and social consequences for the vast majority of those displaced, has evoked widespread resistance, and has become a highly contentious and politicised issue. The last two decades have seen the development of policy guidelines by international bodies such as The World Bank and the OECD, as well as by several countries, resulting in positive outcomes in some cases. Deep divisions remain as to whether the model of development presupposed by DIDR is sustainable, whether the (usually involuntary) displacement to which it gives rise constitutes a serious violation of human rights, and whether it can ever be justified.

In this module, we look at theoretical perspectives on the nature of DIDR, and analyse examples from Africa and Asia. We ask whether and how we could translate the lessons learned from previous mistakes into sound policy which could improve the outcome for all concerned.

Outcomes

On completion of the work covered in this course, students will have
- a basic knowledge of the main theoretical approaches through which we seek to understand and improve DIDR
- a knowledge and understanding of different kinds of DIDR, and of the way they have taken shape in Africa and Asia
- an understanding of some of the complexities involved in trying to formulate and implement sound resettlement policy

Assessment

See general criteria for assessment on page B of this guide

Essays

ESSAY No .... DUE Friday 3 October, 12 Noon

1)   Give an account of the socio-economic consequences of DIDR in ONE of the following cases of dam-related resettlement
   - Aswan Dam, on the Sudanese side (Salem-Murdock 1985; Sorbo 1985)
   - Akosombo Dam, Ghana (Diaw and Schmidt-Kallert 1990; Obusu-Mensah 1990)
   - Manantali Dam, Mali (Grimm 1991; Horowitz et al 1993; Koenig and Horowitz 1988)
   - Kariba Dam, Zambia/Zimbabwe (Colson 1971; Scudder 1985; World Commission on Dams 2000)

ESSAY No .... DUE Friday 24 October, 12 Noon

Write an essay on ONE of the following topics:

1)   Give an account of the role of the Narmada Bachao Andolan (Save the Narmada River movement) in relation to the Indian government's project to build a series of dams on the Narmada River. In which ways has it a) advanced b) prejudiced, the interests of those people affected by the dams? What lessons does the NBA story hold for how people could best go about resisting resettlement?

   (Baviskar 1995; Dreze et al 1997, ch 1–3; Parasuraman 1999, ch 9; Sangavi 2000)

2)   Give an account of the socio-economic consequences of conservation-induced displacement and resettlement, comparing at least two African with two non-African cases.

   (Chatty and Colchester 2002)

3) How does Sorenson see resettlement within the Mahaweli Project in Sri Lanka as 'an ongoing process of social reconstruction', and how does she see the role of the state in resettlement?

   (Sorenson 1996)

Syllabus:

15 – 19 September

Tutorials:	What is the role of the nation-state in forced displacement and its outcomes?
Readings:	(Sorensen 1996, ch 3; Turton 2002)
Lectures:	Understanding Development-Induced Displacement and Resettlement (DIDR)
Readings:	(Cernea 2000; de Wet 2001; de Wet In Press; Downing 1995; Sorensen 1996, ch 8)

22 – 26 September

Tutorials: How does Scudder apply his model of resettlement as a process to the resettlement arising out of the construction of the Kariba Dam? How would Cernea apply his Risks and Reconstruction model to the same data? Are their two approaches compatible?

Readings: Cernea 2000; Scudder 1993

Lectures: Dam-Related Resettlement in Africa

Readings: de Wet 1999

29 September – 3 October

Tutorials: What happens to San/Bushmen nomadic hunter-gatherers when external forces constrain their nomadic life-style?

Readings: Guenther 2002; Smith et al 2000, ch 9, 10; Suzman 2000, ch 2, 7

Lectures: Conservation and/or Communities: Meru adaptation and resistance to the proclamation of the Arusha National Park in Tanzania

Readings: Neumann 1998, ch 3–6

6 – 10 October

Tutorials: How does Dwivedi conceptualise the nature of risk in resettlement, and how does this influence the way he analyses resistance in the Narmada context?

Readings: Dwivedi 1999

Lectures: Resettlement in India
a) Dam-Related Resettlement: Narmada/Sardar Sarovar

Readings: Baviskar 1995, ch 9; Dhagamwar 1995; Hakim 2000; Kala 2000; Parasuraman 1999, ch 9, 11

Lectures: b) Industrial Development-Related Resettlement in India

Readings: Parasuraman 1999, ch 4–6; Reddy 1994, ch 4, 5

13 – 17 October

Tutorials: How is globalisation likely to impact upon resettlement in China?

Readings: Jing 1999; Meikle and Zhu 2000

Lectures: Resettlement in China
a) Past Disasters and Progressive Policy Reforms

Readings: Jing 1999; Travers 1993; Shi and Chen 2000

Lectures:	b) Some Subsequent Significant Successes: Shuikou and Xiaolangdi
Readings:	Jing 1999; Trembath et al n.d.; Xiaolangdi reader 2002; World Bank 1998

20 – 24 October

Tutorials:	South Africa does not have a resettlement policy. What are the ten most important points that such a policy should bear in mind? Bring your ten points to the tutorial, and we will show you why it is so difficult to formulate a good resettlement policy!
Readings:	from the course as a whole
Lectures:	Can we Improve Matters? a) Resistance
Readings:	Oliver-Smith 2001, ch 1, 6, 12
Lectures:	b) Policy Issues
Readings:	Trembath et al n.d.; World Bank 2002

Course Readings:

Readings

Baviskar, A. (1997). *In The Belly of the River.* New Delhi: Oxford University Press.

Chatty, D. & Colchester (ed) 2001. *Displacement, Forced Settlement and Conservation.* Oxford: Berghahn Books.

Colson, E. (1971). *The Social Consequences of Resettlement.* Manchester: Manchester University Press.

Diaw, K. and Schmidt-Kallert, E. (1990). *Effects of Volta Lake Resettlement in Ghana — a Reappraisal after 25 years.* Hamburgh: Institut für Afrika-kunde.

Dreze, J., Samson, M. and Singh, S. 1997 *The dam and the nation: displacement and resettlement in the Narmada Valley.* New Delhi: Oxford University Press.

Grimm, C.D. (1991). *Turmoil and Transformation : a Study of Population Relocation at Manantali, Mali.* Unpublished PhD thesis, State University of New York at Binghamton.

Horowitz, M.M., Koenig, D., Grimm, C. and Konate, Y. (1993). 'Resettlement at Manantali: Short-Term Success, Long-Term Problems'. In Cernea, M. and Guggenheim, S.E. (Ed 1993). *Anthropological Approaches to Resettlement — Policy, Theory and Practice,* pp 229 – 250. Boulder: Westview Press.

Koenig, D. and Horowitz, M.M. (1988). *Lessons of Manantali: a Preliminary Assessment of Involuntary Relocation in Manantali.* Working Paper No 43, Institute for Development Anthropology, Binghamton (USA).

Obosu-Mensah, K. (1990). *Ghana's Volta Resettlement Scheme — The Long-Term Consequences of Post Colonial State Planning*. Bethesda, Maryland: International Scholars Publications.

Oliver-Smith, O. (2001). *Displacement, Resistance and the Critique of Development : From the Grassroots to the Global*. Unpublished Report, Refugee Studies Centre, University of Oxford.

Parasuraman, S. (1997). 'The Anti-Dam Movement and Rehabilitation Policy' In Dreze, J. et al (ed 1997). *The Dam and the Nation: displacement and resettlement in the Narmada Valley*. New Delhi: Oxford University Press.

Salem-Murdock, M. (1989). *Arabs and Nubians in New Halfa — a Study of Settlement and Irrigation*. Salt Lake City: University of Utah Press.

Sangvai, S. 2000. *The river and life: people's struggle in the Narmada Valley*. Mumbai: Earthcare Books.

Scudder, T. (1985). *A History of Development in the Twentieth Century: the Zambian Portion of the Middle Zambezi Valley and the Lake Kariba Basin*. Unpublished paper.

Sorbo, G.M. (1985). *Tenants and Nomads in Eastern Sudan — a Study of Economic Adaptions in the New Halfa Scheme*. Uppsala: Scandanavian Institute of African Studies.

Sorenson, B. (1996). *Relocated Lives: Displacement and Resettlement within the Mahaweli Project, Sri Lanka*. Amsterdam: V.U, Press.

World Commission on Dams (2000). *Kariba Dam Case Study: Zambia and Zimbabwe*. Draft: September 2000. World Commission on Dams: Cape Town.

Bibliography

Baviskar, A. (1997). *In The Belly of the River*. New Delhi: Oxford University Press.

Cernea, M. (2000). 'Risks, Safeguards and Reconstruction: a Model for Population Displacement and Resettlement'. In Cernea, M. and McDowell, C. (eds). *Risks and Reconstruction: Experiences of Resettlers and Refugees*. Washington, D.C.: The World Bank.

de Wet, C.J. (1999). *Regional Paper on Africa*. Report prepared for the World Commission on Dams, Cape Town.

de Wet, C.J. (2001). 'Can Everybody Win? Economic Development and Population Resettlement'. *Economic and Political Weekly* (Mumbai) Vol 36, No 50, pp 4637 − 4646.

de Wet, C. (In Press). "Development-induced displacement and resettlement" In press, in Gibney, M and Hansen, R. (eds) *Global migration: an encyclopedia*. Santa Barbara: ABC-CLIO.

Dhagamwar, V. 1995 "The NGO movements in the Narmada Valley". In Dreze, J., Samson, M and Singh, S (esd) *The dam and the nation: displacement and resettlement in the Narmada Valley*. New Delhi: Oxford University Press

Downing, T. (1996). 'Mitigating Social Impoverishment when People are Involuntarily Displaced'. In McDowell, C. (ed) *Understanding Impoverishment — The Consequences of Development-Induced Displacement*. Oxford: Berghahn Books.

Dwivedi, R. 1999 'Displacement, risks and resistance: local perceptions and actions in the Sardar Sarovar'. *Development and Change*, 30: 43–78.

Guenther, M. 2002. 'Ethno-tourism and the Bushmen'. In Stewart, H., Barnard, A. and Omura, K.(ed) *Self-and Other-Images of Hunter-Gatherers.* Osaka: National Museum of Ethnology.

Hakim, R. 2000 'From corn to cotton: changing indicators of food security among resettled Vasavas'. In Cernea, M. and McDowell, C. (eds) *Risks and Reconstruction: Experiences of Resettlers and Refugees.* Washington, D.C.: The World Bank.

Jing, J. (1999). *DRRRD Report — China.* Unpublished Report, World Commission on Dams (Cape Town).

Kala, P. 2001 "In the spaces of erasure: globalisation, resistance and the Narmada River", *Economic and Political Weekly* (Mumbai) June 2, 2001: 1991–2002.

Meikle, S. and Youxuan, Z. (2000). 'Employment for Displacees in the Socialist Market Economy of China'. In Cernea, M. and McDowell, C. (eds). *Risks and Resettlement: Experiences of Resettlers and Refugees.* Washington, D.C.: The World Bank.

Neumann, R.P. 1998 *Imposing wilderness.* Berkeley: University of California Press.

Oliver-Smith, O. (2001). *Displacement, Resistance and the Critique of Development: From the Grassroots to the Global.* Unpublished Report, Refugee Studies Centre, University of Oxford.

Parasuraman, S. (1997). 'The Anti-Dam Movement and Rehabilitation Policy' In Dreze, J. et al (ed 1997). *The Dam and the nation: displacement and resettlement in the Narmada Valley.* New Delhi: Oxford University Press.

Reddy, I. U. B. 1994. *Industrial development and problems of the uprooted.* Jaipur and New Delhi: Rawat Publications.

Scudder, T. (1993). 'Development-induced relocation and refugee studies'. *Journal of Refugee Studies,* 6 (2): 123 – 152.

Shi, G. and Chen, S. 2000 *China resettlement policies and practices.* Nanjing: National Research Center for Resettlement.

Smith, A, .Malherbe, C., Guenther, M. and Berens, P. 2000. *The Bushmen of South Africa: a foraging society in transition.* Cape Town: David Philip.

Sorensen, B.R. (1996). *Relocated Lives: Displacement and Resettlement within the Mahaweli Project, Sri Lanka.* Amsterdam: V.U. University Press.

Suzman, J. 2000. *Things from the bush: a contemporary history of the Omaheke Bushmen.* Basel; Schlettwein Publishing.

Travers, L. (1993). *China — Involuntary Resettlement.* Washington, D.C.: The World Bank.

Trembath, B. et al n.d. *The Shuikou hydroelectric project in China: a case study of successful resettlement.* Washington, D.C.: The World Bank.

Turton, D. (2002). 'Forced Displacement and the Nation-State'. In Robinson, J. (ed): *Development and Displacement.* Oxford: Oxford University Press.

Xiaolangdi reader 2002. Obtainable from Chris de Wet.

World Bank 1998 *Recent experience with involuntary resettlement: China—Shuikou (and Yantan).* Washington, D.C.: The World Bank. Operations Evaluation Department, Report No. 17539.

World Bank 2002 *Involuntary resettlement- operational policies (OP and BP 4.12)*. Washington, D.C.: The World Bank.

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Development and Population Displacement

George Washington University

Prof. Michael M. Cernea
Fall 2003
United States of America

Course Description:

Development programs, large and small, frequently cause population resettlement, voluntary or involuntary. This course focuses on the study of development-induced *involuntary* population displacement, both economic and physical, and on post-displacement resettlement and reconstruction. Such population movements will be analyzed in the course not as idiosyncratic, accidental side-effects of particular projects, but as a category of complex social processes inherent to development. They exhibit distinguishable structural regularities in their content, unfolding, social mechanisms, and consequences, despite the wide spectrum of specific country and project contexts within which they occur.

By their high frequency, cumulative magnitude, and destructive socio-economic and cultural effects, forced displacements have come to be recognized as a severe pathology of development, of growing concern and visibility on international and national agendas. These processes give rise to massive socio-economic losses, to pain and suffering, to growing resistance movements, and also to policies and programs intended to restrict and temper their effects.

Anthropology and sociology are at the forefront of the social sciences exploring these processes. These disciplines have generated a massive body of scholarly knowledge about the patterns, content, and effects of displacement. Arguably, resettlement is the domain in which development anthropology has succeeded in exercising its single strongest influence on policies and practice. Therefore, understanding this body of knowledge is indispensable for anthropologists engaged in development. This study equips students theoretically and methodologically, and cultivates skills for influencing social practice.

The course will approach displacement/resettlement as a strategic window through which to explore broader theoretical and policy issues in development, especially "the makings of induced development." Students are encouraged to take advantage in their learning and thinking of the fact that displacement processes are a propitious "site" for grasping the dialectic of development's benefits and losses, its strengths and its pathologies, inner contradictions, conflicts, and trade-offs.

The course will place development-induced displacement and resettlement (DIDR) within the broader taxonomy of population displacements. It will compare development-displacees to other major categories of displaced populations, from conflict-generated refugees to environmentally related migrants, in order to identify common characteristics and substantive differences.

The course requires, and aims at, a deep immersion into the anthropological analysis of displacement processes, through consistent student reading, absorption, and discussion of the anthropological and sociological literature on resettlement—its empirical findings, concepts, and methods. The course bibliography also includes items of a different type—project appraisal reports, evaluation reports, policy statements on resettlement, development agency documents—intended to complement the scientific bibliography (available in the Course-pack or placed on reserve at GWU Library).

Finally, this course is given with a strong commitment to active engagement, rather than passive contemplation, towards avoiding or reducing displacements whenever possible, and towards improving the standards and processes of induced displacements. It also aims to convey and build this commitment among the participating students as—possibly—future practicing social scientists. The course and class debates will reach into the ethics of development and—vastly—into the political, policy and operational hard questions of how to prevent/reduce impoverishment risks and social disorganization in forced resettlement.

Education for Operational Work

Beyond academic knowledge, this course will explain project-design and operational issues in development interventions causing displacements. The aim is also to introduce students to the options and requirements of practical development work in possible future jobs in this domain. The study of real-life "Resettlement Action Plans" of some major development projects is included.

Course Syllabus:

September 8, 2003

1.   Development and Human Settlement Patterns:
The Place of Displacement in the Paradigm of Induced Development.

The first session will place development-induced displacement and resettlement (DIDR) within the broader perspective of induced development. The ethical challenges will be emphasized together with the reasons for studying the topic. Students will introduce themselves and their reasons for taking this course.

September 15, 2003

2.   The Taxonomy of Population Displacement (I)
Refugees and Internally Displaced People. The Continuum from Voluntary to Forced Migration.

Castles, S. "Towards a Sociology of Forced Migration and Social Transformation," *Sociology* (UK), Vol. 77, No. 1, 2003 " Involuntary Resettlement: Social Research, Policy and Planning," In Cernea, M. (ed.), 1991. *Putting People First*. New York: Oxford University Press.

Cernea, M. 1996. "Bridging the Research Divide: Studying Refugees and Development Oustees. In Search of Cool Ground: War, Flight & Homecoming in Northeast Africa,". In Vol.: Tim Alan (ed.), (UNRISD: Geneva).

Deng, F.M. 1993. *Protecting the Dispossessed: A Challenge for the International Community*. Washington, DC: Brookings Institution Press

Hansen, A. 1990. "Refugee Self-settlement vs. Settlement on Government Schemes: The Long-term Consequences for Security, Integration, and Economic Development for Angolan Refugees in Zambia". Disc. Paper 17 (UNRISD), Geneva.

Harrell-Bond, B. E. and Monahan, L. 1998. "The Sociology of Involuntary Migration", *Current Sociology*, Vol. 36, 2

Mahapatra, L.K. (1999). *Resettlement, Impoverishment and Reconstruction in India: Development for the Deprived* Delhi: Vikas

McDowell, C. (ed.). 1996. *Understanding Impoverishment: The Consequences of Development-Induced Displacement*. Providence-Oxford: Berghahn Books.

Pandey, B. (1998). *Depriving the Underprivileged for Development*. Bhubaneswar: Institute for Socio-economic Development

Scudder, T. 1997. 'Resettlement'. In Biswas, A. (ed.). *Water Resources: Environmental Planning, Management and Development*. New York: McGraw-Hill

Sherman, N. 2002. *Refugee Resettlement in Uganda.* Netherlands-Israel Research Programme (NIRP) Series 11. Amsterdam: Royal Tropical Institute.

Turton, D. 2003. "Refugees and 'Other Forced Migrants': Towards a Unitary Study of Forced Migrants." (Course-pack)

September 22, 2003

3. The Taxonomy of Population Displacement (II). Alternative Typologies and Main IDP Sub-categories. Host Populations.

de Wet, C. J. (1195). *Moving Together, Drifting Apart*. Johannesburg: Witwatersrand University Press. (selected chapters).

Mathur, H.M. and Marsden, D. (eds.) 1998. *Development Projects and Impoverishment Risks in India*. Oxford UP.

Salem-Murdock, M. (1989). *Arabs and Nubians in New Halfa—A Study of Settlement and Irrigation*. Salt Lake City: UUPress.

September 29, 2003

4. History and Content of Resettlement Knowledge: From Empirical Research to Theory, and the Emergence of Resettlement Policies and Standards. State and Private Sector Policies.

Policies to study:

- The World Bank
- OECD Aid Agencies
- ADB
- China
- India
- Private Sector Corporations/IFC

Asian Development Bank, 1995, Involuntary Resettlement (Policy Statement), Manila

Cernea, M.M. 1995. "Social Integration and Population Displacement: The Contribution of Social Sciences". *International Social Science Journal* 43 (1): 91–112.

Fernandes, W. 1998. "The National Draft Policy for Rehabilitation: Principles of the NGO Alternative." In Mathur, H. and Marsden, D. (eds.) *Development Projects and Impoverishment Risks*. Delhi: Oxford UP

Guoqing, S. and Shaojun, C. China Resettlement Policies and Practices. NRCR: Nanjing, China. (Available in Coursepack).

Hakim, R. 2000. "Agricultural Land: The Case of Hill Vasavas Displaced by Sardar Sarovar Dam, India," In *The Eastern Anthropologist*, 53, No. 1&2, Pp. 73–94

Morse, B. and Berger, T. Sardar *Sarovar: Report of the Independent Review. Resource Future International (RFI), Inc*, 1992.

OECD Development Assistance Committee, 1992 Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects.

Sapkota, N. Using the Risks and Reconstruction Model in Resettlement Planning: Kali Gandaki Dam, Nepal. In *The Eastern Anthropologist*, 53, No. 1&2, Pp. 201–212.

Trembath, B. et al. !998. *The Shuikou Hydroelectric Project in China—A Case Study of Successful Resettlement.* (Course-pack).

World Bank Operational Manual, Operational Policies. 2001. Involuntary Resettlement. Washington DC.

World Bank Operational Manual, Bank Procedures. 2001. Involuntary Resettlement. Washington DC.

World Bank Operational Manual, Operational Policies. 2001. Involuntary Resettlement Instruments. Washington DC

October 6, 2003

5.   Modeling Reality: Impoverishment Risks in Involuntary Displacement. The IRR Analytical Framework and Its Predictive Functions.

Cernea, M. 2000. Risks, Safeguards, and Reconstruction: A Model for Population Displacement and Resettlement, In Cernea, M. & McDowell, C. (eds), Risks and Reconstruction, The World Bank

Downing, T. (1996). "Mitigating Social Impoverishment when People Are Involuntary Displaced," In McDowell, C. (ed.) *Understanding Impoverishment—The Consequences of Development-induced Displacement.* Oxford: Berghahn Books.

Mahapatra, L.K. 1999. "Testing the Risks and Reconstruction Model on India's Resettlement Experiences," In Cernea, M.M., (ed.), *The Economics of Involuntary Resettlement.* Washington: The World Bank.

Marx, E. 1990. "The Social World of Refugees": A Conceptual Framework" *Journal of Refugee Studies.* 3(3): 189–203

Nayak, R. 2000. Risks Associated with Landlessness: An Exploration Toward Socially Friendly Displacement and Resettlement. In vol.: Cernea and McDowell, Risk and Reconstruction. Pp. 79–106.

Scudder, T. 1991. "A Sociological Framework for the Analysis of New Land Settlements". In Cernea, M.M., ed., *Putting People First*. NY: Oxford UP.

October 13, 2003

6.   Structure and Process in Displacement and Resettlement (I)
In-depth Anthropological Analyses of Large-scale Hydropower Projects.

Cases to Study:

- Aswan—Egypt; Narmada
- Sardar-Sarovar—India;
- Yacyreta — Argentina;
- Nangbeto — Togo;
- Arenal — Costa Rica
- Shuikou — China;
- Three-Gorges — China;
- Kali Gandaki — Nepal;
- Bayano — Panama

Colson, E. 1971. *The Social Consequences of Resettlement: The Impact of the Kariba Resettlement Upon the Gwembe Tonga*. Manchester UP.

Fahim, H.M. (1983). *Egyptian Nubians — Resettlement and Years of Coping*. University of Utah Press. (Asswan Dam project)

Picciotto, R. et al. 2001. *Involuntary Resettlement — Comparative Perspectives*. New Brunswick: Transaction Publishers. (Chapters 1, 3, 4 — about Shuikou- China and Nangbeto-Togo projects).

Scudder, T. 1993. "Development-induced Relocation and Refugee Studies: 37 years of Change and Continuity among Zambia's Gwenbe Tonga". *Journal of Refugee Studies* 6, 3, 123–152.

Wali, A. (1989). *Kilowatts and Crisis: Hydroelectric Power and Social Dislocation in Eastern Panama*. Boulder: Westview

World Commission on Dams (2000). *Dams and Development — A New Framework for Decision-Making*. London: Earthscan. (Selected Chapters).

October 20, 2003

7.   Structures and Processes in Development and Resettlement (II).
In-depth Anthropological Analyses of Political Resettlement and
Conservation Resettlement.

Continue prior sections' readings, plus:

Feeney, P. 1998. *Accountable Aid*. Oxfam: London. Chapter 4: Global Benefits-Local Costs: Expulsion from Kibale Forest, Uganda. (in coursepack).

Pankhurst, A. 1992. *Resettlement and Famine in Ethiopia: The Villager's Experience*. Manchester Univ. Press

October 29, 2003

8.   Structure and Processes in Development and Resettlement (III). In-depth Anthropological Analyses of Mining and Urban Projects.

Prior sections readings, plus:

Cernea, M. M. 1993. "The Urban Environment and Population Relocation". World Bank Disc. Paper No. 152, Washington.

Downing, T. E. (2002). Avoiding New Poverty: Mining-Induced Displacement and Resettlement. International Institute for Environment and Development.
(Free copy available at http://ted-downing.com/AvoidingNewPovMMSD.pdf).

November 03, 2003

9.   Reconstruction After Forced Resettlement: Risks Reversal Processes and Livelihood Reconstruction.

Abutte, W.S. (2000). Social Re-Articulation After Resettlement: Observing the Beles Valley Scheme in Ethiopia. In vol.: Cernea and McDowell, Risk and Reconstruction. Pp. 412–429.

Hakim, R. (2000). From Corn to Cotton: Changing Indicators of Food Security Among Resettled Vasavas. In vol.: Cernea and McDowell, Risk and Reconstruction. Pp. 229–252.

Mahapatra, L.K. and Mahapatra, S. (2000). Social Re-articulation and Community Regeneration Among Resettled Displacees. In vol.: Cernea and McDowell, Risk and Reconstruction. Pp. 431–443.

Meikle, S. and Youxuan, Z. (2000). Employment for Displacess in the Socialist Market Economy of China. In Cernea, M. and McDowell, C. (eds.). *Risks and Resettlement: Experiences of Resettlers and Refugees.* Washington, D.C.: The World Bank.

Mejia, M. C. 2000. Economic Recovery After Involuntary Resettlement: The Case of Brick makers Displaced by the Yaciretá Hydroelectric Project. In vol.: Cernea and McDowell, Risk and Reconstruction. Pp. 144–164.

Partridge, W. L. 1993. "Successful Involuntary Resettlement: Lessons from the Costa Rican Arenal Hydroelectric Project". In M.M. Cernea and S.E. Guggenheim, eds., *Anthropological Approaches to Resettlement: Policy, Practice, and Theory.* Boulder, Colorado: Westview Press.

Van Wicklin, W.A. 1999. Sharing Project Benefits to Improve Resettlers' Livelihoods In Cernea, M.M., ed., *The Economics of Involuntary Resettlement.* Washington: The World Bank.

November 10, 2003

10.   The Flawed Economics of Resettlement Projects and the Compensation Principle in Resettlement: Expropriation Ethics, Law, Economics, and Political Economy.

Cernea, M. and Kanbur, R. 2002. *An Exchange on the Compensation Principle in Resettlement.* Working Paper, Department of Applied Economics and Management, Cornell University, Ithaca

Cernea, M. (1995). Understanding and Preventing Impoverishment from Displacement: Reflections on the State of Knowledge. In *Journal of Refugee Studies* Vol. 8 No. 3 (1995). Oxford: Oxford University Press.

Eriksen, J. H. 1999. Comparing the Economic Planning for Voluntary and Involuntary Resettlement. In Cernea, M.M., ed., *The Economics of Involuntary Resettlement*. Washington: The World Bank.

Pearce, D.W. 1999. Methodological Issues in the Economic Analysis for Involuntary Resettlement Operations. IN vol: Cernea, M.M., ed., *The Economics of Involuntary Resettlement*. Washington: The World Bank.

November 17, 2003

11. How to Design a Resettlement Action Plan (RAP): Planning for Displacement, Planning for Relocation.

World Bank Resettlement Actions Plans and resettlement plans for projects financed by transnational private corporations. Copies of resettlement action plans will be made available to students. Many RAPs can be downloaded from the World Bank's website and will be presented and discussed.

November 24, 2003

12. Resistance to Involuntary Displacement: Political Dimensions, States, and Civil Societies.

This session will also be dedicated to the presentation/group class discussion of the book: Pandey, Balaji, 1998. *Depriving the Under-privileged for Development* [see reading list]

Pandey, Balaji, 1998. *Depriving the Under-privileged for Development*

Dwivedi, R. Resisting Dams and 'Development': Contemporary Significance of the Campaign Against the Narmada Projects in India, In *European Journal of Development Research*, 1999.

Oliver-Smith, A. 1994. "Resistance to Resettlement: The Formation and Evolution of Movement" In Kreisberg, ed., *Research in Social Movements: Conflicts and Change*. Greenwich: JAI Press.

Paktar, Medha 1995. "The Struggle for Participation and Justice: A Historical Narrative". In W. Fisher, ed. *Toward Sustainable Development?* Armonk, New York: M.E. Sharpe.

December 01, 2003

13. Overview/Course Synthesis: Main Themes in the Anthropology of Involuntary Displacement and Resettlement.

Anthropology 222.10
Development and Population Displacement
Fall Semester 2003
Masters Degree Course

Suggested Themes for the Term Paper

A term paper 20–30 pages is intended to demonstrate how course participants have understood key ideas, concepts, and arguments developed by scholars, researchers, and policy makers working on resettlement, and are able to use them in their independent analyses of empirical data about displacements. Students can select from the list of topics below or, alternatively, propose other subjects with an abstract. Each of the themes, whether proposed below or by the student, must be anchored in ideas presented in lectures during the course. Each paper must cover the issues in-depth and critically, and include independent thinking by the student. Creative personal treatment, including iconoclastic views and "crazy ideas" are encouraged, with supporting argumentation.

For those who want to develop the material in more detail, an upper limit of 40 pages is acceptable.

The paper should be delivered in hard copy, typed double-spaced, between November 15–20, 2003, to allow for class presentation and discussion.

Proposed themes are:

1. Applying the Eminent Domain Principle to Land Acquisition for Displacements: "Pros" and "Cons," Strengths and Weaknesses.
2. History of the "Eminent Domain Principle": Origin, Contexts, and Issues in Its Contemporary Application. The student will research the origin of the principle and will analyze it in light of anthropological perspectives on state and social contexts.
3. Strengths and Fallacies of Compensation Expropriation and Displacement: Secondary Analysis of Empirical Research. (Three or four terms papers are possible on this topic)
   - Africa
   - South Asia (India)
   - China and East Asia
   - Latin America

Note: Three or four students can develop jointly or independently the methodology for secondary analysis and carry out their analyses separately. Findings will be presented for a comparative discussion in a class session.

4. Population Displacement for Biodiversity Parks Establishment: Synthesis, Analysis, and Discussion of Findings/arguments from Anthropological Research Literature.

   Note: This topic can be taken up by two or three students, in distinct papers about research in:

   - Latin America
   - Asia
   - USA/Europe

Findings will be presented and discussed in a comparative manner in a class session.

5. Ethics, Law, and Development: A discussion of forced displacement and the "greater good for the largest number" principle in light of John Rawls and Amartya Sen.

Note: If two students are interested, one can focus on Rawls "Theory of Justice," the other on Amartya Sen's theory of entitlements and on development as freedom.

Course Readings:

Cernea, M. (ed.) 1999. *The Economics of Involuntary Resettlement: Questions and Challenges*, The World Bank. (Articles by different authors covering a range of resettlement issues)

Cernea, M. & Guggenheim, S. (eds.) 1993. *Anthropological Approaches to Resettlement: Policy, Practice and Theory*. Boulder: Westview Press.

Cernea, M. and McDowell, C. (eds.) 2000. *Risks and Reconstruction: Experiences of Resettlers and Refugees*, The World Bank.

Cohen, R. and Deng, F.M. 1998. *Masses in Flight: The Global Crisis of Internal Displacement*. Washington, DC: Brookings Institution Press. (Selected sections).

Indra, Doreen (Ed.). 2003. *Engendering Forced Migration: Theory and Practice*. New York: Berghahm Books.

Pandey, Balaji, 1998. *Depriving the Under-privileged for Development*. Institute for Socio-economic Development: Bhubaneswar, India.

Ribeiro, G.L. 1994. *Transnational Capitalism and Hydropolitics in Argentina: The Yaciretá High Dam*: University Press of Florida.

Robinson, J. (Ed.) 2002. *Development and Displacement*. Oxford: The Open University.

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Human Rights and Health

University of California, Berkeley
School of Public Health

Profs. Vincent Iacopino and Harvey Weinstein
Spring 2002
United States of America

Course Description:

This course focuses on the relationship between health and human rights. How does one define and understand international human rights? What role do these rights play in assuring the World Health Organization's definition of health"? How can health professionals, lawyers, social scientists, and others concerned with human rights improve individual and community health and well-being by protecting and promoting human rights?

The course provides an overview of the epidemiology of human rights violations in the world and an analysis of the psychology of abuse. The course considers the role of health professionals and other health promoters in: documenting the health consequences of human rights violations, treating survivors of state-sponsored abuse, addressing specific human rights concerns of women and children, identifying the impact of health policy on human rights, and participating in human rights education and advocacy. It examines the relationship between bioethics and human rights and the relationship between human rights, the environment and multinational corporations. Also, the contemporary human rights issues of universality and accountability are addressed.

The course aims to provide students with a basic understanding of human rights issues relevant to health professionals. Lectures and in-class discussions will enable students to acquire knowledge and skills necessary for preventing and alleviating the human suffering caused by human rights abuses. In addition, research assignments will provide students with opportunities to raise meaningful questions by pursuing the study of original ideas. Students' conceptual understandings and knowledge will be assessed through their participation in class. Their abilities to develop original ideas and engage in critical thinking on human rights will be reflected in their research assignment selection, presentation and writing.

Syllabus:

Week 1

January 24

How do our understanding of human rights and our definitions of human rights abuses compare to the way these are understood internationally? What are the historical and philosophical origins of human rights and how have human rights and humanitarian law developed?

What are the critical international documents that provide the world's framework for monitoring human rights abuses? What are non-derogable rights and what is meant by the interdependence and indivisibility of human rights? How can respect for human rights be enforced?

Course introduction: individual introductions, outline of subjects to be covered, course objectives, student responsibilities, grading, office hours, reading material and explanation of assignments

Videotape: The Case of Rwanda: Human Rights Violations and Lessons Learned

Exercise: What are Human Rights?

Readings:

Weston BH. International Human Rights: Overview. In: Claude RP and Weston BH, eds. *Human Rights in the World Community: Issues and Actions.* Philadelphia: University of Pennsylvania Press, 1992:14–31.

Marks S. Promoting Human Rights. In Klare MT and Thomas DC, eds. *World Security: Trends and Challenges at Century's End.* New York: St. Martin's Press, 1991:292–323.

Henkin L. Introduction: The human rights idea. In: *The Age of Rights.* New York: Columbia University Press, 1990:1–10.

The Politics of Human Rights, Righting Wrongs. *The Economist.* August 18, 2001:18–20.

*Center for the Study of Human Rights. *Twenty-Five Human Rights Documents*, New York: Columbia University Press, 1994: United Nations Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social, and Cultural Rights.

Week 2

January 31

Instructors: Iacopino and Weinstein

Origins of Health Concerns: How has ideology shaped our understandings of sickness, health and healing? How do concepts of disease and illness affect contemporary health practices? Are human rights valid health concerns? How are the interests of individuals and society represented in medical encounters and health policy?

Health and Human Rights. How has ideology shaped our understanding of sickness, health and healing? Is there a natural point of intersection between health and human rights? What is the legal foundation for a right to health and how is it applied in America and overseas?

Exercise: Analyze from a health and human rights perspective one of the ten great public health achievements, US, 1990–99, in MMWR 48, 241–243 (Also in JAMA 281:16,1481.)

Readings:

World Health Organization. Declaration of Alma Ata. *World Health Organization, Primary Health Care.* Geneva: World Health Organization, 1978: 1–3.

Ottawa Charter for Health Promotion, presented at first International Conference on Health Promotion, Ottawa, 1986: 1–3.

Mann J, Gostin L, Gruskin S et al. Health and human rights. *Health and Human Rights*. 1994;1(1): 7–23.

International Consortium on Health and Human Rights. Draft Declaration on Human Rights and Health Practice. December 2001.

Benatar SR. Global disparities in health and human rights: a critical commentary. *Am J Public Health*. 1998; 88:295–300.

Farmer P. Pathologies of power: rethinking health and human rights. *Am J Pub Health*. 1999; 89(10):1486–1496.

Week 3

February 7

Guest Speaker: Caroline Lamwaka, Journalist, Kampala, Uganda

What is the relationship between social ideals and claims to universal human rights? Do human rights apply to all people and for all time? Does the "human rights idea" represent merely a "western" model? How does the practice of female genital cutting or lack of education for girls in Afghanistan or the former practice of foot binding in China exemplify the discourse on universality and cultural relativity? Consider other examples of this discourse.

Readings:

Preis AS. Human rights as cultural practice: an anthropological critique. *Human Rights Quarterly*. 1986; 18:286–315.

Schirmer J. The dilemma of cultural diversity and equivalency in universal human rights standards. In Downing TE, and Kushner G, eds. *Human Rights and Anthropology*. Cambridge: Cultural Survival, Inc., 1988:91–106.

An-Naim A. What do we mean by universal? Index on Citizenship. 1994;4/5:120–128.

Annas CI. Irreversible Error: the power and error of female genital mutilation. In Mann J and Gruskin S, eds. *Health and Human Rights: A Reader*. New York: Routledge, 1999:336–362.

Lane SD. Judging the other: responding to traditional female genital surgeries. *Hastings Center Report*. 1996; 26(3):31–40.

Week 4

February 14

Guest Speaker: Sosamma Samuel-Burnett, Coordinator for the Economic and Social Human Rights Program at Food First/Institute for Food and Development Policy, Oakland, CA

Unrealized Economic, Social and Cultural Rights: Overview of the International Covenant on Economic, Social, and Cultural Rights. What are the health consequences of development and global monetary policies? What is the extent of poverty, hunger, and overpopulation in the world

today? What are the health consequences of militarism? How are these problems interrelated and how do they affect the environment? What is the role of International Monetary Fund and the World Bank. What are the effects of structural adjustment policies on poverty and health? What other models exist for developing countries? What is the relation between freedoms and unrealized human needs?

Readings:

*Center for the Study of Human Rights. *Twenty-Five Human Rights Documents,* New York: Columbia University Press, 1994. International Covenant on Economic, Social, and Cultural Rights.

*Sivard RL. *World Military and Social Expenditures, 1996.* Washington, DC: World Priorities, 1996:1–53.

Kiefer C. Militarism and world health. *Social Science and Medicine.* 1992; 34(7):719–724.

Sen A. Freedoms and needs. *The New Republic.* January, 1994:31–37.

Mesmesskoub, M. Deprivation and structural adjustment. In Wuyts, M, Mackintosh M, and Hewitt T, eds. *Development Policy and Public Action.* Oxford: Oxford University Press, 1992:175–198.

Peabody JW. Economic reform and health sector policy: lessons from structural adjustment programs. *Soc Sci Med.* 1996; 43(5):823–835.

Editorial. Structural adjustment and health in Africa. *The Lancet.* 1990; 335 885–886.

Ugalde A, Jackson JT. The world bank and international health policy: a critical review. *Journal of International Development.* 1995; 7(3):525–541.

Chanis, BH. and Franke, RW. Kerala State: a social justice model. *Multinational Monitor.* 1996; 7/8:25–28.

Nelson K, Brown ME, Lurie N. Hunger in an adult population, *JAMA.* 1998; 279:1211–1214.

Robert SA, House JS. Socioeconomic inequalities in health: integrating individual-, community-, and societal-level theory and research. In Albrechet GL, Fitzpatrick R, and Scrimshaw SC, eds. *Handbook of Social Studies in Health and Medicine.* Thousand Oaks: Sage Publications, 2000:125–127.

Week 5

February 21

Instructors: Weinstein and Iacopino

Terrorism, Human Rights and September 11: With our discussions on cultural relativism and economic, cultural and social rights as a background, how can we analyze the events of September 11 and the American response from a human rights perspective? How do we define "terrorism?" What psychological factors enable acts of terrorism? How should health professionals respond to the threat of terrorism?

Film: Preparing for Biological/Chemical Warfare

Definitions of Terrorism. United Nations Office for Drug Control and Crime Prevention, December 21, 2001. Available at: http://www.undcp.org/terrorism_definitions.html

Definition of Terrorism. *The Daily Diatribe.* October 5, 2001.

Available at: http://www.therationalradical.com/dsep/other/terrorism-definition.htm

Mastny V. Terrorism. Available at: http://encarta.msn.com/find/Concise.asp?ti=03256000

Whitaker B. Jihad and terrorism: the definition of terrorism. *The Guardian Unlimited.* May 7, 2001. Available at: http://www.guardian.co.uk/Archive/Article/0,4273,4182105,00.html

Bandura A. Mechanisms of moral disengagement. In: Reich W, ed. *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind.* New York: Cambridge University Press, 1990:161–191.

Sidel VW, Cohen HW, Gould RM. Good intentions and the road to bioterrorism preparedness. *Am J Public Health.* 2001; 91(5):716–718.

Henderson DA. The Looming Threat of Bioterrorism. *Science.* 1999; 283:1279–1282.

Week 6

February 28

Assignment: Small Group Presentations on Health and Human Rights Topics

Week 7

March 7

Instructors: Weinstein and Iacopino

Human Rights Violations in the World Today: Overview of the current scope and patterns of human rights violations in the world. Overview of the problems of war, political violence, and violations of human rights and humanitarian law.

Health Consequences of Armed Conflicts and Human Rights Violations: What are the immediate and long-term effects of death and disability, destruction of infrastructure, supplies of food, water, housing, health services during times of war and civil conflicts. How do the laws of war aim to protect people in times of war? What constitutes medical neutrality?

Health Status of Refugees and Displaced Persons: What are the immediate and long-term health needs triggered by mass migrations of people during armed conflicts? What constitutes appropriate health services for humanitarian assistance?

Readings:

Human Rights Watch. Introduction. *Human Rights Watch World Report 2001.* New York: Human Rights Watch, 2001

Zwi A, Ugalde A. Towards an epidemiology of oolitical violence in the third world. *Social Science and Medicine.* 1989; 28(7):633–642.

US Committee for Refugees. *Worldwide Refugee Information, 2001.* Website: http://www.refugees.org/world/articles/50years_rr01_5.htm.

Toole MJ. Complex emergencies: refugee and other populations. In: Noji EK ed.. *The Public Health Consequences of Disasters.* New York: Oxford University Press, 1997:419–442.

Stover E, Cobey JC, Fine J. The public health effects of landmines: long-term consequences for civilians. In: *War and Public Health,* Levy BS and Sidel VW, eds. New York: Oxford University Press, 1997:137–146.

Falk. R. Human rights, humanitarian assistance and the sovereignty of states. In Cahill KM, ed. *A Framework for Survival: Health, Human Rights, and Humanitarian Assistance in Conflicts and Disasters.* New York: Basic Books, 1993:122–136.

Gibbons E, Garfield R. The impact of economic sanctions on healths and human rights in Haiti-1991–94. *Am J Public Health.* 1999; 89(10):1499–1504.

Marks SP. Economic Sanctions as Human Rights Violations: Reconciling Political and PublicHealth Imperatives. *American Journal of Public Health.* 1999; 89(10):1509–1513.

Weinstein H, Lipson J, Sarnoff R, Gladstone E. Rethinking displacement: Bosnians uprooted in Bosnia and the United States. In Lipson J and McSpadden L, eds. *Negotiating Power and Place at the Margins: Selected Papers on Refugees and Immigrants,* Vol. VII, Fairfax: American Anthropological Association, 1999:53–74.

Iacopino V, Waldman R. War and health: from Solferino to Kosovo — the evolving role of physicians. *JAMA.* 1999; 282(5):479–481.

Medical Neutrality References: 1) Violations of medical neutrality: classification scheme of the International Commission on Medical Neutrality, 2) Charter of Medical Neutrality (ICMN), 3) Excerpts from the Declaration of Minimum Humanitarian Standards (1990), 4) A code for the protection of medical services in conflict, 5) Common Article 3 of the Geneva Conventions.

Week 8

March 14

Guest Speaker: Iacopino and Weinstien

Human Rights Violations/Reports From the Field: What is the role of health professionals in documenting the health consequences of conflict and human rights violations? Overview of efforts to document violations of international human rights and humanitarian law, including the problems of genocide, extra-judicial executions, torture, rape, excessive use of force, prison condition, landmines, and chemical weapons.

Methods of Documenting Human Rights Violations: What are the general conditions for a human rights investigation? How can epidemiology and other research methods be applied to the documentation of human rights violence? What forms of evidence should be collected?

Readings:

Geiger HJ, Cook-Deegan RM. The role of physicians in conflicts and humanitarian crises: case studies from the field missions of Physicians for Human Rights, 1988–1993. *JAMA.* 1993; 270:616–620.

Iacopino V, Heisler M, Pishever S, and Kirschner RH. Physician complicity in misrepresentation and omission of medical evidence in post-detention medical examinations in Turkey. *JAMA.* 1996; 276:396–402.

Iacopino V, Frank MW, Bauer HM, Keller AS, Fink SL, Ford D, Palin DJ, Waldman R. A Population-based Assessment of Human Rights Abuses against Ethnic Albanian Refugees from Kosovo. *American Journal of Public Health.* 2001; 91(12):2013–2018.

Claude RP. *Human Rights and Statistics: Getting the Record Straight.* Jabine TB and Claude RP, eds. Philadelphia: University of Pennsylvania Press, 1992:1–61.

Dermot G. Human rights investigation. In *The Handbook of Human Rights Investigation: A Comprehensive Guide to the Investigation and Documentation of Violent Human Rights Abuses.* Northborough: Human Rights Press, 2000:33–49.

Wilson RA. Representing human rights violations: social contexts and subjectivities. In Wilson RA, ed. *Human Rights: Culture and Context.* London: Pluto Press, 1997:134–160.

Week 9

March 21

Guest Speaker: Nomfundo Walaza, Visiting Fellow, Human Rights Center, Director, Center for Survivors of Violence and Torture, Cape Town, South Africa.

Torture: How is torture defined? What is the scope of its practice and its prevalence among refugees and asylum seekers? What are the physical, psychological, and social health consequences of torture? How can survivors be helped? What are the possible conceptual and clinical limitations of post-traumatic stress disorder (PTSD) as a diagnosis? How do literary accounts by survivors inform health professionals' efforts to prevent and alleviate suffering?

The Psychology of Abuse: What are the origins of abuse? How do processes of moral disengagement and dissociation promote abuse? What is the unconscious structure of torture? Why does causing death and injury seem to confer power to the victimizer?

Resettlement and Asylum: What health issues arise in countries of asylum? What factors determine the asylum process and how do refugees integrate into new cultures?

Audiotape: Interview with Sr. Diana Ortiz. National Public Radio. 1996.

Readings:

Weinstein HM, Dansky L and Iacopino V. Torture and war trauma survivors in primary care practice. *Western Journal of Medicine.* 1996; 165:112–116.

Summerfield D. Addressing human response to war and atrocity: major challenges in research and practices and the limitations of western psychiatric models. In: Kleber R et. al., eds. *Beyond Trauma.* New York: Plenum Press, 1996:17–29.

Turner S. Torture, refuge, and trust. In: Daniel EV and Knudsen JC, eds. *Mistrusting Refugees.* Berkeley: University of California Press, 1995:56–72.

Muecke MA. New paradigms for refugee health problems. *Soc Sci Med,* 1992; 35(4):515–523.

Iacopino V, Ozkalipci O, Schlar C. The Istanbul Protocol: international standards for the effective investigation and documentation of torture and ill treatment. *The Lancet.* September 25, 1999:1117.

Scarry E. The structure of torture: the conversion of real pain into the fiction of power. In: *The Body in Pain: The Making and Unmaking of the World.* New York: Oxford University Press, 1985:27–59.

*Center for the Study of Human Rights. *Twenty-Five Human Rights Documents,* New York: Columbia University Press, 1994: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and Convention Relating to the Status of Refugees.

SPRING BREAK: March 25-29

Week 10

April 4

Guest Speaker: Sofia Gruskin, F.X. Bagnoud Center for Health and Human Rights, Harvard University

Health and Women's Human Rights: What are women's human rights? How has feminism contributed to human rights discourse? How does gender discrimination manifest as abuses of women's human rights? What are reproductive rights and how have they been challenged?

Readings:

*Center for the Study of Human Rights. *Twenty-Five Human Rights Documents,* New York: Columbia University Press, 1994. Convention on the Elimination of All Forms of Discrimination Against Women.

Bunch C. Women's Rights as Human rights: toward a re-vision of human rights. *Human Rights Quarterly.* 1990; 12:486–498.

Binion, G. Human Rights: A Feminist Perspective. *Human Rights Quarterly.* 1995; 17:509–526.

Yamin AE. Transformative combinations: women's health and human rights. *JAMWA.* 1997; 52(4):169–173.

Freedman L. Censorship and manipulation of reproductive health information: an issue of human rights and women's health. In *The Right to Know: Human Rights and Access to Reproductive Health Information.* Philadelphia: University of Pennsylvania Press, 1995: 1–37.

Gollub E. Human rights is a U.S. problem, too: the case of women and HIV. *Am J Public Health.* 1999; 89(10):1479–1482.

National Women's Law Center. Introduction and Executive Summary, in *Making the Grade on Women's Health: a National and State-by-State Report Card.* 2001. Available at:
http://www.nwlc.org/pdf/2001ReportCardExecutivesummary.pdf

Resource: Sivard, RL. 1995. Women — A World Survey. World Priorities. Washington, DC.

Week 11

April 11

Guest Speakers: Margaret Brodkin, Executive Director, Coleman Advocates for Youth, San Francisco, CA

Health and Human Rights of Children: What are the rights of children? How are they violated. What are the immediate and long-term health consequences of such violations? What is the impact of psychological trauma on development and family dynamics? How does the conceptualization of childhood influence treatment approaches? What are the causes of child labor, hunger and malnutrition and what remedies can be identified?

Human Rights Education: What is the significance of human rights education? What role should health professionals play in building a culture of human rights within the health sector and in the world community? What strategies should be considered to achieve this.

Exercise: Develop a 3-year plan for a children's health and human rights organization (Group A). Develop a Public Health Action Plan for Human Rights Education; OR Develop a California ballot initiative for human rights education in public schools (Group B).

Readings:

*Center for the Study of Human Rights. *Twenty-Five Human Rights Documents,* New York: Columbia University Press, 1994: Convention on the Rights of the Child.

Schaller JG, Nightingale EO. Children and childhood's: hidden casualties of war and civil unrest. *JAMA.* 1992; 268(5):642–644.

Children's Defense Fund. The state of America's children. In Mittal A, and Rosset P. *America Needs Human Rights*. Oakland: Food First Books, 1999:53–59.

International Development Information Centre. Food Security: A Rights to Access. No. 94–04 March 1994:1–5.

Pogge TW. Poverty: a Violation of Human Rights. Center for the Study of Human Rights. Rights News. 2001; 23(1):3.

Blanchet T. Child domestic servants in Dhaka. In *Lost Innocence, Stolen Childhoods*. Dhaka: University Press, Ltd., 1996:97–121.

Bales K. Thailand: because she looks like a child. In: *Disposable People: New Slavery in the Global Economy.* Berkeley: University of California Press, 1999: 34–79.

Swartz L, Levett, A. Political repression and children in South Africa: the social construction of damaging effects. *Social Science and Medicine.* 1989; 28(7):741–750.

Baxi U. Human rights education: the promise of the third millennium? *In* Andreaopoulos GJ, and Claude RP, eds. *Human Rights Education for the Twenty-First Century.* Philadelphia: University of Pennsylvania Press, 1997:142–154.

Claude RP. Human rights education: its day has come. *Amer Soc of Intnl Law.* 1998; 8(2):13–23.

Week 12

April 18

Guest Speaker: Speaker from Business for Social Responsibility

Environment, Multinational Corporations, Health and Human Rights. What are the effects of industry practice, pollution, and dumping on the health rights of populations? Are human rights and a free market compatible? What is the role of government policy in making trade-offs between growth and health? How can multinational corporations be held accountable for human rights abuses?

Exercise: Develop a human rights impact assessment methodology to assess the human rights implications of development programs (Working Group A) and Health Policy (Working Group B).

Readings:

McKellar FL, Horlacher DE. Population, living standards and sustainability: an economic view. In: Mazur LA, ed. *Beyond the Numbers: A Reader on Population, Consumption, and the Environment.* Washington, D.C: Island Press, 1994:76–92.

Hekimian K. The post-Soviet legacy of industrial pollution in Armenia. In: Bradford B and Gwynne MA, eds. *Down to earth: Community Perspectives on Health, Development, and the Environment.* West Hartford: Kumarian Press, 1995:49–59.

Wilson L. Fighting toxic waste dumping in Kentucky. In: In: Bradford B and Gwynne MA, eds. *Down to earth: Community Perspectives on Health, Development, and the Environment.* West Hartford: Kumarian Press, 1995: op cit., pp.107–112.

Capek SM. Environmental justice, regulation, and the local community. *Int J Hlth Svcs.* 1992; 22(4):729–746.

Millen JV, Holtz TH. Transnational corporations and the health of the poor. In Kim JY, Millen JV, Irwin A and Gershman J, eds. *Dying for Growth: Global Inequality and the Health of the Poor.* Monroe, Common Courage Press, 2000:177–223.

Shilling DM, Rosenbaum R. Principles for global corporate responsibility. *Business and Society Review.* 1995:55–56.

Week 13

April 25

Guest Speaker: Helene Lipton, Professor of Pharmacy and Health Policy, Schools of Medicine and Pharmacy, UCSF, San Francisco, CA

Human Rights and Health policy: How can health professionals assess the impact of health policy on human rights, both on civil and political rights and on the economic, social and cultural rights?

Analysis of the Intersection Between Health Policy and Human Rights: Tobacco and HIV, access to health care, denial of health care to undocumented immigrants, and discrimination against disabled persons.

Readings:

Gostin L. Mann J. Towards the development of a human rights impact assessment for the formulation and evaluation of public health policies. *Human Rights and Health.* 1994; 1(1):58–80.

Barry M. The influence of the U.S. tobacco industry on the health , economy, and environment of developing countries. *NEJM.* 1991; 324(13):917–919.

Gostin LO, Lazzarini Z. *Human Rights and Public Health in the AIDS Pandemic*, New York: Oxford University Press, 1997:12–32 and 49–55.

Fee E, Krieger N. Thinking and rethinking AIDS: implications for health policy. In *AIDS: The Politics of Survival.* Amityville: Gaywood Publishing Co, Inc., 1993:227–251.

Toebes B. Towards an Improved Understanding of the International Human Right to Health. *Human Rights Quarterly.* 1999; 21(3):661–679.

Thomas SB. The color line: race matters in the elimination of health disparities. *Am J Public Health.* 2001; 91(7):1046–47.

Ziv TA, Lo B. Denial of care to illegal immigrants: Proposition 187 in California. *NEJM.* 1995; 332(16):1095–1098.

Weinstein H, et al. *The Albanian Mental Health System.* A Human Rights Center Report, Berkeley: University of California, 2000; 3–5:12–29.

Week 14

May 2

Guest Speaker: Jeffrey Burack, Assistant Adjunct Professor of Bioethics, Division of Health and Medical Sciences, School of Public Health, UC Berkeley

Bioethics and Human Rights: What are the professional ethics of healers? What is the relationship between bioethics and human rights? How have people become unwitting participants in human experimentation? How have governments, scientists, and health professionals colluded in the misuse of their own citizenry? How have public health officials participated in human experimentation? Historical examples of this include the eugenics movement, Nazi medicine and the concentration camp experiments, the Tuskegee experiments, human radiation, mind control, and chemical and biological warfare. What is known about the role of health professionals in experiments and torture?

Readings:

*Amnesty International. *Ethical Codes and Declarations Relevant to the Health Professionals,* London: Amnesty International. 2000.

Commonwealth Medical Association. *The Guiding Principles: Medical Ethics and Human Rights.* London: Commonwealth Medical Association, 1994:1–11.

Kass N. An ethics framework for public health. *Am J Public Health.* 2001; 91(11):1776–1782.

Proctor R. Nazi Doctors, racial medicine and human experimentation. In Annas GJ and Grodin, MA, eds. *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation.* New York: Oxford University Press, 1995:17–31.

Silove D. Doctors and the state: lessons from the Biko case. *Social Science and Medicine.* 1999; 30(4):417–429.

Rubenstein L, London L. The UDHR and the limits of medical ethics: the case of South Africa. *Health and Human Rights.* 1998;3(2): 161–175.

Bayer R.(1998) The debate over maternal-fetal HIV transmission prevention trials in Africa, Asia, and the Caribbean: racist exploitation or exploitation of racism? *Am J Public Health.* 1998; 88(4):567–570.

Brennan T. Proposed revisions to the Declaration of Helsinki — will they weaken the Ethical principles underlying human research? *NEJM.* 1999; 341(7):527–530.

Levine R. The need to revise the declaration of Helsinki. *NEJM.* 1999; 341(7):531–534.

Kass N. An ethics framework for public health. *Am J Public Health.* 2001; 91(11):1776–1782.

Jones J. A moral astigmatism. In: *Bad Blood: The Tuskegee Syphilis Experiment.* New York: The Free Press, 1981:1–15.

The Nuremberg Code

Week 15

May 9

Panel Discussion: Symposium with Nomfundo Walaza (South Africa), Alejandra Huneeus (Chile), Jospeh Nevins (East Timor)

Truth, Justice and Reconciliation: How can we define truth, justice, and reconciliation? How should perpetrators of human rights abuses be held accountable for their actions? Is there any relationship between justice and reconciliation? What is the role of a truth commission? What does justice and reconciliation have to do with the protection and promotion of human rights?

Human Rights Education: What is the significance of human rights education? What role should health professionals play in building a culture of human rights within the health sector and in the world community? What strategies should be considered to achieve this.

Readings:

Ignatieff M. The nightmare from which we are trying to awake. In: *The Warrior's Honor: Ethnic War and the Modern Conscience.* New York: Metropolitan Books, 1997:164–190.

Zalaquett J. Confronting human rights violations committed by former governments: principles applicable and political constraints. In: Kritz N, ed. *Transitional Justice, Vol 1,* Washington, D.C: United States Institute of Peace Press, 1995:3–31.

Hayner PB. Fifteen truth commissions: 1974 to 1994: a comparative study. *Human Rights Quarterly.* 1994;16:597–611.

Hayner PB. Five illustrative truth commissions. In: *Unspeakable Truths: Confronting State Terror and Atrocity.* New York: Routledge, 2001:32–49.

Neier A. Doing justice at home and abroad. In *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice.* New York: Times Books, 1998:35–95.

Minow M. Vengeance and forgiveness. In *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence.* Boston: Beacon Press, 1998:9–24.

Fletcher L, Weinstein H, et. al. Justice, Accountability and Social Reconstruction: an interview study of Bosnian judges and prosecutors. Berkeley J of International Law. 2000; 18(1):103–105, 141–151.

Weschler L. Getting over. *The New Yorker.* 1993(April 5):173–236, and 281–284.

Course Readings:

1. Iacopino V, Weinstein H. *Health and Human Rights Course Reader, PH 211.* 2001. (Readings not marked with an asterisk are in the Course Reader.)

2. Center for the Study of Human Rights. *Twenty-Five Human Rights Documents,* New York: Columbia University Press, 1994.

3. Amnesty International. *Ethical Codes and Declarations Relevant to the Health Professionals,* London: Amnesty International. 2000. (provided by instructors)

4. Sivard RL. *World Military and Social Expenditures, 1996.* Washington, DC: World Priorities, 1996.

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Latin American Development and Conflict Transformation[1]

George Mason University
Institute for Conflict Analysis and Resolution

Instructor Catalina Rojas
Proposed Course
United States of America

Course Description:

This period will unite two dynamic areas: social, political and, economic development with inter-personal, inter-communal and political conflict transformation. The influence that conflicts have on successful development in undeniable, and in turn the war that development is approach can have great influence on how protracted conflicts may be resolved and transformed. We will study the relevant principles of both, and then apply them to case studies in Guatemala, Nicaragua and Colombia, with special attention on the current situation of the later.

Syllabus:

Conflict Analysis and Resolution Module

Week 1: Conflict Analysis

Class 1 — Conflicts? what, when, where. Why does culture matters?

15 minutes Class announcements

1 hour Introduction to the textbook Ausburger, David. 1992. "Conflict mediation across cultures". Westminster: Kentuky

Required reading:

Chapter 1 pages 11–40

30 minute break

1 hour The development of the Conflict Analysis and Resolution Field

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[1] This syllabus is an excerpt from a longer course.

Required reading:

Kreisberg Louis. 1997. "The development of the CR field" In: "Peacemaking in the international context". Washington: USIP Press" pages 51–77

Suggested reading:

Lauie James 1992. "Contributions of the emerging field of CR" pages 300–332 In: "Approaches to Peace". Washington: USIP Press.

15 minutes Q&A session

Homework: bring a written story (600 words or 2 pages max) describing a real, fictional, personal, communal or national conflict of your interest

Class 2 — Analyzing the nature, structure and dynamics of conflicts

15 minutes Q&A session about readings and past class discussion

1 hour- Presentation and class discussion of the required reading of Chapter 2 "Culture mediation across cultures"

30 minutes break

30 minutes Explaining frameworks for analyzing conflicts: Galtung, Mitchell, SPITCEROW

30 minutes exercise "Everything that I wanted to know about analyzing a conflict but I was afraid to ask". Apply today's class readings and presentations to analyze the conflict that you brought. This exercise should be handed in at the end of the class, should be no more than 3 pages and is individual. General questions to the instructor are allowed during the written period.

Week 2:   Conflict Resolution

Class 3 — "How do parties behave in conflict?"

15 minutes Q&A session, class announcements

30 minutes Presentation and class discussion

30 minutes break

30 minutes Presentation and class discussion Chapter 5 "Conflict triangular in origin and Resolution" In: "Conflict mediation across cultures".

30 minutes Presentation and class discussion Chapter 7 "Mediation: The necessity of a go-between" In: "Conflict mediation across cultures".

15 minutes for mediation demonstration

Class 4 — "Transforming conflicts: the field in the XXI century"

15 minutes Q&A session

1 hour discussion panel of the required reading (students will conduct the panel) of Jean Paul Lederach "Conflict Transformation across cultures" Chapter 2

30 minutes break

1 hour discussion panel of the required reading (students will conduct the panel) of Raimo Vayrynen "From conflict resolution to conflict transformation: a critical review" Chapter 7

15 minutes Conclusions of the Conflict Analysis and Resolution module

Colombia Module
Analysing the Colombian Conflict

For better performance during the Colombian module the students are required to start collecting news about the Colombian conflict from the main US newspapers as well as starting visiting Colombia related web sites.

Week 1

Class 1 — "The history of violence in Colombia or…violence in Colombia's history"

15 minutes Q&A session

1 hour Presentation Historical analysis of the conflict

Required reading

Marc Chernick "Negotiating peace amid multiple forms of violence: the protracted search for a settlements to the armed conflicts in Colombia" In: "Comparative peace processes in Latin-America". Arnson, Cynthia (Ed). Washington : Woodrow Wilson Center Press. Page 159–195

30 minutes break

1 hour Continuation of the class presentation and class discussion

Class 2 — "Analyzing the Colombian conflict: the key parties"

15 minutes Q&A session

1 hour presentation: The key parties

Required readings

Alfredo Molano "The evolution of the FARC" NACLA Magazine Pages 23–31

Nazih Richani "The paramilitary connection" NACLA Magazine page 38–42

Winifred Tate "Repeating past mistakes: Aiding counterinsurgency in Colombia". NACLA Magazine Pages 16–19

30 minutes break

1 hour Class exercise: Students will use different conflict analysis models to be applied to the Colombia case answering the following questions:

Identifying the nature of the conflict (is it a conflict of data, interest, information, communication, class, identity?)

Who are the main parties and how is their behavior?

Using SPITCEROW and other analysis models what can we learn from the Colombian conflict?

Week 3

Class 3 — Colombia: Internal war and regional dimensions: A framework of analysis

15 minutes Q&A session

1 hour Underlying and proximate causes of the Colombian conflict

30 minute break

1 hour Effects of the Colombian conflict in the neighboring states

30 minutes debate: The role of US in the resolution, transformation or escalation of the Colombian conflict

Class 4 — "Plan Colombia: US involvement in the war"

15 minutes Q&A Session

1 hour What is Plan Colombia?

Required reading

"Plan Colombia" International Policy report. December 2000

Suggested reading

"Just the facts: a civilian's guide to US defense and security assistance to Latin America and the Caribbean".

30 hour break

Class debate "Drug cultivation, fumigation and the conflict in Colombia".

Resolving the Colombian Conflict: the never-ending story

Week 4

Class 5 — "Winds of peace, storm of violence: origins and dynamics of the Colombian peace processes"

15 minutes Q&A session

1 hour presentation of the Colombian Peace process

30 minute break

Required reading

Chernik Marc "Elusive Peace" NACLA Magazine Pages 32–37

30 minutes class discussion. Current events of the Colombian peace process: escalation of the conflict or reconciliation? The students must have been collecting information in the news and appropriated web pages in English to enrich this debate.

Class 6 — "The victims of the conflicts: the issue of forced displacement"

15 minutes Q&A session

Presentation of the situation of Colombia's 2 million internally displaced people

Required reading

WORLD REFUGEE SURVEY 2000 Report on Colombia pages 299–302

UNHCR and Internal displacement WORLD REFUGEE SURVEY 2000 Report Pages 26–31

Week 5

Class 7 — "The victims of the conflict: experiences of the Civil Society

15 minutes Q&A session

1 hour presentation "The role of the civil society in the peace process"

Required reading

María Carrión "Barrio Nelson Mandela: A community of survivors" In: NACLA Magazine Pages 42–47

30 minutes break

1 hour: presentation of the documentary "Fiction of War" from Sheila Franklin

30 minutes Q&A session about the class and the film

Class 8 — "The theory behind the practice: Civilians building peace in Colombia"

15 minutes

1 hour What is peacebuilding?

Required reading

Jean Paul Lederach "Justpeace" In: "People building peace"1999. The Netherlands: European Centre for Conflict Prevention Press.

30 minutes break

Applying Lederach's model to the Colombian conflict

Class exercise called "How do various Colombian actors build different scenarios for peace"

Week 6

Class 9 — "Zones of Peace in Colombia: the people's peace process"

15 minutes Q&A session

Student presentations

30 minutes "What is a peace zone"? Required reading by Francine Blume "Peace zones: exemplars and potentials

30 minutes "Colombia: zones of peace in the heart of a bitter war" In: "People building peace" Pages 180–185

30 minutes break

1 hour presentation and discussion of the article written by Catalina Rojas "The people's peace process". The Zone of Peace research project at ICAR

Week 7

Class 10 — "The other face of DC: US NGO's supporting the Colombian peace efforts"

Field trip to WOLA and Colombian Human Rights Network (Pending confirmation).

Class 11 — "Comparative analysis of the conflicts and the peace process in Colombia and Guatemala"

Students will be divided and are expected to prepare a presentation to the rest of the class based on the following variables:

> 1st hour: separation by groups and preparation of the activity
> 30 minutes break
> 1 and 1/5 hour: Group presentation
>> History of the conflict in each country (compare social, economic and political factors)
>> The main parties (government, rebel groups, paramilitaries)
>> The role of the US and the international community
>> The peace process (existence of third-party intervention, successes, failures, impasses)
>> Lessons from the Guatemalan peace process that should be implemented or avoided for the future Colombian peace process

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Training Modules on Internally Displaced Persons and the Guiding Principles on Internal Displacement

Global IDP Project
of the
Norwegian Refugee Council

FLYKTNINGERÅDET
NORWEGIAN REFUGEE COUNCIL

Module One:

A Definition of Internally Displaced Persons

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Key Themes/Concepts Covered by this Module

- Different ways to define an IDP:
  - Guiding Principles
  - National IDP legislation
  - ICRC and others

- The definition in the UN Guiding Principles:
  - Displacement within own country
  - Forced or obliged to flee
  - Caused by armed conflict, human rights violations, and sometimes as a result of natural disasters and misguided development projects
  - Economic migrants not included

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Introduction

T his module is the first in a series of documents making up the Global IDP Project training package on the UN Guiding Principles on Internally displaced Persons. The training package is divided into several modules. This module focuses on the descriptive definition of an internally displaced persons. It looks at how the Representative of the UN Secretary-General on Internally Displaced Persons has defined the term and how other agencies who work closely with internally displaced define or choose not to define the term.

Arriving at a definition of an internally displaced person

The definition in the UN Guiding Principles
It is important to acknowledge that there are several ways of describing who is an internally displaced person and that they fulfill different purposes. The definition presented in the Guiding Principles is generally acknowledged to be the current UN definition, but it is rather a descriptive definition than a legal definition. It does not assign special rights to IDPs under international law, simply restates and reflects already existing rights. The coverage of the definition in the Guiding Principles will be discussed in more detail below.

Definitions of IDPs under national legislation
Countries affected by internal displacement sometimes develop national IDP legislation or decrees defining who is entitled to special assistance and protection by the state. Such a person may be granted emergency assistance in the form of food rations, immediate access to health care and temporary shelter. The definition of a displaced person used in national legislation sometimes differs from the one in the UN Guiding Principles. The Colombian IDP legislation for example is somewhat narrower than the Guiding Principles. It includes victims of war and human rights violations, but does not include individuals displaced as a result of natural disasters or misguided development projects. National IDP legislation generally affords specific legal rights to assistance and protection for those who fall within the definition, while the UN Guiding Principles simply uses the definition to identify vulnerable groups in need of special attention by the national and international community.

Civilian victims of war targeted for support by the ICRC
Since its formation the ICRC has been providing protection and assistance to non-combatants affected by war and internal conflict, many of whom are internally displaced. The ICRC however extends its services to all civilian victims of conflict whether they have been obliged to move or not, so they do not treat internally displaced persons as a special category.

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The Definition in the UN Guiding Principles on Internal Displacement

This definition is generally recognized as the UN definition. For the purposes of the Guiding Principles (1998), internally displaced persons are defined as:

> "…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."

Further more, Principle 6.2 (c-d) reads:

> "The prohibition of arbitrary displacement includes displacement:
>
> (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
>
> (d) In cases of disasters, unless the safety and health of those affected requires their evacuation;"

As already mentioned above, the definition of an internally displaced person under the Guiding Principles is not a legal definition conferring special legal status in the same way the Refugee Convention assigns special status to refugees. Walter Kalin has explained this difference in his annotations to the Principles:

> "In international law, refugees are granted a special legal status because they have lost the protection of their own country and, therefore, are in need of international protection not necessary for those who do not cross international borders. Internally displaced persons do not need such a substitute protection. Rather, as human beings who are in a situation of vulnerability they are entitled to the enjoyment of all relevant guarantees of human rights and humanitarian law, including those that are of special importance to them." (Kalin, p.3)

The two most important components of the definition in the Guiding Principles are: 1) the fact that the **victims have not crossed an international state border**, and 2) the element of **coerced or forced movement**. These and other aspects of the definition are quoted and briefly commented on below:

1) *"have not crossed an internationally recognized State border."*

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- The most obvious characteristic of the internally displaced persons is the fact that they still remain within the borders of their country, as opposed to refugees who have crossed an internationally recognized border.

2) *"Forced or obliged to flee or to leave their homes or places of habitual residence"*

- Forced or obliged to flee does also include the possibility of being expelled or intimidated to leave by threat. Most importantly, displacement is coerced or involuntary in this case.

- Someone voluntarily leaving their home to seek better economic conditions in a different part of the country would therefore not fall within the definition.

- Habitual residence is not necessarily a house or a building, but could also be a territory, which for example nomadic groups consider their "habitual residence".

3) "*As a result of or in order to avoid*"

- This phrasing allows for a person who has fled <u>threats</u> of violence to fall under the definition of the Guiding Principles. It is clear that "…as a result of" implies that the violent acts have already taken place while "in order to avoid" implies fear that they will take place. It is of course understandable that many people flee before the fighting reaches their area, which does not make them less of an IDP under the definition in the Guiding Principles.

4) A very important element of the definition and GP 6.2(c) is the delineation of causes:

"In particular as a result of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters"

- The Guiding Principles list the causes of displacement falling within the definition. Most are self-explanatory. However, "situations of generalized violence" leave open the nature and extent of the violence. Such situations are not considered armed conflict but involve the use of force by government agents to restore public order.[1]

- Natural disaster is included because in some disasters governments respond by discriminating against or neglecting certain groups of victims on political or ethnic grounds or by violating their rights in other ways.

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[1] "Examples of tensions and disturbances include riots, such as demonstrations without a concerted plan from the outset, isolated sporadic acts of violence, as opposed to military operations carried out by armed forces or armed groups; and violent ethnic conflicts not amounting to hostilities" (Francis Deng, Compilation and Analysis of Legal Norms, par.28)

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- Human-made disasters (nuclear, chemical accidents, etc.) or large-scale development projects (which are not justified by compelling and overriding public interests) are included for the same reason. In other words, persons displaced by for example a large hydroelectric dam would fall under the definition of the UN Guiding Principles if the project can not be considered of "compelling and overriding public interest", or if the government does not resettle or compensate those displaced.

- "In particular" emphasizes that other causes may be considered.

Categories of people that have left their homes

The definition of an internally displaced person according to the UN Guiding Principles has been provided above. Below, this definition (middle circle) has been compared to a narrower group of IDPs prioritized by the UN Representative on Internal Displacement (conflict-induced IDPs), and a very broad category made up of economic migrants. The UN Representative actively uses the Guiding Principles in carrying out his mandate but has so far focused on conflict-induced displacement.

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The Brookings-SAIS Project on Internal Displacement
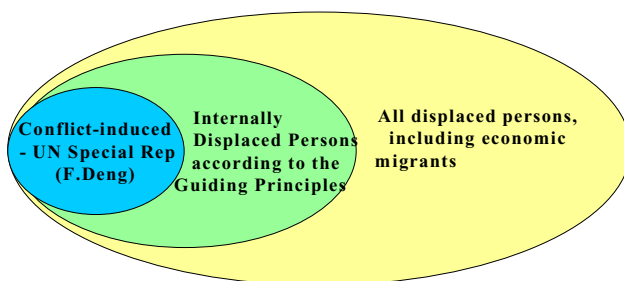
To summarize…

- The definition of an internally displaced person in the Guiding Principles seeks to provide a balance between being inclusive enough to capture complex and interrelated causes of displacement and narrow enough to be manageable.

- It is important to recognize that it is a descriptive definition, not a legal designation. The Guiding Principles do not provide additional rights to IDPs that are not enjoyed by other citizens. However, national IDP legislation sometimes includes a definition of those persons entitled to special assistance and protection as displaced persons.

- Some international organizations, particularly the ICRC, prefer to not classify the displaced as a separate group. The ICRC provides assistance to all persons affected by war, including a large number of internally displaced.

- The Guiding Principles apply to persons displaced by armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters and large-scale development projects, which are not justified by compelling and overriding public interests.

- The definition of an IDP in the Guiding Principles can be applied to many situations, although not all situations will be of concern to the international community. Only in situations where government asks for assistance or if IDPs are facing "persecution, discrimination or neglect"[2] for example, would international community become involved.

- The definition does not encompass persons who migrate because of economic causes. Persons forced from their homes because of economic injustice and marginalisation tantamount to systematic violation of the economic rights would however come under the definition.

Why do we need a definition?

- Internally displaced share problems and characteristics specific to their situation that need to be delineated
- Up to now the protection and assistance needs of internally displaced persons have often been overlooked and cannot be addressed if the beneficiaries themselves and the nature of their situation is not defined.
- The development of a normative framework requires a definition.

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[2] The terms used in "*Masses in Flight*" the Brookings Institution, 1998 pg 18 to denote when the representative of the secretary general on IDPs has a responsibility.

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Application of the definition – Items for Discussion

Developing a profile of an internally displaced person in your region

According to the UN definition try and develop a profile of the internally displaced in your region or country. If national legislation or government policy provides a different definition, please compare that to the one in the Principles. Describe who is displaced, where are they displaced from and where are they displaced to. Where possible, explain the causes and pattern of displacement (rural to urban, individual and mass displacement etc.).

In the process of discussions you may wish to consider some of the following questions in developing a profile. The list is meant to stimulate discussions on applying the definition and developing a profile and is not exhaustive.

Limits on Duration or Frequency of Displacement

i) When does the status of displaced begin or end? Does it depend on the number of times one is displaced?

ii) Does, for example, a family living in a permanent structure for several years within a camp setting satisfy the definition of displacement or could they be considered resettled?

iii) Is someone who is forced or obliged to flee his or her home every night displaced?

iv) Does someone who has just returned home from being internally displaced and is still considered vulnerable meet the definition of an internally displaced person, if so for how long?

Forced displacement vs. economic migration

i) How do you define what is considered voluntary departure because of difficult living conditions and what is involuntary forced displacement. Is the line clearly defined in your region?

Discrimination and neglect

i)   In your region, are you aware of discrimination against displaced victims of natural disasters?

ii)   If large numbers of citizens have been displaced by development projects, have they been resettled or compensated?

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Module Two:

Legal Origins and International Obligations

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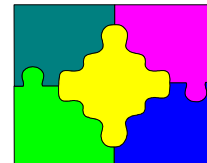
Introduction: The aim of this Module

This module will introduce participants to the legal basis for the Guiding Principles on Internally Displaced Persons in international law. Participants will gain an understanding of human rights law, humanitarian law and refugee law, by analogy applicable to internal displacement situations. It will also highlight the parallel provisions of the Guiding Principles in regional human rights instruments and national law.

Legal Origins to the Guiding Principles

The Guiding Principles have not been developed, signed and ratified by States and are therefore not considered binding international law. However, they restate and reflect international conventions in the fields of Human Rights Law, Humanitarian Law and Refugee Law. Practically all Principles can be traced to a particular instrument under one of these three categories of binding international law. Some general rights have been developed and made more explicitly relevant to displaced persons (See Example 1-2 in Annex No.1). For practical purposes, rights relevant to the internally displaced but scattered in a number of conventions have been gathered in one instrument: the UN Guiding Principles on Internal Displacement. However, one could defend these same rights making reference to their original source (Human Rights Law, Humanitarian Law and Refugee Law). Thanks to the drafters of the Principles we now have a comprehensive tool, which not only gathers all rights relevant to the displaced but also expands and make them more explicitly applicable to IDPs.

To fully understand the Guiding Principles it is useful to have a clear idea of their sources. Let us therefore look at the three main sources mentioned above:

International Human Rights Law

Human Rights Law consists of a large number of instruments addressing general and specific human rights. The most important being:

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment (CAT)

The Universal Declaration of Human Rights has not been signed and ratified by States, but it is considered an interpretation of the human rights articles in the UN Charter (Art.55-56), which has become somewhat of a constitution for the international community. The UDHR could therefore be seen as binding on UN member states.

The two international covenants on civil/political rights and economic/social/cultural rights make up the basis for many of the more thematic and specialized human rights conventions. The right to life and freedom from torture are some of the most important civil rights, while the right to vote is an example of an important political right. States are expected to implement these rights as soon as they become a State Party to the covenant.

The implementation of the Covenant on Economic, Social and Cultural Rights often requires resources (to improve access to food, health care, and housing for example), which are not at hand in many countries. The implementation of these rights is therefore likely to be progressive and often in close collaboration with the international community. However, State parties to this covenant have the obligation to prioritize vulnerable groups and to take steps to the maximum of its available resources to realize all the rights covered by this covenant.

Among the more specialized conventions, four of them have constituted particularly important sources for the Guiding Principles: Convention on the Rights of the Child, Convention against Torture and the two conventions against racial discrimination and discrimination against women.

In addition to the international human rights instruments developed by member states of the United Nations, a number of regional human rights instruments have been drawn on during the development of the Principles. These conventions – the Inter-American Convention on Human rights, the European Convention on Human rights and the African Charter on Human and Peoples' Rights – have been developed by the respective regional intergovernmental body. A regional human rights instrument for Asia is yet to be developed.

Who does international human rights apply to?

- States generally owe human rights to individuals. State parties to the UN conventions have the obligation to respect, protect and fulfill the rights included in the human rights conventions and in the Universal Declaration of Human Rights. This concept is clearly linked to the States' traditional monopoly on the use of legitimate force to maintain law and order in a democratic society. Consequently, only state agents, and sometimes individuals acting on the instigation of or with the consent or acquiescence of a public official, are said to violate human rights. On the other hand, violent acts committed by private individuals would normally be classified as a common crime and would therefore fall under the Criminal Code of a particular country.

- Some exceptions apply to this traditional concept of human rights. For example, the Convention on the Prevention and Punishment of the Crime of Genocide explicitly applies to individuals, whether they are state agents or not. Furthermore, the possible responsibility of illegal groups under human rights law has long been the subject of discussion.

International Humanitarian Law (IHL)

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Humanitarian law can somewhat simplified be characterized as the internationally accepted norms determining certain limitations on how warfare can be conducted by the warring parties. These international laws strive to protect non-combatants from the effects of war and to limit the use of certain methods of warfare. The main instruments are made up of the four Geneva Conventions and their two additional protocols.

The fourth Geneva Convention is explicitly dedicated to the protection of civilians and therefore contains important protection provisions applicable to internally displaced persons. In the fourth Convention, Article 3 dealing with internal conflicts and the treatment of persons taking no active part in the hostilities is particularly relevant to IDPs.[1] The full text of this article is reproduced in an annex to this module (Annex No.2).

The content of Article 3 is developed in more detail in the II Additional Protocol to the Geneva Conventions, the Protocol on Protection of Victims of Non-International Armed Conflicts. In the II Additional Protocol to the Geneva Conventions, particular attention should be paid to Article 17, which explicitly prohibits the displacement of the civilian population "unless the security of the civilians involved or imperative military reasons so demand". The full text of this article as well as a commentary by the International Committee of the Red Cross is included in the box below. Also, from the IV Geneva Convention you will see that persons evacuated for their own protection have the right to be returned as soon as possible.

Because internal displacement so often occurs in situations of internal armed conflicts, the Geneva Conventions and their additional protocols have been an important source for the UN Guiding Principles.

II Additional Protocol to the Geneva Conventions

Art 17. Prohibition of forced movement of civilians:

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

ICRC commentary to Art 17 of the II Additional Protocol:

Clearly, imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident ethnic group.

Art 49 IV Geneva Convention:

…Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

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[1] Because the third article in each of the four Geneva Conventions reads exactly the same, this article is often referred to as "Common Article 3".

Who does international humanitarian law (IHL) apply to?

- IHL applies to Contracting Parties to the Geneva Conventions and the additional protocols. In addition, armed opposition groups (as citizen of a country Contracting Party to the conventions) are also bound by international humanitarian law, particularly Article 3, Common to the four Geneva Conventions (see above). Armed opposition groups fulfilling certain minimum conditions regarding military capacity and capacity to implement IHL are also bound by the II Additional Protocol on Protection of Victims of Non-International Armed Conflicts (see II Additional Protocol Art.1.1).

- In addition, the 1998 Rome Statue of the International Criminal Court provides for individual responsibility for war crimes committed in internal or international conflicts.

International Refugee Law

We have already seen in Module 1 that one of the key elements in the definition of an internally displaced person is the fact that he/she has not crossed an international border, as opposed to refugees who by definition have left their country. Therefore, refugee law is not directly applicable to IDPs. However, given the similarities of the causes for flight, the living conditions in reception areas and the challenges faced during return and resettlement, refugee law provided important guidance when the Principles were elaborated. The most important source is the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.

The application of refugee law by analogy has clearly enriched the content of the Guiding Principles. One crucial concept borrowed from the refugee regime is the protection against forcible return to situations of danger, the principle of non-refoulement. The prohibition against forced return of IDPs is based on refugee law, by analogy, but also has its counterpart in human rights law.

Who does international refugee law apply to?

- Refugee law applies to State parties to the 1951 Convention Relating to the Status of Refugees.

What rights are applicable in your country?

Binding conventions and the Universal Declaration of Human Rights

Most basic rights enjoyed by all citizens, including IDPs, are universally applicable in all UN member states (see Customary Law below). However, not all states have signed and ratified the most important human rights and humanitarian law conventions listed in this

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Module. In case your country is not a State Party[2] to one or several of the conventions on which the Guiding Principles are built, you still enjoy protection through the Universal Declaration of Human Rights (UDHR). The UDHR, which contains some of the basic human rights concepts, applies to all UN member states. Furthermore, the UDHR is seen as an authoritative interpretation of the human rights provisions in the UN Charter (Art. 55-56), which is legally binding on all UN member states.

Customary International Law

In international law, universally accepted and applied norms have developed and gradually become part of binding international law. This law, referred to as customary international law, has developed based on its moral force and on its widespread acceptance in different national and international judicial systems. A growing body of international human rights law can be classified as customary international law. Many of the most important rights under the UDHR are today considered customary law. These rights are therefore binding on states, despite the UDHR not being signed and ratified by States as other binding human rights instruments. As a minimum, the following violations would be prohibited under customary international law: genocide, murder, forced disappearances, torture, arbitrary detention, racial discrimination, forced return of IDPs and refugees ("refoulement").

Who do the Guiding Principles apply to?

Given that the Principles build heavily on international humanitarian law, which applies to state and non-state actors, they are designed to give guidance to both these groups of actors. As stated in the introduction to the Principles, they are intended to provide guidance to states, other authorities (e.g. armed insurgent groups), intergovernmental organizations (UN etc.), non-governmental organizations, groups and individuals.

Even if the Principles are designed to provide guidance to a broad group of players interacting with IDPs, the primary responsibility to protect and assist IDPs lays with the national authorities. This is clearly spelled out in Principle 3:

Guiding Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

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[2] To become a so-called "State Party" to an international human right or humanitarian law treaty, a governments signs the international instrument, followed by the ratification of that decision by the national parliament.

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The Guiding Principles recognize the central duties and responsibilities of states in promoting and protecting the rights of internally displaced persons within their territory in relation to both protection and humanitarian assistance. Adequate domestic protection is the prime responsibility of a sovereign state, however if that state is unable or unwilling to fulfill its duties, it is obliged to invite or accept international assistance.

To summarize.....

- Even if the Guiding Principles themselves are not binding international law, they are derived from binding instruments

- The Principles are consistent with and derived from human rights law, humanitarian law and refugee law (by analogy)

- Most governments have formally committed to respect human rights and humanitarian law (signed and ratified conventions), others are responsible through the UN Charter and Customary Law

- The Guiding Principles apply to both state and non state actors

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Exercise

As a group, participants are asked to familiarize themselves with the Guiding Principles and the international instruments from which the Principles are derived.

Each group will be assigned a number of Guiding Principles to work with. First, all members of the group read and make sure they understand the Principles assigned. Participants should then look fore and identify one or several original sources of each respective Principle in a number of key human rights and humanitarian law instruments. For that purpose the following main instruments will be distributed:

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment (CAT)
- Protocol II of the Geneva Conventions (Protocol II)

The purpose of the exercise is to:

1. Make participants aware that the Guiding Principles are derived from international law.
2. Provide the participants with a hands-on experience with international law
3. Demonstrate the clear and plain language used in international law
4. Ensure participants understand the relevance of human rights and humanitarian law to internally displaced persons.

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Annex No.1

> ## The Guiding Principles further develop existing rights and make them more explicit to IDPs
>
> Example 1:
>
> Discrimination based on a person's status as displaced is not <u>explicitly</u> prohibited in international law. However, both human rights law and international humanitarian law prohibit discrimination based on conditions such as for example race, color, sex, language, religion, national origin or <u>"other status"</u> or discrimination based on <u>"similar criteria".</u>   It has therefore been considered that discrimination based on a person's situation as displaced fits into these last categories, and would therefore be prohibited under international human rights and humanitarian law. The Guiding Principles makes this prohibition explicit in Principle 1.
>
> *Guiding Principle 1*
>
> *1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.*
>
> Example 2:
>
> The general rights of freedom of movement and right to choose one's residence are expressed in Guiding Principle 14.1. In the same Principle, an important consequence of this right is applied to the IDP situation in camps. Principle 14.2 explicitly guarantees the residents of camps the right to freely move in and out of these, prohibiting the arbitrary detention of IDPs in closed camps.
>
> *Guiding Principle 14*
>
> *1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.*
>
> *2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.*

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Annex No 2

> ### Geneva Convention relative to the protection of Civilian Persons in Time of War
>
> ### *Common Article 3*
>
> In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:
>
> 1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.
>
> To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
>
> (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
>
> (b) Taking of hostages;
>
> (c) Outrages upon personal dignity, in particular humiliating and degrading treatment;
>
> (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
>
> 2. The wounded and sick shall be collected and cared for.
>
> An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.
>
> The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.
>
> The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

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NORWEGIAN REFUGEE COUNCIL

Module Three:
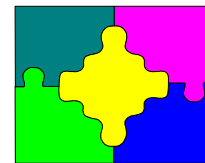
Protection from Displacement, and Protection during Displacement.

(Produced by the Norwegian Refugee Council in association with the Office of the UN High Commissioner for Human Rights)

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Key Concepts in this module:

- Non Discrimination

- Movement related rights
  - Protection against being displaced
  - Movement rights during displacement - closed camps
  - Leaving one's country and return

- Physical Security
  - Life, acts of violence
  - Personal liberty
  - Forced recruitment

- Special needs:
  - Subsistence needs
  - Health related needs
  - Need for identification and documentation
  - Property

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Introduction

Internally displaced persons all share general protection and assistance needs. Protection needs are those relating to ensuring that basic human rights are respected in other words protecting the physical, material and mental security of all individuals including internally displaced persons. Assistance needs are those that relate to the delivery of humanitarian aid. In practice, protection and assistance needs are inextricably linked – both affecting the other.

In this module we will consider sections II and III of the Guiding Principles, namely the principles relating to protection *from* displacement and protection *during* displacement. While the Guiding Principles themselves are structured through the phases of displacement – before and during displacement and return/resettlement - this module will look at the Principles by considering the major themes which cut across all phases of displacement, namely:

- Non discrimination
- Movement related rights
- Physical security
- Special needs of internally displaced persons.

It should be noted that most of these concepts reoccur throughout the Guiding Principles however, this module will consider how these themes relate specifically to protection from and during displacement.

Theme 1: Non Discrimination

The fundamental right to equality and non-discrimination is the pillar of human rights law and, as such, is reflected throughout the Guiding Principles. Internally displaced people must not be discriminated against on the basis of:

1. their status as internally displaced persons; or
2. their race, sex, colour, language, religion, political or other opinion, national or social origin, property, birth or other status.

Later Principles reiterate this right in the context of particular situations to reinforce the concept that internally displaced people are entitled to be treated in the same way as all other persons in a given territory.

Discrimination is generally defined as "any distinction, exclusion, restriction or preference based on race, colour, decent, or national ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". [CERD, article 1]

Non discrimination on account of race, religion, ethnicity, opinion, sex, language

Principle 22

> **1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:**
>
> **(a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;**
>
> **(b) The right to seek freely opportunities for employment and to participate in economic activities;**
>
> **(c) The right to associate freely and participate equally in community affairs;**
>
> **(d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and**
>
> **(e) The right to communicate in a language they understand.**

Human rights protect all people against being treated in a different way to others, entitling all people to enjoy their human rights in the same way. All persons are equal before the law and are entitled without any distinction to the equal protection of the law. Distinction means that a persons is treated in a different way based on their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

This is closely linked with the rights of women to be treated equally to men. Temporary special measures aimed at accelerating the equality between men and women, sometimes referred to as "affirmative action", is permitted and not considered discriminatory.

Non discrimination on account of displacement

As internally displaced persons are frequently forced to relocate to unfamiliar surroundings, they are often viewed with suspicion by local authorities or residents. Sometimes the cause of discrimination may be their race, religion, ethnicity or lack of common language, but internally displaced persons can also face discrimination merely on account of their displacement. It is important to note that fundamental human rights are not suspended on account of a persons being displaced and therefore internally displaced persons are entitled to the same freedoms as all other people.

Should any of these rights be denied to internally displaced persons and not to other persons, such treatment will be considered discriminatory because it applies to one portion of the population unequally – on the basis of their situation of being displaced.

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In some situations, the local authorities and residents may suspect internally displaced persons of collaborating with a dissident group. Arrest, detention or ill-treatment of internally displaced persons by the authorities *on the basis of* their displacement is prohibited because it is considered discriminatory.

Principle 12

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

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Theme 2: Movement-related Rights

The most obvious need of internally displaced persons is protection against violations of their right to choose their own residence and to move freely within their own country. Likewise, they need also protection against forced relocation and mass transfers, which can be considered movement-related rights. Finally, circumstances may require displaced persons to leave their own country and they therefore need to exercise their rights to seek asylum elsewhere.

This section will therefore examine how the right to freedom of movement applies to internally displaced persons according to these issues.

Key issues

> Protection against being displaced
> Movement during displacement
> Leaving one's country and return

Issue I: Protection against being arbitrarily displaced

The right not to be displaced

States are required to take all measures to avoid conditions, which might lead to displacement. The Guiding Principles require States to adhere to international law as so to prevent or avoid situations that might lead to displacement.

Principle 5

> **All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.**

All people have the right to freedom of movement and the right to choose his or her place of residence. In situations of internal displacement the right to freedom of movement and freedom to choose one's place of residence is restricted during the period of displacement. The right to freedom of movement is reflected in Principle 6 of the Guiding Principles which elaborates the right of all people not to be displaced arbitrarily – or in other words to protect their freedom of movement.

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Principle 6

> **1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.**

Legal Foundations of the Principle

The right to protection from displacement is derived from the right to freedom of movement and choice of residence contemplated in the Universal Declaration of Human Rights (UDHR-see list of acronyms in annex) and the International Covenant on Civil and Political Rights (ICCPR) which guarantees that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence". A similar guarantee exists in the African Charter. Protection against displacement is also derived from the right to housing under the Covenant on Economic, social and Cultural Rights (CESCR). In situations of armed conflict Additional Protocol II of the Geneva Conventions specifically states that "displacement of the civilian population shall not be ordered for reasons related to the conflict…".

Displacement by *force* is a denial of the right to freedom of movement and choice of residence since it deprives a person of the choice of moving or not and of choosing where to reside.

Limitations or restrictions to this right

Most human rights instruments permit States to place restrictions on freedom of residence and movement during situations of tension and disturbance in limited situations. However, failure to comply with the limited restrictions will make a decision to displace a population *arbitrary* – in other words a decision that was not in accordance with the law and incompatible with standards protecting liberty and security of person will be in violation of the right to freedom of movement. Freedom of movement may only be limited where such restrictions are:

1. Provided by law – that is to say the power to move a population is written in national legislation, ***and***
2. are necessary to protect:
    - national security – which is only endangered in cases of grave political or military threat to the entire nation;
    - public order (*ordre public*)
    - public health or morals – which can only be justified if the health dangers are acute
    - the rights and freedom of others – which may only be justified in cases of eviction to respect private property in which case States must ensure that interference in favor of private owners is proportional, reasonable and applied in a non discriminatory way: ***and***

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3.   must not be inconsistent with other State obligations under international law.

Therefore any interference with the rights to freedom of movement and choice of residence must be *balanced*. It must pursue a legitimate aim and be proportional to that aim. In the event that a decision to displace is made, the displacement should not last longer than is required:

Principle 6(3)

Displacement shall last no longer than required by the circumstances.

Derogations from rights in situations of public emergency

The right to freedom of movement and choice of residence can be derogated from according to the ICCPR. However there are strict limitations including that any derogation is not inconsistent with a States obligations under international law and does not involve discrimination. For example, a population therefore cannot be displaced in times of emergency based on discrimination.

Principle 6(2) of the Guiding Principles further elaborates when limitations on people's freedom of movement are considered arbitrary.

Principle 6(2)

2. The prohibition of arbitrary displacement includes displacement: **(a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;** **(b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;** **(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;** **(d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and** **(e) When it is used as a collective punishment.**

In situations of non-international armed conflict persons are protected from forced displacement in international humanitarian law under article 17 of Additional Protocol II of the Geneva Conventions, which state that:

> The displacement of civilian population shall *not* be ordered for reasons related to the conflict *unless*:
>
>   1. The security of the civilians so demands, or

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    2. For imperative military reasons.

Imperative military reasons require a meticulous assessment of a situation, which could not be justified on political motives. The burden of justifying such action falls on the initiating party.

Procedures in the event of displacement

In light of the narrow circumstances in which a State can make a decision to displace a population the Guiding Principles provide for the following steps to be taken to ensure the protection of internally displaced persons from a violation of the right to freedom of movement.

Principle 7

> 1. **Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.**
>
> 2. **The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.**

"Ensure that all feasible alternatives are explored in order to avoid displacement"
Since internally displaced persons, like all other persons within a territory, have freedom of movement, which can only be restricted in limited situations provided by law, all feasible alternatives must be explored before a decision to displace a population can be taken. It might include considerations of reinforcing local security or diverting conflict from the area.

"Where no alternative exists - minimize displacement and its adverse effects"
If internal displacement is deemed necessary in situations of non-international armed conflict, States must take particular measures to ensure that "all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition". [Protocol II article 17]

Principle 7 therefore specifies that the authorities shall ensure to the "greatest practicable extent" that internally displace person receive:

     • Proper accommodation *(see Principle 18: the right to an adequate standard of living)*
     • Satisfactory conditions of safety, nutrition, health and hygiene *(see Principle 19 – the right to an adequate standard of care)*
     • Family unity *(see principle17 – family as the fundamental unit)*

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States must also ensure that protection is provided during displacement:

Principle 8

> **Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.**

Displacement in situations other than emergencies

If displacement takes place during times other than in emergencies or disasters, additional procedural guarantees are expected of States.

1. The decision to displace a population must be made by the authorities authorized to make that decision on behalf of the State. This ensures accountability, transparency and predictability.

2. The authorities must:

   (a) Provide full information to displaced persons on issues surrounding their displacement. Full transparency of the process also allow displaced persons to prepare for orderly relocation. It also provides an opportunity for displaced persons to become involved in the matters that effect their lives.[1]
   (b) Authorities will gather the free and informed consent of those to be displaced
   (c) Involve women in the planning and management of the relocation.[2]
   (d) Law enforcement measures carried out by competent legal authorities.
   (e) The authorities will respect the right to an effective remedy, including review of decision by appropriate judicial authorities.

Special protection of vulnerable groups

The Guiding Principles recognize a special dependency or attachment to the land among some members of the population compared to others. As such, the Principles place additional obligations on States to protect those people against displacement as the process would have additional negative impacts. Primarily the principle requires respect for the special importance of spiritual, cultural and moral connections to the land. [ILO Convention No 169 16 (1)]

To give effect to this Principle, States have additional responsibilities to the people in the event of displacement. If relocation of indigenous people is considered necessary, it must be in accordance with legal requirements[3] and as an exceptional measure shall only take place with:

- the free and informed consent of the affected communities;

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[1] This right is protected in the African Charter which states at article 9 that "Every individual shall have the right to receive information".
[2] This issue is elaborated in Module 5
[3] See Theme 2, section 1

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or
• if consent cannot be obtained, the decision to displace can only be made *if* there was an opportunity for effective representation of the people concerned in the decision making process, which may also include public inquiries where appropriate. [ILO Convention 169 16(2)]

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Issue II: Movement rights during displacement

The right to freedom of movement and chose of residence does not cease when a person is displaced. The Guiding Principles acknowledge that this right applies equally to situations of displacement.

Principle 14 (1)

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

Issues particular to camp situations

Principle 14 (2)

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Relocation for internally displaced persons frequently involves internment in a compound or camp where their freedom of movement is sometimes illegally restricted. In situations of tension and civil disturbance, internally displaced persons have the right to freedom of movement during the period of displacement, which means that they have the right to move freely in and out of the camp.

The right to liberty and physical security

Freedom of movement for internally displaced persons is often closely connected with the right to liberty. There is a violation of the right to individual liberty when the State deprives a person, without a valid reason of his or her liberty by confining him or her in a prison or any other place such as a closed internal displacement camp.

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Principle 12

> **1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention**
>
> **2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.**
>
> **3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.**
>
> **4. In no case shall internally displaced persons be taken hostage.**

Legal Foundations of the Principle

The right to life and liberty is derived from UDHR article 3 which states the "everyone has the right to life, liberty and security of person" and similarly ICCPR 9 (1) and the African Charter. From this right stems the right not be subjected to arbitrary arrest or detention.

Generally a violation of the right to security of person occurs when a person is arrested, detained, abducted or confined by the State (public official or any person acting in an official capacity) and where the State refuses to acknowledge the arrest or admit knowledge of the person's whereabouts or where the State fails to permit the person access to his or her rights. In these situations any confinement would be considered arbitrary arrest or detention because the right to liberty is restricted.

What is arbitrary detention?

Detention will be considered arbitrary where there is a denial of the right to challenge the loss of liberty. In accordance with the UDHR article 8, "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law". Similar safeguards exist in the ICCPR, which states that:

- An arrested person shall be informed, at the time of arrest, of the reasons for arrest and shall be promptly informed of any charges against him or her;
- Anyone arrested or detained on criminal charges will be brought promptly before a judge or other authorized officer within a reasonable time.
- Anyone arrested or detained shall be entitled to proceedings before a court in order that the court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.
- Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

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Issue III: Leaving one's country and return

Internally displaced persons often find security in their own country, however because of religion, race or ethnic origin or political opinion they sometimes face persecution and therefore need to find protection abroad. They also might wish to emigrate in order to find a better future for themselves and their families in another more peaceful country. Therefore, an underlying issue of these principles is to maintain the right of internally displaced person to seek asylum or to leave their country.

Principle 15

> **Internally displaced persons have:**
>
> **(a) The right to seek safety in another part of the country;**
>
> **(b) The right to leave their country;**
>
> **(c) The right to seek asylum in another country; and**
>
> **(d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.**

(a) Right to seek internal safety

Frequently internally displaced persons are relocated several times during their period of displacement. This Principle recognizes that internally displaced persons maintain freedom of movement to relocate to another part of the country during displacement.

(b) The right to leave

Internally displaced persons lawfully within the territory of a State have the right to liberty of movement and freedom to choose their place of residence. They are also free to leave their own country. [4]This right may only be limited if restrictions are:

1.   provided by law and
2.   are necessary to protect
    •   national security,
    •   public order
    •   public health or morals
    •   the rights and freedoms of others
3.   And must be consistent with other rights recognized by international law.

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[4] [13(2) UDHR, 12(2) ICCPR which states that "everyone shall be free to leave any country, including his own. Article12(2) African Charter]

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(c) The right to seek asylum

The right to seek and enjoy asylum from persecution in other countries is particularly important for internally displaced persons. The right to seek asylum is derived from 14(1) UHDR which states that "everyone has the right to seek and enjoy in other countries asylum from persecution".

The right of internally displaced persons to seek asylum can not be claimed in cases where the persons fear criminal prosecution genuinely arising from a non-political crime or has committed acts contrary to the purposes and principles of the United Nations.

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Theme 3: Physical Security

The physical security of internally displaced persons is a matter of grave concern. States have an obligation to protect internally displaced persons from a variety of attacks and human rights abuses, which violate their fundamental human rights. The duty of physical protection also means that a State is responsible to protect people from crimes committed by other persons in the territory of the State. If a State fails to take measures to investigate and punish the crimes of others, the State is considered to have failed in its prime protection obligations and is therefore responsible for those crimes.

Key Issues

> Threats to life – and other acts of violence
> Threats to personal dignity – closed camps
> Forced recruitment

Issue I: Threats to life – and other acts of violence

Internally displaced persons are frequently at risk from various acts of violence, which may include killings, torture, genocide, rape, the use of particularly dangerous weapons and land mines and forcible disappearance.

The right to life is guaranteed to all persons at all times. The right to life can never be *arbitrarily* restricted. Therefore internally displaced persons are guaranteed the right to life in the same way as all other citizens. This right is non-derogable and therefore States can never take measures to limit this right in times of national emergency. Arbitrary deprivation of life is never allowed, including use of force by law enforcement officials which is in excess of the principles of necessity and proportionality [HRC].

To prevent violations of the right to life, States must take measures to:

- Prevent and punish deprivation of the right to life by criminal acts
- Prevent killing by their own security forces
- The law must strictly control and limit the circumstances in which a person may be deprived of life (death penalty).

Principle 10

1. **Every human being has the inherent right to life, which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:**
   a) **Genocide;**
   b) **Murder;**
   c) **Summary or arbitrary executions; and**
   d) **Enforced disappearances, including abduction or unacknowledged**

> **detention, threatening or resulting in death.**
>
> **Threats and incitement to commit any of the foregoing acts shall be prohibited.**
>
> **2.   Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:**
>   **a)   Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;**
>   **b)   Starvation as a method of combat;**
>   **c)   Their use to shield military objectives from attack or to shield, favour or impede military operations;**
>   **d)   Attacks against their camps or settlements; and**
>   **e)   The use of anti-personnel landmines.**

Legal Foundations of the Principle

The right to life is protected under UDHR 3, African Charter 4 and ICCPR 6(1), which states that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". Further more, ICCPR 9(1) states that "everyone has the right to liberty and security of person".

Some acts which violate the right to life:

a. Genocide

The act of genocide is an internationally recognized crime. The Convention on the Prevention and Punishment of the Crime of Genocide defines "genocide" in article II:

> Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:
>   (a) Killing members of the group;
>   (b) Causing serious bodily or mental harm to members of the group;
>   (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>   (d) Imposing measures intended to prevent births within the group:
>   (e) Forcibly transferring children of the group to another group.

The crime of genocide applies to any public official or private individual [Genocide Convention article IV].

b. Summary or arbitrary executions

Outside of their normal home regions and communities internally displaced persons may be particularly vulnerable to summary or arbitrary execution.

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An ***arbitrary execution*** is the killing of a person perpetrated by an agent of the State or any other person acting under Government authority or with its complicity, tolerance or acquiescence, and without any judicial process. Executions resulting from a death sentence issued by a court are also arbitrary executions if the fair trial guarantees provided in Articles 14 and 15 of the ICCPR are not respected.

Arbitrary executions are often killings under suspicious circumstances with the following characteristics:

- death occurred when the person was in the hands of law enforcement officials, public officials, or other persons acting in an official capacity; and
- the death was not followed by an official enquiry. The authorities did not carry out an adequate autopsy of the victim or did not take the necessary steps to obtain relevant evidence (medical report, signs of torture, etc).

c. Enforced disappearances

One of the risks facing internally displaced persons, whether they are adults or children, is enforced involuntary disappearance. Enforced disappearance violates many fundamental rights including those relating to killings, ill-treatment, personal liberty and the exercise of one's legal rights. In particular forced disappearance may violate the right to life [6(1) ICCRP, according to the HCR]. *The Declaration on the Protection of All Person from Enforced Disappearances*, which may be considered to form part of customary international law, considers enforced disappearance to be an offence to human dignity. The preamble describes forced disappearance as a situation in which:

> *Persons are arrested, detained or abducted against their will or otherwise deprived of their lives by officials of different branches or levels of government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law.*

In the case of missing persons the authorities should establish effective facilities and procedures to investigate thoroughly the disappearance in circumstance which may involve a violation of the right to life. [HRC]

Threats and incitement to commit these offenses prohibited

The Guiding Principles protect internally displaced persons from threats or incitement to commit genocide, murder, summary or arbitrary executions or enforced disappearances.

A "threat" to commit the above offences is any action or statement explicit or implicit likely to instill in a person a justified fear of becoming the victims of one of the above crimes. The term "incitement" refers to actions or words which actively encourage others to commit offences.

Violence against those who do not or who no longer take part in hostilities

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Internally displaced persons who never participated in the hostilities or who *no longer take part in the hostilities* are entitled to protection against acts of violence and must *in all times* be treated humanely [Protocol II article 4(1)].

Those who *no longer* take part in the hostilities include:

• Armed forces who have laid down their arms
• Those who are *hors de* combat by sickness, wounds or detention [Common article 3]

These minimum standards will apply regardless of whether or not a person who no longer takes part in the hostilities is in detention, or not [Protocol article 4 (1)]. In particular, all internally displaced persons are protected against:

a.   ***Direct or indiscriminate attacks or other acts of violence***

b.   *Starvation as a method of combat*

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for the purpose, objects, indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. [Protocol II article 14]

c.   *Being used as a shield for military objective*

All civilians must be protected against dangers arising from military operations [Protocol II 13(1)]. Use of civilians as a military shield may be regarded as torture, cruel, inhumane and degrading treatment or punishment [CAT].

d.   *Attacks against their camps or settlements*

Internally displaced persons have the same protection against attacks and other violence inside a camp or settlement as outside. This Principle recognizes that the situation of displacement does not diminish the protection needs of displaced persons - indeed the nature of relocation make them particularly vulnerable to attacks.

e.   *The use of anti-personnel landmines*

Land mines pose two significant dangers to civilians both during and after the conclusion of hostilities. A party to the conflict might place land mines in an area populated by displaced civilians. Second, land mines constitute a continuing threat to non-combatants if they awe not removed or do not self-destruct but remain active after their military purposes have ceased. Such mines are especially dangerous to internally displaced persons who are in unfamiliar terrain, relocating to camps, leaving camps for some reason, returning to places of residence or moving to safe havens.

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On 1 March, 1999, the "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction" entered into force.

Issue II: Personal Dignity

Internally displaced persons have the *right to dignity* in the same way as all other people in a territory. Dignity generally means that there is no human being who is more "human" than others and therefore dignity requires respect for an individual and equal concern for the protection of the individual. Human dignity is inherent. Physical acts such as rape, slavery, torture, inhuman and degrading treatment or punishment violate the right to dignity.

Personal *integrity* is the term used to refer to the body and mind of a person. A violation of the right to personal integrity occurs when the State applies torture or cruel, inhuman or degrading treatment, thus causing physical, psychological or moral suffering. The extent to which the pain and suffering are serious and intentionally inflicted, the greater the likelihood that the treatment involves an attack on the integrity of the person.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and

(c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Legal Foundations of the Principle

This principle is derived from the right to dignity which includes the non-derogable rights to freedom from torture, cruel, inhuman and other degrading treatment or punishment - and freedom from slavery guaranteed in article 8 ICCPR which states that "no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited".

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This principle is also based on provisions of the CRC and CEDAW relating to violence against women and children.

Principle 11(1) restates article 10(1) ICCPR which ensures "All persons who are deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person". Therefore, the principle applies to all internally displaced people regardless of whether they are in detention camps, prisons or hospitals [HRC].

11 (2) The right to dignity includes protection from:

Regardless of whether the liberty of an internally displaced person has been restricted, an internally displaced persons is particularly protected against the following violations:

"*Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity*"

"*Gender-specific violence*"

Gender specific violence includes any act of violence that results in or is likely to result in physical, sexual or psychological harm or suffering on account of one's gender, including threats of such acts. The term will cover violence perpetrated by the State, family members or others in the community. Prevalent forms of gender violence include rape and other sexual attacks, general physical attacks, domestic violence, exploitation of prostitution and sexual harassment. Gender-specific violence affects women disproportionately – physically and mentally- and may constitute torture. States have an obligation to protect women from gender violence perpetrated by State agents and private individuals.

States should eliminate all forms of violence against women by taking special protection measures, including legislation. Women should be particularly protected against discrimination, trafficking in women and exploitation of prostitution. [2-6 CEDAW].

In times of non international armed conflict parties are prohibited from discriminating on the basis of sex [ICCPR article 4, Common article 3, Protocol II article 2(1) - outrages on personal dignity, humiliating and degrading treatment includes gender specific violence]. Women who are internally displaced are also protected against rape, enforced prostitution and any form of indecent assault [Protocol II article 4(2)]

Slavery

Freedom from slavery is a non-derogable right, which applies to internally displaced persons at all times. The UDHR at article 4 states that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms". The same right appears in the ICCPR article 8 which states that "no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited", and "no one shall be held in servitude" [Protocol II article 4 (2) (f)].

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Sale of women equal slavery

The sale of women into marriage or forced marriage violates the right to be free from slavery and slavery like practices. The right to freely enter or consent to marriage is recognized in several human rights documents. [UDHR 16(2), ICCPR 23(3), and CEDAW 16(1)(b).]

"*Forced labour of children*"

Freedom from forced or compulsory labour is guaranteed in the ICCPR. In relation to children the CRC prohibits child labour (article 32) which recognizes the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. It further places an obligation on States to take legislative measure to implement that article.

"*Acts of violence intended to spread terror*"

In situations of non-international armed conflict the civilian population, including internally displaced persons, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population is expressly prohibited [Protocol II 13(2)].

Issue III: Forced recruitment

Among the many dangers facing internally displaced persons - both adults and children - is forcible and involuntary recruitment into the country's armed forces or into those of dissident groups. Such recruitment may also manifest itself in government coercion to form civil defense patrols.

Displaced persons are of course not exempt from compulsory military service, but IDPs are protected from discriminatory recruitment into armed forces or groups.

Principle 13

> **1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.**
>
> **2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.**

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Legal Foundations of the Principle

This Principle is derived from article 38(3) of the CRC, which calls upon States to refrain from recruitment of children under 15 and for those between 15 - 18 to select the oldest.

Since the Guiding Principles were drafted, an Optional Protocol to the CRC has been adopted, which calls on State Parties to "raise the minimum age in years" for voluntary recruitment (previously set at 15) and to set the minimum age for direct participation in combat at 18.

The non-discrimination articles discussed previously are also relevant to the situation for recruitment of adults.

Recruitment of children

Given the particular vulnerability of internally displaced persons Principle 13 restates the international protection afforded to all children - the right not to be recruited into the armed forces under the age of 15. The CRC requires States to take measures to ensure this right is protected.

Under humanitarian law both States and dissident groups are prohibited from conscripting children under 15 years old in situations of armed conflict. [5]

Recruitment of adults

Military service is permitted by States. However the practice must *not* be carried out in a fashion that:

1.   discriminates against internally displaced persons. [implied from ICCPR 26]
2.   amounts to cruel, inhuman or degrading treatment in order to compel compliance or punish non-compliance.

Forced military service on conscientious objectors is considered forced or compulsory labour under the ICCPR.

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[5] [Protocol II 4 (3)(c)]

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Theme 4: Special Needs

Internally displaced persons, on account of being displaced, have particular needs. This is not to say that internally displaced persons should be treated in a different way to any other vulnerable group, like women, children, indigenous people or the disabled. Like other groups, internally displaced persons have special needs which the Guiding Principles highlight.

Key Issues

Subsistence needs
Health related needs
Need for identification and documentation
Property

Issue I: Subsistence needs

Whether resettled in temporary camps or still in transit, internally displaced persons in many cases are deprived of, and/or denied safe access to, one or more of the following key elements essential for a minimum standard of living: food, water, housing, clothing, health and sanitation. Such ingredients are necessary for an adequate standard of living.

In a situation of non-international armed conflict Common article 3 requires "human treatment", which includes access to subsistence means necessary for survival.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

>   **a) Essential food and potable water;**

>   **(b) Basic shelter and housing;**

>   **(c) Appropriate clothing; and**

>   **(d) Essential medical services and sanitation.**

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

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Legal Foundations of the Principle

This principle is derived form the right to an adequate standard of living. UDHR states that everyone has the right to a standard of living that is adequate for health and well-being of himself and of his family, including food clothing housing, medical care and necessary social services. There is also a right to security in the event of unemployment sickness, disability, widowhood, old age or other lack of livelihood in circumstance beyond his control. Similar provisions are included in CESCR, CERD, and CEDAW.

a.   **Essential food and potable water**

The right to food is a non derogable under the right to life. States have an obligation to ensure access to adequate food and water by using all the resources at its disposal, in an effort to satisfy its minimum obligation to prevent hunger.

States with limited resources are required to make maximum efforts to use all resources at its disposal to satisfy these essential needs [Committee CSCR]. Such resources will include not only those within the State but will include those available from the international community.

Starvation of civilian populations as a method of combat is prohibited. This includes prohibition of attacks, destruction, removal or rendering useless of objects which are indispensable to the survival of the civilian population such as food stuffs, agricultural areas for the production of foodstuff, crops, livestock, drinking water installations and supplies and irrigation works.

Deprivation of food is a crime under the Genocide Convention.

b.   **Basic shelter and housing**

The Universal Declaration on Human Rights as well as the Covenant on Economic, Social and Cultural Rights clearly guarantee the basic right to housing.

Furthermore, the UN Committee on Economic, Social and Cultural Rights, in its General Comment No.4, discusses various aspects to be considered when fulfilling this right. While adequacy of housing is determined by many factors, the Committee recommends States to consider the following: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; health threats; accessibility; location and cultural adequacy.

c.   **Appropriate clothing**

d.   **Essential medical services and sanitation**

(See Guiding Principle 19)

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Issue II: Health related needs

One of the serious consequences of internal displacement is exhaustion and illness. Those among displaced populations who are most in need of urgent or regular medical care are frequently denied such assistance. Internally displaced persons may face a number of medical problems not only during the process of displacement where health care is hardly available but also in camps where access to health services may be limited. During hostilities, it is not unusual for internally displaced persons to become sick or wounded when caught in cross fire or subjected to indiscriminate weapons.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Legal Foundations of the Principle

The right to medical care and necessary social services is enshrined in the UDHR as part of the right to an adequate standard of living. The ICESCR also recognizes the realization of "the right of everyone to the enjoyment of the highest attainable standards of physical and mental health"

Special needs groups

·   **Wounded and sick internally displaced**

Common article 3 calls for the humane treatment of those persons who do not take part in the hostilities and obliges the parties to care for the wounded and sick without distinction.

In situations of armed conflict Additional Protocol II requires that whenever circumstances permit and particularly after an engagement all possible measures shall be taken without delay to search for and collect the wounded, sick and ship wrecked and to protect them against pillage, ill-treatment and to ensure adequate care.

·   **Disabilities**

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Persons with disabilities may require special services and other kinds of assistance on a continuous basis. The UDHR provides that everyone has the right to security in the event of… sickness, disability… or other lack of livelihood in circumstances beyond his control".

Disabled children should not be discriminated against on the basis of his or her disability. A disabled child must receive education, training, health care, and rehabilitation to achieve the fullest possible social integration.

- **Women**

Special attention to the health needs of women is highlighted in the CEDAW whereby it is stated that for equality, states must ensure to women appropriate service in connection with pregnancy, confinement and postnatal period.

- **Contagious and infectious diseases**

Realization of the right to an adequate standard of living includes prevention, treatment and control of epidemics, occupational or other diseases.

Issue III: The need for identification and documentation

Internal displacement often results in the loss of personal papers and documentation. It also makes proper registration of events such as births and deaths extremely difficult, if not impossible. Although registration in camps and relocation sites is often required for purposes of documentation and to facilitate family reunification, many internally displaced persons are averse to being identified as internally displaced because such labels may have a discriminatory effect or jeopardize their safety. As a consequence, displaced persons often lack the legal protection and privileges extended to those who hold identifying documents.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.

2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.

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> **3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.**

This Principle is derived from the fundamental right to legal personality which is enshrined in the UDHR: "everyone has the right to recognition everywhere as a person before the law", as well as ICCPR article 16

Child Rights

Children have the right to preserve their identity, including nationality and family relations as recognized by law without unlawful interference. The State has a duty to ensure that an undocumented child can speedily re-establish his/her identity.

Issue IV: Property

Internally displaced persons regularly lose much of their property when displaced. Owing to their vulnerability, IDPs need protection for the property left to them or acquired during displacement. This will be considered in module 4. The destruction or theft of crops and livestock, the bombing or burning of shelters and confiscation or forcible occupation of private homes by military or paramilitary forces are among the experiences faced by internally displaced person. This section will consider the right to property during displacement. Issues surrounding compensation for property are found in domestic law and in Guiding Principle 29 (2).

Principle 21

> **1. No one shall be arbitrarily deprived of property and possessions.**
>
> **2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:**
>
> **(a) Pillage;**
> **(b) Direct or indiscriminate attacks or other acts of violence;**
> **(c) Being used to shield military operations or objectives;**
> **(d) Being made the object of reprisal; and**
> **(e) Being destroyed or appropriated as a form of collective punishment.**
>
> **3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.**

The right to own property is stated in the UDHR, which also prohibits arbitrary deprivation of property, and in the African Charter on Human and Peoples' Rights. However, domestic law often provides better protection of property for internally displaced persons.

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Domestic laws normally provide for legal protection of property and protection against interference. It will restore property to its rightful owners in case of dispute.

Everyone, including internally displaced persons, have the right to own property alone or in association with others. Property must not be subject to arbitrary deprivation which means that a person can not have his or her land taken away with disregard for the law.

However, the right to own property can be limited. It is subject to:

· Certain interests of society provided by law;
· Just requirement of morality, public order and general welfare in a democratic society [UDHR 29(2).

Yet ownership of property can not be interfered with on the basis of discrimination [CERD 5(d)(v)] nor denied to women on the basis of their gender [CEDAW 16(1)(h)].

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Annexes

List of Abbreviations

International instruments

CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
Common article 3	Common article to all Geneva Conventions - including Geneva Convention relative to the Protection of Civilian Persons in Time of War
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
Protocol II	Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)
UDHR	Universal Declaration of Human Rights

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FLYKTNINGERÅDET
NORWEGIAN REFUGEE COUNCIL

Module Four:
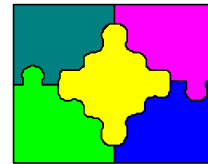
Return,
Resettlement and
Reintegration.

(Produced by the Norwegian Refugee Council in association with the Office of the UN High Commissioner for Human Rights)

Key Themes/Concepts

- Defining return, resettlement and reintegration
- Themes of the Guiding Principles
  - Voluntary Return in Conditions of Safety and Dignity
  - Participation and Management of Return by IDPs
  - Non Discrimination
  - Recovery of Property or Compensation
  - Access by Humanitarian Organizations
- Some Ideas to Consider
- Preparing a return/resettlement plan

3

Introduction

In this section we will examine section IV of the Guiding Principles on return, resettlement and reintegration. To start it is helpful to define terms.

There are two basic solutions - **Return or Resettlement. Reintegration** or **integration** is the process that makes either choice sustainable.

In this module, **return** is used to define the process of going back to one's original place of residence. Obviously return is the ideal durable solution but as noted by some observers is probably the most difficult solution to achieve. Too often after a conflict the clock simply cannot be turned back.

Resettlement *(different from refugee resettlement)* is used to define the process of starting a new life in another part of the country. Resettlement is the option of a fresh start. Depending on the circumstances of displacement and root causes of conflict, a fresh start somewhere else maybe the only reasonable option for some internally displaced.

Reintegration is used to describe the reentry of formerly internally displaced people into the social, economic, cultural and political fabric of their original community. According to UNHCR in order to be successful, reintegration, as it refers to returning refugees, requires access to reasonable resources, opportunities and basic services to establish a self-sustained livelihood in conditions of equal rights with other residents and citizens.[1]

To facilitate examination of this section it useful to see the principles according to several themes:
- Voluntary return in conditions of safety and dignity
- Participation and management of return/resettlement by the internally displaced themselves
- Non-Discrimination
- Recovery of property or compensation
- Access by humanitarian organizations

The first two themes impact on the process of return or resettlement while the second two themes impact on the durability of return or resettlement and help define successful reintegration or integration. The last theme defines the operational needs of international organizations in assisting return or resettlement operations and in some cases providing independent verification of the conditions of return.

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[1] Drawn from concept of returnee reintegration in the Office of UN High Commissioner for Refugees, Handbook Voluntary Repatriation: International Protection, 1996 Geneva ,section 6.4

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Theme I - Voluntary Return in Conditions of Safety and Dignity

Principle 28 (1)

Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

Legal Foundations of the Principle[2]

Concepts of voluntariness, return in safety and dignity drawn from refugee protection regime although not specifically stated in 1951 Convention. Voluntariness follows from principle of non-refoulement, (article 33) obviously in that involuntary return would be "refoulement."

1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa is the only international refugee instrument to date formally elaborating the principle of voluntary repatriation, although voluntary repatriation is mentioned in the UNHCR statute.

Ie OAU Article V on voluntary repatriation
UNHCR statute - Voluntarily re-availed himself of the protection of the country or voluntarily reestablished himself in the country

Definitions – some ideas from the refugee protection concept[3]

Voluntary

The decision to return should be a voluntary one. This requirement is more than a matter of principle, a return which is voluntary is more likely to be lasting and sustainable. UNHCR defines a "voluntary decision" as implying two elements: freedom of choice and an informed decision.

Safety

Return in safety is one that takes place under conditions of

- Legal safety: such as amnesties, public assurances of personal safety, integrity, freedom from fear of persecution or arbitrary punishment on return, citizenship status

- Physical security: including protection from armed attacks and mines

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[2] Discussion of the legal foundations of the Guiding Principles are drawn from the Compilation and Analysis of legal norms, Report of the Representative of the Secretary-General to the Commission on Human Rights 1996, E/CN.4/1996/Add.2

[3] Most of the discussion in this section is based on the Office of UN High Commissioner for Refugees, Handbook Voluntary Repatriation: International Protection, 1996 Geneva.

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- Material security: access to land and property, means of a livelihood and for children an education as well

Dignity

    The concept of dignity is less self-evident than safety. The dictionary definition of dignity contains elements of "serious, composed, worthy of honour and respect." According to UNHCR, in practice dignity means that: returning refugees are not manhandled, that they can return unconditionally and if they are doing so spontaneously they can do so at their own pace, that they are not arbitrarily separated from family members; and that they are treated with respect by the authorities and full acceptance by the national authorities, including the full restoration of their rights. Obviously a similar definition of dignity can be applied to returning internally displaced.

Presenter's Notes:

Within the principle highlight:
    - the role of government authorities as having the *primary duty and responsibility to establish conditions* and *provide the means...*
    - Such authorities *shall endeavor to facilitate* reintegration or integration which leaves and reflects open nature of reintegration process and wider role of local community

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Theme II - Joint participation in planning and management of return

The concepts and elements of 'voluntariness' and 'dignity' imply the participation of the internally displaced in the planning and management of their return or reintegration.

Principle 28(2)

> **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.**

Legal Foundations of the Principle

While there are no legal foundations the principle it is in conformity with international law. Generally though it is more connected to programming principles of equal participation of internally displaced in decisions that affect their lives, a theme reflected throughout the Guiding Principles.

Implications are that if the internally displaced play a greater role in managing their return or resettlement it will be more successful as well as more sustainable.

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Theme III – Non discrimination and Equality of Participation and Access

Essential to the fulfillment of the needs of the internally displaced is the need to be free from discrimination. The concepts of equality before the law, equal protection of the law and non-discrimination form a cornerstone of international human rights law.

Racial, ethnic, religious, gender-specific or political discrimination occurs, in one way or another, in every society however internally displaced persons, often living in strange surroundings, deprived of their security, property and social status, are particularly exposed and vulnerable to discriminatory treatment.

Returning internally displaced persons can, for example, be treated as "enemies" or with a high level of suspicion and hostility.

Principle 29(1)

Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

Legal Background and Foundation

An explicit prohibition of discrimination against internally displaced persons because of their being displaced does not exist in human rights law. However, many international and regional human rights treaties have clauses requiring States parties to respect and ensure the rights and freedoms recognized by those conventions are without discrimination.

Specific grounds upon which discrimination is prohibited in many treaties include race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or "other status". Article 2 of the Universal Declaration for example states:

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status... ".

"**Other status**" becomes important because displacement may be considered "other status"

International humanitarian law provides, for example, the principle for **humane treatment without adverse distinction** in situations of non-international armed conflict. Article 3 (1) common to the four Geneva Conventions reads:

"Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria."

Definitions

Although not many of the treaties define "discrimination", the term is commonly understood to imply:

> any <u>distinction, exclusion, restriction or preference</u> based on any specified grounds, and which has the <u>purpose or effect</u> of <u>nullifying or impairing</u> the <u>recognition, enjoyment or exercise</u> by all persons, on an equal footing, of all rights and freedoms.
>
> Not every distinction, however, constitutes discrimination but only those that are not based on reasonable and objective criteria.[4]

Areas where non discrimination most important

- "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. " (art. 26 of the ICCPR)
- Access to public services such as education, health services
- Access to public affairs
- Freedom of access and non-discrimination of vulnerable groups such as women within internally displaced communities.
- Returning IDPs not considered or treated as "enemies."

Theme IV - Recovery of Property or Compensation

Internally displaced persons regularly loose much of their property when displaced. The destruction or theft of crops and livestock, the bombing or burning of buildings and confiscation or forcible occupation of private homes by military or paramilitary forces are among the experiences faced by internally displaced persons, especially in situations of armed conflict.

Because of their vulnerability, internally displaced also need protection for the property left to them or acquired during displacement.

When internally displaced persons return to their homes they may find their properties occupied by other people. This is frequently an obstacle to return, and it raises questions

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[4] Compilation and Analysis of legal norms, Report of the Representative of the Secretary-General to the Commission on Human Rights 1996, E/CN.4/1996/Add.2

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concerning the right to restitution for the property or compensation for its loss. There is a certain trend in general human rights instruments, along with the progressive development of international law, to allow for restitution or compensation.

The Inter-American Commission on Human Rights has, for example, recommended payment of just compensation to returning internally displaced persons for loss of their property including homes, crops, livestock and other belongings.[5]

> *Principle 29 (2)*
>
> **Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.**

Legal Background and Foundation

In human rights law the Universal Declaration (Article 17) grants everyone the right to own property alone or in association with others. Paragraph 2 of that article prohibits arbitrary deprivation of such property. Interestingly no comparable right is found in either the ICCPR or the ICESCR.

The right to own and enjoy property is also supported and mentioned in other conventions such as International Convention on the Elimination of all Forms of Racial Discrimination, International Convention on the Elimination of all Forms of Discrimination Against Women, the ILO Conventions and regional treaties such as Organization of American States' American Declaration, the European Convention and the African Charter.

In the instruments mentioned, the individual's right to own, possess and/or use private property is not absolute and may be subject to certain interests of society as provided by law and/or under such limitations as "the just requirements of morality, public order and the general welfare in a democratic society." (Universal Declaration, Art. 29)

The existence of an internal armed conflict can constitute a public emergency and can satisfy the requirements for derogation which can temporarily suspend the right to own, use and enjoy property.

Humanitarian law does not directly address property rights but does prohibit, for example, pillage and reprisals. There is a general prohibition against the destruction or seizure of property unless required by military necessity.

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[5] Compilation and Analysis of legal norms, Report of the Representative of the Secretary-General to the Commission on Human Rights 1996, E/CN.4/1996/Add.2

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Implementation

The issue of property in the Guiding Principles is multidimensional in that it is focused not only on the protection of property occupied before displacement but also property acquired during displacement.

- The return of personal property is of crucial importance for a dignified return.
- In the process of return, property acquired must also be transported to areas of origin. *(mention RSG comments on Mozambique*)
- Access to land*, (in most cases talking about rural populations)* especially agricultural land is crucial for sustainability both in short term, medium and long term otherwise returning internally displaced become dependent on assistance.
- Property conflict often becomes the source of continuing conflict so local conflict resolution techniques can be important (*Gacaca in Rwanda, Dayton peace Accord specifically mentions property and has a commission to decide on ownership).*

Presenter's Notes

Within the principle highlight:
- *Competent authorities* - not just state authorities therefore includes non-state actors
- the *duty and responsibility* - legal and moral obligation
- *to the extent possible* - realistic qualifier
- *left behind or were dispossessed of* – items that they were forced to leave behind or which were confiscated.
- *shall provide or assist…in obtaining appropriate compensation or another form of just reparation.*

Mention:
- Right to Property or sanctity of property mentioned in principles relating to protection from displacement (Principle six)
- Right to property often most protected by domestic law

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Theme V - Access by Humanitarian Organizations

In order to deliver humanitarian assistance, relief workers and their organizations must be able to travel to, and have access to, the internally displaced. They may also need to establish communications with the displaced.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

Legal Background and Foundations

Conventional **human rights law** does not provide explicitly for access by relief workers to the victims of internal displacement who are in need of humanitarian assistance although various General Assembly and Security Council resolutions expressly address this aspect of humanitarian assistance.

For example General Assembly resolution 46/182 reconfirms the pivotal role of access by calling upon all States whose populations are in need of assistance "to facilitate the work of ... [intergovernmental and non-governmental] ... organizations", which work impartially and with strictly humanitarian motives," in implementing humanitarian assistance, in particular the supply of food, medicines, shelter and health care, for which access to victims is essential" (para. 6).

According to **humanitarian law** the International Committee of the Red Cross has a right to offer its services, as do other humanitarian organizations. Consent to such access, which is indispensable to the provision of relief, must be presumed from the acceptance of the organization's offer of humanitarian services.

Negotiating Access

- Access reflected in several principles
    - important from an assistance point of view to ensure that internally displaced persons have access to assistance *(General Principle 3 – right to receive and request assistance)*
    - Also Principle 25(3) granting free passage and access for humanitarian assistance *(protects the delivery of assistance)*
- In return or resettlement situations access is important to ensure that assistance given is reaching and meeting the target beneficiaries' needs
- From a protection point of view access is necessary to ensure return is according to conditions of safety and dignity.

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- Reference to other appropriate actors is to facilitate monitoring of return by not only humanitarian organizations but also for example human rights organizations. (*ie UNHCHR).*
- Although based on access monitoring is in itself an important but large issue to be discussed and negotiated separately with the host government. From an operational point of view, monitoring can be a comprehensive program by a wide variety of organizations to observe whether return is occurring within conditions of safety and dignity or it can be a "passive" program whereby everyday observations are passed on by field workers to government authorities, institutions or organizations that can act upon the information.

Conclusion: Return, resettlement, and reintegration revisited

Like other sections of the Guiding Principles, one should not only look at the principles in isolation – to do would miss the fact that they all form part of the larger mosaic in this case of describing the essential components of durable, sustainable solutions.

Return & Resettlement
To review some of the main points:

According to the Guiding Principles, Government authorities have the primary responsibility to establish conditions of return or resettlement by ensuring among other things an acceptable level of security, an environment and institutions that reflect and protect the rule of law and the possibility or a self-sustained livelihood.

The concepts of "voluntariness" and "participatory approach" are important in shaping the return and resettlement process and are crucial elements of lasting and sustainable return or resettlement. Place of habitual residence, for example may be interpreted broadly as long as it is a voluntary interpretation by the displaced themselves. Implementation of such an interpretation requires equal participation and management by the internally displaced in the process. The same is true in defining acceptable security standards for either return or resettlement.

Reintegration &/or Integration
Reference to non-discrimination and property is reflective of a needs based approach in the Guiding Principles. Non discrimination forms the cornerstone of reintegration or integration by attempting to ensure equal rights with other residents and citizens. Non discrimination is also the foundation for any efforts of reconciliation and conflict resolution.

Reference to property is necessary because it is possibly the single largest resource returning internally displaced will have to ensure a self-sustained livelihood and is also, in situations of population growth and competition over scare resources, likely to be the largest cause of conflict.

12

Some Ideas to Consider

- Assist representatives of displaced communities to assess conditions in potential areas of return or resettlement, by supporting visits to independently assess conditions;
- convene consultations with:
    - populations residing in areas of return or resettlement to determine attitudes toward returnees;
    - leaders of displaced groups prior to return, ensuring representation of women and all important segments of the displaced community;
    - leaders of displaced communities, local authorities, and international organizations that will be involved with return;

- prepare for landmine removal or awareness campaigns, where landmines are an issue;
- assess legal statutes or other relevant documents to identify problems to recovery of property paying particular attention to the need to female heads of households;
- design programs to rebuild community infrastructure in areas of return/resettlement;
- design mechanisms to monitor human rights conditions in areas of return/resettlement;
- design programs for women-headed households and other special needs groups in areas of return/resettlement;
- consider the needs of resident, as well as returnee, populations in program design, to prevent stigmatization or resentment.

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Part III: Items for Discussion - Key Themes/Concepts

Focusing on the situation within your country or region identify and discuss possible durable solutions for the internally displaced. While in some cases it may be premature to implement a plan, it should still be possible to identify the elements of realistic and plausible solution-scenarios. Where necessary refer directly to the 'profiles' developed in module one for explanations of causes and locations.

In the process of discussion the following questions are provided for general guidance. The questions are not exhaustive but are supposed to be an indication of some of the issues you may wish to consider in identifying solutions.

Voluntary return/resettlement in conditions of safety and dignity
    (i) How can freedom of choice be ensured?
    (ii) What can be done to encourage informed decision making on behalf of returning or resettling IDPs?
    (iii) What can authorities do to establish conditions of safety and dignity

_____
_____
_____
_____
_____
_____
_____
_____
_____

Participation and management of return/resettlement by IDPs
    (i) What can be done to encourage participation and management by IDPs

_____
_____
_____
_____
_____

14

Non Discrimination

(i) In what sectors or issues is the principle of non discrimination most important? What can be done to eliminate discrimination in those areas? For example, if access to education or political participation pose the greatest challenges what can be done?

_____
_____
_____
_____
_____

Recovery of property or compensation

(i) What, if any are the property issues locally.
(ii) Are there local methods of conflict resolution. How can they be supported?
(iii) What should local authorities be doing.

_____
_____
_____
_____
_____

Access by Humanitarian Organizations

(i) Do humanitarian organizations have unlimited access. If not what are the constraints on access: security, distance, terrain? What can be done to overcome the constraints?
If access is restricted, who is restricting access and are the reasons valid.

_____
_____
_____
_____
_____
_____
_____

15

FLYKTNINGERÅDET
NORWEGIAN REFUGEE COUNCIL

Module Five:

"Recipients" as Resources:
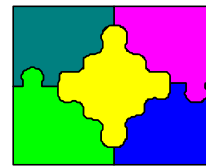
A Community-based Perspective for Program Response

(Produced by the Norwegian Refugee Council in association with the Office of the UN High Commissioner for Human Rights)

2

Key Themes/Concepts

- IDPs are not passive but key actors in identifying and addressing their own needs

- "Recipients" as Resources

- Responses to internal displacement need to take into account the perspectives of the displaced and draw as well as build upon their capacities

- Themes
  - Preserving Family and Community Links
  - Supporting Strategies of self-help
  - Empowering IDPs in the Protection of their Rights
  - Involving IDPs in Decision-making
  - Promoting Self-reliance

3

Introduction

T his module approaches the issue of program response to situations of internal displacement from a community-based perspective. It takes as its starting point that internally displaced persons are not passive "recipients" of assistance and protection, but can and should be key actors in identifying and addressing their own needs. Accordingly, programs responding to situations of internal displacement need to take into account the perspectives and capacities of internally displaced communities and design programs in a way that draws as well as builds upon these capacities. The importance of doing so will be shown to be a cross-cutting theme throughout the Guiding Principles, and all of the phases and aspects of internal displacement that they cover.

To begin, the benefits of integrating a community-based perspective into program response in general will be highlighted. Specifically, doing so can help to ensure that program responses that are appropriate, effective and sustainable and thus less expensive, in the short and long-term.

The meaning of applying a community-based perspective to program response to situations of internal displacement then is examined, with reference to the Guiding Principles, according to five main themes:

> - Preserving family and community links
>
> - Supporting strategies of self-help
>
> - Empowering IDPs in the protection of their rights
>
> - Involving IDPs in decision-making
>
> - Promoting self-reliance

4

Theme 1: Preserving Family and Community Links

Community structures represent the most fundamental source of protection for internally displaced persons.

> **"Practical protection is provided first of all by and through the local community, through a complex social network including family, clan, village or tribe."**
>
> **(UNHCR)**

However, the experience of displacement is severely disruptive on community and family structures: it disperses communities and often separates families. This weakening or severing of community and family links increases the vulnerability of the internally displaced. Activities that promote the maintenance or restoration of community links, including with the local communities in areas of refuge and return or resettlement, therefore is an important means of enhancing their security. Efforts to reunify families, create support structures for unaccompanied children and enable displaced persons to remain with or rejoin members of their clan, tribe or village should receive high priority.

Preserving family links:

Principle 17

> 1. **Every human being has the right to respect of his or her family life.**
>
> 2. **To give effect to this right for internally displaced persons,** *family members who wish to remain together shall be allowed to do so.*
>
> 3. **Families which are separated by displacement should be** *reunited as quickly as possible.* **All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.**
>
> 4. **Members of internally displaced families whose personal liberty has been restricted by** *internment or confinement in camps shall have the right to remain together.*

Principle 16 (1) and (2)

> *1.* **All internally displaced persons have the right to** *know the fate and whereabouts of missing relatives.*

5

> 2. **The authorities concerned shall endeavor to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.**

Preserving community links:

Regarding the preservation of community links, there are two facets to consider:

1. Preservation of community identity among groups of internally displaced persons

2. Participation of internally displaced persons in community affairs

On the preservation of community identity, respect for the linguistic heritage, religion or beliefs and cultural identity of internally displaced populations is important.

Principle 22

> **Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:**
>
> **(a) The rights to *freedom of thought, conscience, religion or belief, opinion and expression;***
> **…**
>
> **(e) The right to *communicate in a language they understand.***

Principle 23(2)

> **… the authorities concerned shall ensure that … in particular displaced *children, receive education ….* Education *should respect their cultural identity, language and religion.***

The right of internally displaced persons in community affairs also is affirmed in the Guiding Principles:

Principle 22

> **Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:**
> **….**

5

> **(c)** **The right to** *associate freely and participate equally in community affairs;*
>
> (d) **The right to** *vote and to participate in governmental and public affairs,* **including the right to have access to the means necessary to exercise this right;**

Theme 2: Supporting strategies of self-help

Equally important as enabling internally displaced persons to retain or recreate their previous family and community links is to recognize that the shared experience of displacement can create a sense of community among displaced persons who previously did not share family or community links.

This new sense of community is manifest in efforts by internally displaced populations organize themselves to collectively undertake efforts to address their needs. Community structures often develop among the displaced to address their basic needs for protection, health care, psycho-social support and education, for example.

In the return phase, displaced communities may send representatives to undertake preliminary assessment visits to areas of potential return or resettlement.

Conflict resolution and reconciliation initiatives undertaken within displaced populations as well as with local communities in areas of return or resettlement can contribute to the security of the internally displaced and facilitate their reintegration into these communities. Indeed, reinforcing community structures is a particularly important element of post-conflict reconstruction and reconciliation efforts.

The authorities and the international community can encourage the formation of self-help initiatives among the displaced as well as support and collaborate with those already in existence.

Theme 3: Empowering the displaced in the protection of their rights

Principle 3(2)

> **Internally displaced persons have the right to** *request and to receive protection and humanitarian assistance* **from these [national] authorities. They shall** *not be persecuted or punished for making such a request*.

In a number of situations, internally displaced persons have formally organized themselves into groups for the purpose of collectively advocating for the protection of their rights.

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To be sure, the relationship between the displaced and the authorities will influence the scope that the internally displaced have for undertaking such efforts. The authorities should be expected to ensure that organizations of the internally displaced can operate in an environment conducive to advocacy efforts.

Theme 4: Involving the displaced in decision-making

Internally displaced persons should, as a matter of course, be involved in the decisions that affect their lives. They know better than anyone else does what their needs are, and may have cultural preferences as to how these should be addressed. Taking into account the views and perspectives of the displaced in the design of programs for responding to their needs can help to ensure the appropriateness and effectiveness of such programs. This is true in all phases of displacement, from prior to displacement to the return or resettlement and reintegration phase.

Principle 7(3)

> **If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:**
> **…**
>
> **(c) The *free and informed consent of those to be displaced* shall be sought;**
>
> **(d) The authorities concerned shall endeavor to *involve those affected…in the planning and management of their relocation*;**

Principle 28(2)

> **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*.**

In considering the views of the displaced, it is essential to solicit the views of all segments of the population. Too often, the importance of consulting women is overlooked and their capacities ignored, notwithstanding the fact that women and children typically constitute the overwhelming majority of an internally displaced population.

Principle 7(3)

> **If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters…**
> **….**
> **(d) The authorities concerned shall endeavor to involve those affected, *particularly women,* in the planning and management of their relocation;**

7

Principle 18(3)

> *Special efforts* **should be made to** *ensure the full participation of women in the planning and distribution of … basic supplies*.

Theme 5: Promoting self-reliance

Especially with a view to the longer term, designing programs in a way that draws and build upon the resources and capacities of the displaced is essential. So long as the displaced lack the means to be self-reliant, they will remain dependent upon relief assistance, and long after the emergency phase.

To be sure, the experience of displacement often poses particular challenges to efforts for promoting self-reliance. Displacement separates people from their means of livelihood, including their means of employment, markets and their land and livestock. Similar opportunities often do not exist in the areas to which they are displaced.

The conditions in which the displaced live also can limit such opportunities. Closed camps with strict control over movement and activity, for example, will severely limit the options for self-sufficiency and income-generation compared with open camps that allow the displaced regular access to cultivable land, employment opportunities and markets.

Principle 22

> **Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:**
>
> **…**
>
> **(b) The right to** *seek freely opportunities for employment and to participate in economic activities*;

In protracted situations of displacement, the loss of skills becomes a serious risk. Where the opportunities for income-generation are different than the activities in which the internally displaced engaged in their areas of origin, the development of new skills may be required.

Principle 23(4)

> *Education and training facilities* **shall be made available to internally displaced persons, in particular** *adolescents and women*, **whether or not living in camps,** *as soon as conditions permit*.

8

The above Principle places special emphasis on the right of women to have access to education and training facilities. Attention to the type of skills training to which women have access also is important. Traditionally, skills training programs have relegated women to activities such as sewing and embroidery, which generate little income. In fact, displaced women often have proven adept in such non-traditional activities as quarry work, reforestation and reconstruction projects. Special efforts, such as gender clauses, may need to be taken to ensure that women have equal access to participate in skills-training and income-generating activities.

Similarly, displaced women often demonstrate considerable resourcefulness and entrepreneurial initiative. To support these efforts, women require equal access to credit opportunities. Typically, the amount of credit required is minimal. Micro-credit programs for women therefore can be particularly important for promoting self-reliance.

Assistance and development programs for internally displaced populations also can and should, to the extent possible, employ the internally displaced in programs undertaken on their behalf. "Food for work" programs in areas as diverse as education, health care, psycho-social support and shelter construction can reduce the sense of dependency and frustration among the displaced, promote skills retention or development and have the added benefit of being more cost-efficient.

Conclusion

While there is increasing recognition of the importance of viewing internally displaced populations as "resources" rather than mere "recipients", too often such a perspective actually is not applied, or at least not in a serious and systematic manner. However, adopting such a perspective from the outset – in the *design* of programs -- provides a number of important pieces of information that will help to ensure the appropriate and contribute to the effectiveness of responses to their plight:

> ❑ **Insight into their priority needs and concerns, as well as socio-cultural sensitivities**
>
> ❑ **Indication of their capacities**
>
> ❑ **Identification of the constraints (political, legal, social, economic etc.) limiting the full use of these capacities as well as of possible ways of minimizing these**

To be sure, there is no blueprint for the program response to emerge from such an analysis. Its exact nature will depend upon a number of situational factors, including the profile,

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perspectives and capacities of the displaced, their particular needs, their level of organization and their relationship with the authorities. Nonetheless, it is worth recalling the five main themes for strategic areas of activity that have been identified:

> ❑ **Preserving family and community links**
>
> ❑ **Supporting strategies of self-help**
>
> ❑ **Empowering IDPs in the protection of their rights**
>
> ❑ **Involving IDPs in decision-making**
>
> ❑ **Promoting self-reliance**

10

Working Group Discussions

The presentation has identified and given some examples of activities in different countries in five strategic areas of activity for applying a community-based perspective to program response. The task of the working groups is to explore these themes in reference to the specific situation of internal displacement in which participants are engaged.

Some questions to consider:

1. Family and community links

a) In what ways has displacement affected family and community links? Have displaced families and communities been able to remain together? What efforts are being taken to reunite displaced families?

_____
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_____
_____

b) To what extent have the displaced been able to integrate into their host communities? Do the displaced face discrimination impeding their integration?

_____
_____
_____
_____

2. Self-help strategies

a) Provide an example of a self-help strategy used by the internally displaced to address their assistance needs.

_____
_____
_____
_____

b) …and one for addressing protection needs.

_____
_____
_____
_____

11

c) Identify ways in which the authorities and international agencies have supported or could support these or other self-help strategies.

_____
_____
_____
_____

3. **Empowering the internally displaced in the protection of their rights**

a) Suggest ways for raising awareness of the internally displaced of their rights. In what ways, for instance, could the Guiding Principles on Internal Displacement be effectively disseminated?

_____
_____
_____
_____

b) Describe the current operating environment for local advocates of the rights of the internally displaced. Are there ways in which it could be made more conducive to such activity?

_____
_____
_____
_____

4. **Involving the displaced in decisions that affect their lives**

a) What processes and mechanisms exist for consulting the internally displaced so as to ensure that their perspectives and concerns are taken into account in the design of programs? To what extent are women represented in these consultation processes and mechanisms?

_____
_____
_____
_____

12

b) Provide an example of how women are involved in the design and, in a separate example, the distribution of efforts to meet basic assistance needs.

_____
_____
_____
_____
_____

5. Supporting self-reliance

a) Identify the main obstacles impeding internally displaced persons from being self-reliant. Be sure to consider obstacles that women, in particular, face.

_____
_____
_____
_____

b) Provide an example of a skills-training and, in a separate example, of an income-generating program presently being sponsored which assists the internally displaced in overcoming these obstacles. One of the examples should be of special efforts undertaken to ensure skills-training and income-generating opportunities for women.

_____
_____
_____
_____

c) To what extent do displaced children attend school? In cases of low school attendance, what factors account for this? What would be required to address these?

_____
_____
_____
_____

13

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Module I: Introduction to Internal Displacement

Objectives

By the end of this session, participants will be able to:

- Define internally displaced persons

- Describe circumstances and conditions of the internally displaced

- Develop a profile of internally displaced persons in their regions

Contents

Section Title	Time
Introduction to the Training	10 minutes
Participant Introductions/Icebreaker Activity	45 minutes
The Nature of Internal Displacement: Circumstances and Conditions of the Internally Displaced	15 minutes
The Critical Issues of Sovereignty, Responsibility and Access	10 minutes
The Guiding Principles	10 minutes
Developing a Profile	45 minutes
Approximate Total Time	**2.25 hours**

Methods

- Presentation/lecture

- Plenary discussion

- Small group work

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Materials

- Facilitator Guide

- PowerPoint slides or overhead transparencies 1.1 – 1.7

- Participant Guide

- "Handbook for Applying the Guiding Principles on Internal Displacement"

- "Manual on Field Practice in Internal Displacement"

- "Guiding Principles on Internal Displacement"

Preparation

- Using the roster of participants, divide the participants into regional groups for participation in exercises.

- Prepare for the PowerPoint or overhead transparency presentation.

- Have the following documents to hand out to participants:

  ➤ "Handbook for Applying the Guiding Principles on Internal Displacement"

  ➤ "Manual on Field Practice in Internal Displacement"

  ➤ "Guiding Principles on Internal Displacement"

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Introduction to the Training (10 minutes)

Present the following introduction to the issue of internal displacement.

- As the number of internally displaced persons worldwide increases, and as the international community takes an enhanced interest in those persons, staffs of humanitarian organizations -- UN agencies, international organizations, and non-governmental organizations (NGOs) -- are increasingly asked to design programs to protect the rights of the internally displaced and otherwise assist them.

- To protect the rights of and meet humanitarian needs of internally displaced persons, staff persons must understand the circumstances of internal displacement, the basis for international engagement, and basic programming approaches in this complex and rapidly evolving field of activity.

- It was in order to provide a foundation of knowledge to international agency staff that the training packet you have in front of you was developed.[1]

- It is apparent that circumstances facing internally displaced persons, as well as approaches of the international community, will vary considerably from country to country, depending on local circumstances, policies, and capacities.

- However, a decade of experience working with the internally displaced in more than twenty countries -- and especially the development in 1998 of the "Guiding Principles on Internal Displacement"[2] -- provide a foundation of knowledge to guide programming on behalf of the internally displaced.

Show Slide 1.1 Outline of the Training

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[1] This training course was developed under the coordination of the UN Interagency Standing Committee Working Group (IASC-WG), with the participation of many agencies within and outside the UN system.
[2] This work was led by the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng.

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Introduction to the Training (Continued)
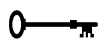
Present the following information about the training.

- The training course you are undertaking, the *Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff*, organizes the training material in six modules:

  1. *Module I: Introduction to Internal Displacement* provides basic information on the internally displaced, their circumstances, critical policy issues, the international institutional framework for addressing internal displacement, and the "Guiding Principles on Internal Displacement" (the "Guiding Principles").

     ➢ After you complete this module, you will have a basic understanding of the internal displacement issue.

  2. *Module II: The Basis for Action in International Law and Humanitarian Principles* describes the legal and other foundations for programmatic action by international agency staff on behalf of internally displaced persons.

     ➢ After you complete this module, you will understand how human rights law, humanitarian law and principles, and other international standards apply to the internally displaced and provide the foundation for your work with internally displaced persons.

  3. *Module III: The Institutional Framework for Activities on Behalf of Internally Displaced Persons* describes how UN agencies, international organizations, NGOs and other institutions can and must coordinate to support displaced communities.

     ➢ After you complete this module, you will understand the current international coordination mechanisms for managing programming on behalf of the internally displaced, how the current system evolved, and options for providing protection and assistance at the country level.

Module I: Introduction to Internal Displacement
Facilitator Guide

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Introduction to the Training (Continued)

4. *Module IV: Preventing, or Preparing for, Internal Displacement* discusses how international organizations can, when possible and appropriate (in the eyes of the displaced themselves), work to prevent displacement or, when necessary, coordinate to prepare for internal displacement.

   ➤ After you complete this module, you will understand critical steps to prepare for impending displacement and methods that can be taken by the international community to head off unwarranted internal displacement.

5. *Module V: Protection and Assistance during Internal Displacement* covers the appropriate role of international organizations when displacement has taken place and displaced populations are at risk.

   ➤ After you complete this module, you will understand the critical importance of both assistance and protection activities, and techniques for accessing and assisting displaced communities.

6. *Module VI: Return, Resettlement, and Reintegration of Internally Displaced Populations*, describes factors affecting the return of the displaced to their home areas or resettlement in a new permanent setting.

   ➤ After you complete this module, you will understand appropriate roles for international agencies in assisting prior to and during return/resettlement, and the importance of ongoing reintegration activities.

- As is clear from the structure of this training course, the first three modules are intended to provide a basic level of knowledge in the nature of internal displacement, the standards that underpin international programs, and mechanisms for institutional coordination.

Module I: Introduction to Internal Displacement   Page I-5
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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Introduction to the Training (Continued)

- The second set of modules -- which closely parallel the organizational structure of the "Guiding Principles on Internal Displacement" -- are intended to suggest program priorities before, during, and after displacement.

- Since internal displacement is a diverse phenomenon and an evolving area of knowledge, the information presented in these modules is often suggestive, rather than definitive.

- You and other experienced international staff, carefully analyzing circumstances in the country context -- and working, of course, with the internally displaced themselves and relevant national authorities -- are the best designers of appropriate programming in your situation.

- What this course provides is important background material, relevant experience from other contexts, and information on evolving practice to assist your efforts on behalf of internally displaced persons, families and communities.

- At the end of this training, we will work together to synthesize the information we have learned by conducting a "Capstone" or final exercise. We will take a real world example of a displacement crisis—the situation of Tajikistan from 1992-96—and, working together as a Country Team, develop our own strategy for assisting displaced populations.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Participant Introductions/Icebreaker Activity (45 minutes)

Introduce the activity by making the following points:

- It is important to understand why identifying the internally displaced as a unique category of people requiring protection and assistance is necessary.

- Some observers and relief organizations have argued that by defining internally displaced as distinct, one risks focusing too much on one group of victims, thereby diminishing attention on the needs of other victims of conflict.

Show Slide 1.2 Why a Special Category?

- The argument advanced by the Representative of the Secretary General in favor of having a special category is that:

  ➢ The internally displaced share characteristics and face ordeals specific to their situation. In order to understand their situation, it is necessary to delineate the circumstances they face.

  ➢ Up to now, the protection and assistance needs of internally displaced persons have not been fully met; those needs cannot be properly addressed if the beneficiaries themselves and the nature of their situation are not made distinct.

  ➢ The development of the "Guiding Principles" as a normative framework required a standard setting process.

  ➢ The essential thrust of the identification process is not to create new categories of people having special rights but to extend protection and respect of existing rights to persons in particularly vulnerable situations.

Module I: Introduction to Internal Displacement
Facilitator Guide

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Participant Introductions/Icebreaker Activity (Continued)

Conduct the activity by asking participants to do the following:

- Work in your table groups to introduce yourselves to one another and write a group definition of internally displaced persons.

- Post your group definition on chart paper and appoint a spokesperson to introduce the individuals at your table to the larger group and present your definition.

Debrief the activity by having each table group introduce its members and present its definition of the internally displaced.
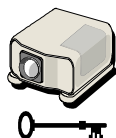
Show Slide 1.3 Descriptive Definition

Present the following Descriptive Definition according to the Representative of the Secretary-General on Internally Displaced Persons (1998):

> "…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."

Make connections between the groups' definitions and this definition.

Emphasize the following:

- There are two essential components of the description:

  ➢ The element of coerced or forced movement, and

  ➢ The fact that the victims have not crossed an international state border.

Module I: Introduction to Internal Displacement
Facilitator Guide

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**Basic Course on Internal Displacement: Background, Program
Foundations and Program Approaches for International Agency Staff**

Participant Introductions/Icebreaker Activity (Continued)

Show Slide 1.4 Earlier Definition

*Give participants the following earlier definition from the Analytical
Report of the Secretary-General (1992):*

> "[P]ersons who have been forced to flee their homes suddenly or
> unexpectedly in large numbers, as a result of armed conflict, internal
> strife, systematic violations of human rights or natural or man-made
> disasters; and who are within the territory of their own country."

*Point out some of the most important features of the current definition
and how the current and former descriptions differ. These include the
following:*

"Forced or obliged" as opposed to just *"forced to flee"*

- Forced to flee is too narrow because it doesn't include possibility
  of being expelled or intimidated to leave by threat.

- The most important fact is that displacement is coerced or
  involuntary.

"*As a result of*" is the same but "*in order to avoid*" added

- This is more flexible in terms of proximity to conflict or whether
  conflict has taken place or not. "…[A]s a result of" implies effects
  have already taken place while "in order to avoid" implies fear that
  they will take place.

"*within territory of their own country*" replaced by "*have not crossed an
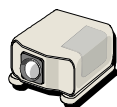internationally recognized State border."*

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Participant Introductions/Icebreaker Activity (Continued)

- The more specific description was to address worldwide trends of state disintegration and formation. In the former Yugoslavia persons displaced could be considered refugees or internally displaced depending on whether the new borders they crossed had an international character.

Discuss another important element of the description: the delineation of causes.

> "In particular as a result of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters"

- The causes of displacement are listed as part of the description. Most are self-explanatory. The term "situations of generalized violence" leaves open the nature and extent of the violence.

- "In particular" emphasizes that other causes may be considered.

- "Natural disaster" is included because in some disasters governments respond by discriminating against or neglecting certain groups of victims on political or ethnic grounds or by violating their rights in other ways. Man-made disasters are included for the same reason. (i.e., where a dam is built but the government makes no attempt to resettle or compensate those displaced).

- "Disaster" is also included to avoid situations where people are displaced to a potentially hostile area.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Participant Introductions/Icebreaker Activity (Continued)

> *Point out the following additional elements and/or changes:*

"Home or habitual residence" as opposed to just *"homes"*

- More flexible definition that habitual residence is not necessarily a house or a building

- Implications on return/durable solution

"*Suddenly or unexpectedly*" removed

- Precluded prospect of a "planned or managed" ethnic cleansing

"*Large numbers*" removed

- IDPs can often flee in small groups

- Situation of being an IDP is not determined on the basis of being part of a larger group

"Internal strife" changed to *"situations of generalized violence"*

- Encompasses more situations

"S*ystematic*" removed from violations

- Broadens level of human rights violations to be considered

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Facilitator Guide

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Nature of Internal Displacement: Circumstances and Conditions of the Internally Displaced (15 minutes)

Make the following points about internal displacement:

- By the year 2000, internal displacement affected between 20 and 25 million people in over fifty (50) countries, far more than the number of refugees worldwide.

- Often the result of violent ethnic conflict, civil wars, and related violations of human rights or international law, displacement creates conditions of severe hardship and suffering for the affected populations.

Show Slide 1.5 Why IDPs Are Especially Vulnerable

- Although all persons affected by conflict, human rights violations, and/or violations of international law suffer, displacement from one's place of residence may make the internally displaced especially vulnerable:

  ➢ Internally displaced persons may be in transit from one place to another, may be in hiding, may be forced toward unhealthy or inhospitable environments, or face other circumstances that make them especially vulnerable.

  ➢ The social organization of displaced communities may have been destroyed or damaged by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles or face particular vulnerabilities.

  ➢ Internally displaced populations, and especially groups like children, the elderly, or pregnant women, may experience profound psychosocial distress related to displacement.

  ➢ Removal from sources of income and livelihood may add to physical and psychosocial vulnerability for displaced persons.

  ➢ Internal displacement may well disrupt schooling for displaced children and adolescents.

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Nature of Internal Displacement: Circumstances and Conditions of the Internally Displaced (Continued)

> ➢ Internal displacement to areas where local inhabitants are of different groups or inhospitable may increase risk to internally displaced communities; internally displaced persons may face language barriers in their location of displacement.

> ➢ The fact that internally displaced persons have fled their traditional place of residence may suggest to the parties to a conflict that the displaced favor one side or the other, leading armed combatants to become suspicious about the loyalty of displaced populations.

> ➢ Internally displaced persons may lack identity documents essential to receiving benefits or recognition before the law; in some cases, displaced persons may have jettisoned such documents in fear of persecution.

- Internally displaced persons are found in a wide range of habitats: (1) in structured camps; (2) scattered in forests or the countryside; (3) living with relatives or members of related groups; (4) in large urban or peri-urban settings; (5) in hiding; (6) in fluid conditions in proximity to their homes, sometimes returning periodically to work fields or check possessions; and (7) multiple other circumstances, such as in abandoned factories or public buildings, in railroad cars or storage facilities.
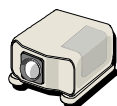
Show Slide 1.6 Departure and Duration Vary Enormously

- The intensity of departure and duration of internal displacement also vary enormously.

> ➢ Some displaced communities flee rapidly, in a group, to flee large-scale fighting or attack, often leaving all possessions behind.

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Nature of Internal Displacement: Circumstances and Conditions of the Internally Displaced (Continued)

> ➢ Internally displaced persons may flee their homes individually or in family units as human rights abuses, violations of international law, threats, or attacks intensify. Families may send children or other groups to live apart from the remainder of the family as vulnerability mounts.

> ➢ Internally displaced persons may retain some portion of their possessions and tools of livelihood or be bereft of possessions.

> ➢ Certain internally displaced populations may have been forced by authorities or combatants into confined camps or settlements against their will.

> ➢ Displacement may be of short duration, until a crisis has passed, or -- in many circumstances -- may last for years.

> ➢ Internal displacement may be lengthened as authorities refuse to allow return to home areas controlled by opposing forces, or internally displaced persons judge that their home area is unsafe because of the presence of hostile forces.

> ➢ Internally displaced persons may face repeated cycles of displacement as conflict, human rights abuses, or violations of international law ebb and flow.

> ➢ Return may be made difficult by property or other damage in the home area, by hostility of those who did not flee, or due to seizure of property or homes by other individuals.

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

**The Critical Issues of Sovereignty, Responsibility and Access (10 minutes)**

O———ᴋ   *Present the following information on sovereignty, responsibility and access:*

- When states themselves are actively involved in causing displacement or are guilty of gross violations of human rights or international law that cause populations to flee, the situation is more complicated.

- In all cases the fact that internal displacement takes place inside the territory of a state raises sometimes sensitive issues of state sovereignty and state responsibility. However, when states cause, encourage or condone displacement, they usually perceive the internally displaced as "enemies" rather than citizens. Left to suffer in isolation and obscurity, the internally displaced can then not only be deprived of the protection of the state but also denied assistance.

- In some instances the same state authorities—or armed opposition groups controlling territory in which the displaced are located—deny assistance and access by the international community. In other situations the internally displaced can be caught in the middle of a conflict between rebel groups and government forces and are victimized or viewed with hostility and suspicion by both sides.

- All scenarios of internal displacement raise difficult questions with no easy solutions. The biggest and often most complicated questions revolve around the conception of sovereignty and its impact on access by international organizations.

- In what most perceive as a positive development, the Cold War/"impregnable" perception of sovereignty is undergoing a subtle transformation. States are becoming less and less able to hide behind claims of national interest and sovereignty if they abuse the rights of their citizens.

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**Basic Course on Internal Displacement: Background, Program
Foundations and Program Approaches for International Agency Staff**

**The Critical Issues of Sovereignty, Responsibility and Access
(Continued)**

Ask participants to turn to page I-7 in their Participant Guide.

- Secretary General Kofi Annan in the 1999 annual session of the
  General Assembly stated:

  *State sovereignty, in its most basic sense, is being redefined - not
  least by the forces of globalisation and international cooperation.
  States are now widely understood to be instruments at the service
  of their peoples, and not vice versa. At the same time individual
  sovereignty- by which I mean the fundamental freedom of each
  individual, enshrined in the charter of the UN and subsequent
  international treaties-has been enhanced by a renewed and
  spreading consciousness of individual rights. When we read the
  charter today, we are more than ever conscious that its aim is to
  protect individual human beings not to protect those who abuse
  them.*

- The Representative of the Secretary-General on Internally Displaced
  Persons, who was appointed in 1992 following a request by the
  Commission on Human Rights, has further reinforced the view that
  states cannot hide behind borders with his "sovereignty as
  responsibility" concept.

  *Under this concept, a state can claim the prerogatives of
  sovereignty only so long as it carries out its internationally
  recognized responsibilities to provide protection and life
  supporting assistance to its citizens. Failure to do so would cause
  it to forfeit traditional rights of sovereignty and legitimize the
  involvement of the international community.*[3]

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[3] Roberta Cohen and Francis Deng, *The Forsaken People*, Brookings Institution Press, Washington, 1998
pg 6

Module I: Introduction to Internal Displacement
Facilitator Guide

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Critical Issues of Sovereignty, Responsibility and Access (Continued)

- Notwithstanding the changing perception of sovereignty, it is a maxim for all issues of internal displacement that ultimate responsibility rests with the state. Based on ultimate state responsibility, the challenge for the international community has been how to respond to crises of internal displacement while respecting state sovereignty.

- Unlike refugees, there is no single institution to respond to the protection and assistance needs of the internally displaced.

- Scarce resources and a lack of a political will to create a new agency have hampered the international community's ability to respond to the problem.

- The magnitude of the task has also, up to now, precluded an existing agency from taking on the complete burden of dealing with the internally displaced.

- Out of political necessity, the international community has sought a collaborative approach to the problem by making better use of existing mandates.

- The collaborative approach requires that the capabilities of many international organizations, working together, be combined to address situations of internal displacement in a coordinated fashion.

- You'll learn how the collaborative approach works in Module III.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Guiding Principles (10 minutes)

Present the following information about the Guiding Principles:

- In 1992, after the Commission on Human Rights requested the Secretary-General of the United Nations to appoint a Representative on Internally Displaced Persons, Dr. Francis Deng, a well-respected African scholar and former diplomat, was selected.

- He was asked to study the causes and consequences of internal displacement, to review international legal protection and institutional responses to internal displacement, and to search for ways in which their protection and assistance could be improved.

- In response to an analysis of legal norms affecting internally displaced[4] and to remedy deficiencies in existing law, the Commission on Human Rights and the General Assembly requested the Representative of the Secretary-General to prepare an appropriate framework for the protection and assistance of the internally displaced.

- In collaboration with a team of experts, the Representative drafted the "Guiding Principles on Internal Displacement," which were presented to the Commission on Human Rights at its fifty-fourth session in April 1998.

- The Commission unanimously adopted resolution 1998/50, which took note of the "Guiding Principles" and requested that the Representative report back regularly on their dissemination and implementation.

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[4] United Nations, Compilation and Analysis of Legal Norms, Report of the Representative of the Secretary-General to the Commission on Human Rights 1996, E/CN.4/1996/Add.2 and Part II Compilation and Analysis of Legal Norms E/CN:4/1998/53/Add 1 and the Guiding Principles E/CN.4/1998/53/Add. 2

Basic Course on Internal Displacement: Background, Program
Foundations and Program Approaches for International Agency Staff

The Guiding Principles (Continued)

Show Slide 1-8 The Guiding Principles

- The "Guiding Principles" address the specific needs of internally displaced persons by identifying rights and guarantees relevant to their protection.

- The Principles reflect and are consistent with international human rights law and international humanitarian law.

- They restate the relevant norms applicable to the internally displaced, which are widely spread out in existing instruments, clarify any grey areas that might exist, and address gaps in protection.

- They apply to the different phases of displacement, including protection against arbitrary displacement, access to protection and assistance during displacement, and guarantees during return or alternative settlement and reintegration.

- In terms of their use, the Principles are intended to provide guidance to the Representative in carrying out his mandate, to assist states and national authorities when faced with the phenomenon of displacement and to guide intergovernmental and non-governmental organizations when addressing internal displacement.

- The *Guiding Principles* are also intended to be a persuasive instrument that provides not only practical guidance, but also acts as an instrument for public policy education and consciousness-raising.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Guiding Principles (Continued)

- Since their introduction, the "Guiding Principles" have rapidly gained international recognition and standing as a useful tool for addressing situations of internal displacement.

- The UN Security Council has referred to the "Guiding Principles" in statements by the President and in its resolutions.

- The General Assembly has also noted the "Guiding Principles" and welcomed their use by the Representative in his dialogue with governments.

- Regional organizations have noted the Principles and encouraged their wide use and application.

- Members of the Inter-Agency Standing Committee have expressed their willingness to disseminate the Principles among staff members and field offices for use in work with the internally displaced.

- The Red Cross movement and several non-governmental organizations have also been especially active in promoting the Guiding Principles and applying them in their work with the internally displaced.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Developing a Profile (45 minutes)

Introduce the activity by telling participants the following:

- Now that you have a definition of the internally displaced and some information on conditions of displacement, let's work to develop a profile of the internally displaced in your region.

Conduct the activity by asking participants to do the following:

- Using the UN definition as a guide, work as a group with other participants from your region to develop a profile of the internally displaced in your region.

- Describe the various groups of the internally displaced, where they are displaced from, and where they are displaced to, and the pattern of displacement.

- Where possible, describe the causes and nature of the displacement, particularly if there are any peculiarities or extenuating circumstances to the application of the definition.

- Use the questions in the Participant Guide to guide your discussion.

Ask participants to turn to the Questions for Developing a Profile on page I-10 in the Participant Guide.

Debrief the activity by having each group present its profile to the large group. Point out similarities and differences in the profiles.

Transition to Module II, The Basis for Action in International Law and Humanitarian Principles.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Module I: Introduction to Internal Displacement

Objectives

By the end of this session, participants will be able to:

- Define internally displaced persons

- Describe circumstances and conditions of the internally displaced

- Develop a profile of internally displaced persons in their regions.

Contents

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Course Objectives

- Gain a basic understanding of the internal displacement issue.

- Understand how human rights law, humanitarian law and principles, and other international standards apply to the internally displaced and provide the foundation for your work with internally displaced persons.

- Understand the current international coordination mechanisms for managing programming on behalf of the internally displaced, how the current system evolved, and options for providing protection and assistance at the country level.

- Understand critical steps to prepare for impending displacement and methods that can be taken by the international community to head off unwarranted internal displacement.

- Understand the critical importance of both assistance and protection activities, and techniques for accessing and assisting displaced communities.

- Understand appropriate roles for international agencies in assisting prior to and during return/resettlement, and the importance of ongoing reintegration activities.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Course Agenda

Module I: Introduction to Internal Displacement	2 hours 15 minutes
Module II: The Basis for Action in International Law and Humanitarian Principles	4 hours
Module III: The Institutional Framework for Activities on Behalf of Internally Displaced Persons	2 hours
Module IV: Preventing, or Preparing for, Internal Displacement	2 hours 45 minutes
Module V: Protection and Assistance during Internal Displacement	3 hours 25 minutes
Module VI: Return, Resettlement, and Reintegration of Internally Displaced Populations	6 hours
Total Approximate Time	**19 hours 25 minutes**

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Why a Special Category?

The argument advanced by the Representative of the Secretary General in favor of a having a special category is that:

- The internally displaced share characteristics and face ordeals specific to their situation. In order to understand their situation, it is necessary to delineate the circumstances they face.

- Up to now, the protection and assistance needs of internally displaced persons have not been fully met; those needs cannot be properly addressed if the beneficiaries themselves and the nature of their situation are not made distinct.

- The development of the "Guiding Principles" as a normative framework required a standard setting process.

- The essential thrust of the identification process is not to create new categories of people having special rights but to extend protection and respect of existing rights to persons in particularly vulnerable situations.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Definitions of Internally Displaced Persons

Descriptive Definition according to the Representative of the Secretary-General on Internally Displaced Persons (1998):

"...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."

An earlier definition from the Analytical Report of the Secretary-General (1992):

"[P]ersons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country."

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Nature of Internal Displacement: Circumstances and Conditions of the Internally Displaced

- By the year 2000, internal displacement affected between 20 and 25 million people in over fifty (50) countries, far more than the number of refugees worldwide.

- Often the result of violent ethnic conflict, civil wars and related violations of human rights or international law, displacement creates conditions of severe hardship and suffering for the affected populations.

- Although all persons affected by conflict, human rights violations, and/or violations of international law suffer, displacement from one's place of residence may make the internally displaced especially vulnerable:

  ➢ Internally displaced persons may be in transit from one place to another, may be in hiding, may be forced toward unhealthy or inhospitable environments, or face other circumstances that make them especially vulnerable.

  ➢ The social organization of displaced communities may have been destroyed or damaged by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles or face particular vulnerabilities.

  ➢ Internally displaced populations, and especially groups like children, the elderly, or pregnant women, may experience profound psychosocial distress related to displacement.

  ➢ Removal from sources of income and livelihood may add to physical and psychosocial vulnerability for displaced persons.

  ➢ Internal displacement may well disrupt schooling for displaced children and adolescents.

  ➢ Internal displacement to areas where local inhabitants are of different groups or inhospitable may increase risk to internally displaced communities; internally displaced persons may face language barriers in their location of displacement.

  ➢ The fact that internally displaced persons have fled their traditional place of residence may suggest to the parties to a conflict that the displaced favor one side or the other, leading armed combatants to become suspicious about the loyalty of displaced populations.

  ➢ Internally displaced persons may lack identity documents essential to receiving benefits or recognition before the law; in some cases, displaced persons may have jettisoned such documents in fear of persecution.

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Participant Guide

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Critical Issues of Sovereignty, Responsibility and Access

- Secretary General Kofi Annan in the 1999 annual session of the General Assembly stated:

  State sovereignty, in its most basic sense, is being redefined - not least by the forces of globalisation and international cooperation. States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time individual sovereignty- by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties-has been enhanced by a renewed and spreading consciousness of individual rights. When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings not to protect those who abuse them.

- The Representative of the Secretary-General for Internally Displaced Persons, who was appointed in 1992 following a request by the Commission on Human Rights, has further reinforced the view that states cannot hide behind borders with his "sovereignty as responsibility" concept.

  Under this concept, a state can claim the prerogatives of sovereignty only so long as it carries out its internationally recognized responsibilities to provide protection and life supporting assistance to its citizens. Failure to do so would cause it to forfeit traditional rights of sovereignty and legitimize the involvement of the international community.[1]

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[1] Roberta Cohen and Francis Deng, *The Forsaken People*, Brookings Institution Press, Washington, 1998 pg 6

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Guiding Principles

- In 1992, after the Commission on Human Rights requested the Secretary-General of the United Nations to appoint a Representative on internally displaced persons, Dr. Francis Deng, a well-respected African scholar and former diplomat, was selected.

- He was asked to study the causes and consequences of internal displacement, to review international legal protection and institutional responses to internal displacement, and to search for ways in which their protection and assistance could be improved.

- In response to an analysis of legal norms affecting internally displaced[2] and to remedy deficiencies in existing law, the Commission on Human Rights and the General Assembly requested the Representative of the Secretary-General to prepare an appropriate framework for the protection and assistance of the internally displaced.

- In collaboration with a team of experts, the Representative drafted the *Guiding Principles on Internal Displacement*, which were presented to the Commission on Human Rights at its fifty-fourth session in April 1998.

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- The Principles reflect and are consistent with international human rights law and international humanitarian law.

- They restate the relevant norms applicable to the internally displaced, which are widely spread out in existing instruments, clarify gray areas that might exist, and address the gaps in protection.

- They apply to the different phases of displacement, including protection against arbitrary displacement, access to protection and assistance during displacement, and guarantees during return or alternative settlement and reintegration.

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[2] United Nations, Compilation and Analysis of Legal Norms, Report of the Representative of the Secretary-General to the Commission on Human Rights 1996, E/CN.4/1996/Add.2 and Part II Compilation and Analysis of legal norms E/CN:4/1998/53/Add 1 and the Guiding Principles E/CN.4/1998/53/Add. 2

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Guiding Principles (continued)

- In terms of their use, the Principles are intended to provide guidance to the Representative in carrying out his mandate, to assist States and national authorities when faced with the phenomenon of displacement and to guide intergovernmental and non-governmental organizations when addressing internal displacement.

- The *Guiding Principles* are also intended to be a persuasive instrument that provides not only practical guidance, but also acts as an instrument for public policy education and consciousness-raising.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Questions for Developing a Profile

In the process of discussions you may wish to consider some of the following questions in developing a profile. The list is meant to stimulate discussions on applying the definition and developing a profile and is not exhaustive.

Limits on Duration or Frequency of Displacement

When does the status of displaced begin or end?

Does application of the definition depend on the number of times one is displaced especially in, for example, nomadic societies?

Does, for example, a family living in a camp setting for several years satisfy the definition of displacement or should they be considered resettled?

If someone was forced to leave his/her home for a week because of fighting but then was able to return, were they displaced?

Is someone who is forced or obliged to flee his/her home every night, returning during the day, displaced?

Vulnerability

Does someone who has just returned home from being internally displaced and is still considered vulnerable meet the definition of an internally displaced person? If so, for how long?

If the male of the family returns home to farm a plot of land but the female and children stay in a camp, is the family displaced?

If a single mother afraid for the security of her children goes to stay with her mother, is she displaced?

Coercion

How do you distinguish between what is considered voluntary departure because of unacceptable living conditions, such as a shrinking economy, declining security or official harassment, on the one hand, and involuntary forced displacement on the other? Is the line clearly defined in your region?

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Outline of the training

- Module One: *Introduction to Internal Displacement*

- Module Two: *The Basis for Action in International Law and Humanitarian Principles*

- Module Three: *The Institutional Framework for Activities on Behalf of Internally Displaced Persons*

- Module Four: *Preventing, or Preparing for, Internal Displacement*

- Module Five: *Protection and Assistance during Internal Displacement*

- Module Six: *Return, Resettlement and Reintegration of Internally Displaced Populations*

Why a special category?

- Internally displaced share characteristics and face ordeals specific to their situation

- Protection and assistance needs of internally displaced persons have not been fully met

- Development of Guiding Principles as normative framework required standard setting process

I-2

Descriptive definition of Representative of Secretary-General (1998)

…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

Internally displaced persons according to Secretary-General (1992)

"[P]ersons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country."

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Why IDPs are especially vulnerable

- May be in transit from one place to another, may be in hiding, may be forced toward unhealthy or inhospitable environments

- Social organization destroyed or damaged

- May experience profound psychosocial distress

- Removed from sources of income and livelihood

- Schooling disrupted

- May be displaced to areas where local inhabitants are of different groups or inhospitable

- Armed combatants might question loyalty

- May lack identity documents

I-6

Departure and duration vary enormously

- Some displaced communities flee rapidly, in a group; some flee their homes individually or in family units as human rights abuses, threats, or attacks intensify

- Some have possessions; others have left possessions behind

- Displacement may by short or long term

- Displacement may take place in repeated cycles

The Guiding Principles

- Identifying rights and guarantees relevant to protection

- Reflect and are consistent with international human rights law and international humanitarian law

- Restate the relevant norms applicable to the internally displaced, clarify gray areas, and fill in gaps

- Apply to the different phases of displacement

**Basic Course on Internal Displacement: Background, Program
Foundations and Program Approaches for International Agency Staff**

Module II: The Basis for Action in International Law and Humanitarian Principles

Objectives

By the end of this session, participants will be able to:

- Describe the "general principles" of the *Guiding Principles on Internal Displacement* and principles related to humanitarian assistance

- Explain how the *Guiding Principles* have a foundation in international human rights and humanitarian law, as well as humanitarian principles

- Describe how the *Guiding Principles* (1) re-state existing law, (2) explain in greater detail sections of existing law, and (3) fill in gaps in existing law

- Explain how the *Guiding Principles* can be used to advocate on behalf of internally displaced persons

Content

Section Title	Time
Introduction to Module II	5 minutes
The Legal Basis for the Guiding Principles	15 minutes
Sources of International Law	60 minutes
Categories of Conflict and Relevant Bodies of Law, Plus Limitations on International Law	20 minutes
How the Guiding Principles Clarify International Law on Behalf of the Internally Displaced and Facilitate the Rights of the Displaced	20 minutes
The Principles in Action	60 minutes
What Are Humanitarian Principles and Why Do We Care about Them?	15 minutes
Core Humanitarian Principles	5 minutes
The Guiding Principles Speak to Humanitarian Principles	10 minutes
Group Discussion of the Fundamental Principles	30 minutes
Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action	10 minutes
Approximate Total Time	**4 hours 10 minutes**

Module II: The Basis for Action in International Law and   Page II-1
Humanitarian Principles
Facilitator Guide

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Methods

- Presentation/lecture

- Plenary discussion

- Reading

- Group work

Materials

Facilitator Guide

Participant Guide

Various instruments of international law

PowerPoint slides or overhead transparencies 2.1 – 2.10

Preparation

- Gather the following instruments of international law for distribution to participants:

  - *Universal Declaration of Human Rights (UDHR)*
  - *International Covenant on Civil and Political Rights (ICCPR)*
  - *International Covenant on Economic, Social and Cultural Rights (ICESCR)*
  - *Convention on the Elimination of All Forms of Racial Discrimination (CERD)*
  - *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*
  - *Convention on the Rights of the Child (CRC)*
  - *Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*
  - *The Fourth Geneva Convention of 1949, relative to the Protection of Civilian Persons in Time of Armed Conflict, and Additional Protocols I and II to the Geneva Conventions*
  - *Regional instruments, if applicable.*

- Prepare for the PowerPoint or overhead transparency presentation.

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Introduction to Module II (5 minutes)

Make the following introductory comments:

Show Slide 2-1 Module Objectives

- In countries facing internal displacement, the staff of UN agencies and partner organizations may be called upon to advocate on behalf of displaced persons and/or provide assistance or protection to the displaced.

- In such circumstances, the *Guiding Principles on Internal Displacement* and supporting literature provide useful tools when negotiating with authorities, combatants, or the displaced themselves.

- However, given what we learned about sovereignty and responsibility in Module I, international organizations and their staffs may encounter resistance from authorities, or the basis for their actions may be challenged.

- International organization staff may well be asked what mandate they have to provide assistance or protection to citizens of a country who still reside, albeit in displaced status, in their home country.

- Module II provides useful information under such circumstances. This module explains how the *Guiding Principles* take their authority from existing international law, both human rights law and humanitarian law.

- Since many relevant authorities represent nations that have signed treaties or otherwise are subject to international human rights or humanitarian law, understanding the basis in law of the *Guiding Principles* empowers staff to advocate and otherwise work on behalf of the displaced.

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Introduction to Module II (Continued)

- Similarly, widely accepted humanitarian principles are found in the *Guiding Principles*, and these principles also provide a basis for action vis-à-vis the internally displaced.

- This module will not turn its readers immediately into international lawyers. Indeed, consulting with competent experts on international law is important when dealing with those whose actions put internally displaced persons at risk.

- This module will, however, help to familiarize you with key parts of the *Guiding Principles*, provide an introduction to the firm legal and ethical bases on which the *Guiding Principles* stand, and give you a general understanding of when relevant bodies of law and humanitarian principles apply.

The Legal Basis for the Guiding Principles (15 minutes)

Make the following points on the legal basis of The Guiding Principles:

- All human beings are entitled to fundamental rights and freedoms, including internally displaced persons.

- While internally displaced persons are entitled to the same fundamental rights as other persons, it remains the case that all too frequently the event of displacement makes internally displaced persons differentially at risk of human rights violations or violations of international humanitarian law during displacement, in the place of relocation, and on return.

- <u>Universally recognized rights are not lost by virtue of being displaced</u>. It is generally recognized that internally displaced persons have the same rights as all other persons within a state. States have primary responsibility for ensuring these rights are realized for all people, yet States are sometimes unwilling or unable to fulfill their primary protection responsibilities.

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The Legal Basis for the Guiding Principles (Continued)

- For these reasons, it became necessary to restate the rights and guarantees of internally displaced persons in a practical way to facilitate implementation.

- At the same time, it was necessary to identify the extent to which these rights and guarantees adequately address the *particular* needs of internally displaced persons - by seeking clarification on unclear areas and filling particular gaps.

- The *Guiding Principles on Internal Displacement* consolidate into one document the relevant rights and norms, thereby providing a practical tool for implementation. They begin by explicitly confirming that internally displaced persons have the same legal entitlements as all other persons within a country.

Read Principle 1.

Show Slide 2-2 Principle 1.

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country….

Make the following points about the importance of law:

- In order to appreciate the status of the *Guiding Principles*, it is necessary to understand their underlying legal foundations.

- Strictly speaking, the *Guiding Principles* themselves do not constitute binding international law. However, many of the *principles* directly restate international law relevant to internally displaced persons embodied in treaties and customary international law, which is binding on States parties.

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The Legal Basis for the Guiding Principles (Continued)

- In general, the *Guiding Principles* restate these existing rights and proceed to provide guidance on how best to implement them in practical terms.

- <u>In essence, while the *Guiding Principles* do not technically form part of international law, they draw upon international law in such an extent as to make them an authoritative consolidation of recognized rights, norms and obligations relevant to internally displaced persons - bound together in one document to facilitate implementation.</u>

- It is important to appreciate these legal foundations when advocating for the rights contained within the *Guiding Principles*. States hold prime responsibility for implementing the international treaties to which they are party, as well as adhering to customary international law. Should States fail to discharge these responsibilities, they may be in breach of international law.

- Understanding the international legal basis for the *Guiding Principles* will assist those working with internally displaced persons to:

  ➢ Deal with the *Guiding Principles* as being an authoritative restatement of international law to which a State may be bound;

  ➢ Use the *Guiding Principles* to facilitate implementation of existing law;

  ➢ Utilize the normative framework where gaps exist.

  Provide the following note of caution:

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The Legal Basis for the Guiding Principles (Continued)

> **The Guiding Principles are *not a substitute* for reference to the actual international instruments from which they are drawn. In particular circumstances, the specific provision or instrument of international law should be cited. As the name suggests, the Guiding Principles provide *guidance* on the array of rights and norms applicable in situations of internal displacement. Staff of international organizations should not hesitate to consult relevant legal or other experts to reference specific provisions of international law.**

Sources of International Law (60 minutes)

Introduce the activity by making the following points:

- Over the past 50 years, a large body of international law has emerged which sets out rights of all human beings and obligations of States to promote and protect these rights. Internally displaced persons are not mentioned in international law as a separate category.

- In this section, we will explore the main "sources" of international, regional and national law relevant to internally displaced persons that form the basis of the *Guiding Principles*, namely:

    ➢ International human rights law
       --treaties
       --custom
       --treaty bodies
    ➢ International humanitarian law
    ➢ United Nations resolutions
    ➢ Refugee law by analogy
    ➢ Regional frameworks
    ➢ National law

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Sources of International Law (Continued)

Conduct the activity by asking participants to do the following:

- Work in three groups.

- Turn to "Main Sources of Law Relevant to Internally Displaced Persons" beginning on page 2-4 in the Participant Guide. This reading contains information about the main sources of law relevant to internally displaced persons.

- Group 1: Read the information on international human rights law and after you have finished reading, work together to summarize the information for the other participants.

- Group 2: Do the same for the information on international humanitarian law.

- Group 3: Do the same for the information on refugee law by analogy, regional frameworks, and national legal frameworks.

Debrief the activity by having each group present to the rest of the class, adding to the information presented as necessary.

Categories of Conflict and Relevant Bodies of Law, Plus Limitations on International Law (20 minutes)

Present the following information on categories of conflict:

- Now that we have explored the main sources of law relevant to the internally displaced, we need to understand two additional aspects of the law:

  ➢ What categories of law apply in what types of conflict; and

  ➢ The circumstances when relevant authorities can claim that international law does not apply.

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**Basic Course on Internal Displacement: Background, Program
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**Categories of Conflict and Relevant Bodies of Law, Plus Limitations on
International Law (Continued)**

- Conflict is often a root cause of internal displacement. Therefore,
  we need to explore in a little more depth the categories of conflict
  and how they affect protection available to internally displaced
  persons.

Show Slide 2-3 Categories of Conflict

- The applicability of human rights law and international
  humanitarian law is different, according to whether there is peace,
  internal disturbances, or armed conflict.

- Human rights law is applicable at all time, i.e., in peacetime and
  in situations of armed conflict. However, it is possible for states
  to suspend the application of certain rights in times of public
  emergency. It is never permitted to derogate from a core body of
  rights, which include the right to life, the prohibition on cruel,
  inhuman, or degrading treatment, the prohibition on slavery and
  on retroactive criminal laws.

- International humanitarian law, on the other hand, applies
  exclusively in armed conflicts, be they international or non-
  international. As a body of law developed to provide protection
  in such situations, international humanitarian law does not allow
  derogations.

- As a consequence, a different set of legal rules apply in different
  situations of violence. These include:

  ➢ Tensions and civil disturbances (such as riots and
    demonstrations) or disasters. Human rights law is applicable
    in these situations;

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**Categories of Conflict and Relevant Bodies of Law, Plus Limitations on
International Law (Continued)**

➢ Non-international armed conflicts (when civil disturbances
and tensions escalate <u>within a country</u> and are marked by
prolonged use of force) either between the government armed
forces and organized armed groups or between two or more
organized armed groups. These situations are governed by the
rules of international humanitarian law applicable in non-
international conflicts and human rights law. It may be
possible to suspend the application of certain rights;

➢ International armed conflicts between two or more states and
including wars of national liberation. These situations are
governed by the rules of international humanitarian law
applicable in international armed conflicts and human rights
law. It may be possible, however, to suspend the application
of certain human rights.

*Present the following information on limitations on enjoyment of
human rights and so-called "derogation" from human rights:*

- Representatives of international organizations working on behalf
of internally displaced persons may encounter claims from
relevant authorities that they can legitimately limit the rights of
displaced persons under certain circumstances.

- Therefore, it is critical to understand the limited conditions under
which human rights can be limited. Again, if advocacy,
assistance, or protection programs encounter such claims, it may
be useful to seek expert legal advice. However, there are certain
basic definitions that you should know.

- **Generally speaking,** human rights treaties contain limitation
clauses that permit governments lawfully to restrict the enjoyment
of many human rights in specific circumstances. However, in
general, limitations on civil and political rights can only be
imposed if:

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Categories of Conflict and Relevant Bodies of Law, Plus Limitations on International Law (Continued)

➢ The limitation is determined by law

➢ But only for the purposes of:

--Securing due recognition of the rights of others and
--Of meeting the just requirements of morality, public order and the general welfare in a democratic society.

- Permissible limitation of universally recognized rights, therefore, requires regard for proportionality. States are expected to act in good faith toward their international responsibilities so as not to abuse the limitation clauses.

- For example, a Government may impose a curfew in a riot torn area so as to restrict freedom of movement if its reasons for doing so accord with the criteria above, i.e., to protect the rights of others and public order in accordance with the law.

- Economic, social and cultural rights may also be limited by law, but only insofar as the limitation is compatible with the nature of the rights and solely to promote the general welfare in a democratic society.

- Some human rights treaties contain narrow "derogation" clauses (derogation is defined as deviation permitted from a standard). These derogation clauses permit States to take measures that suspend the enjoyment of certain rights.

- Such derogations are permitted only to the extent necessary for the situation and may never involve discrimination based on race, colour, sex, language, religion or social origin. For example, article 4(1) of the ICCPR provides:

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Categories of Conflict and Relevant Bodies of Law, Plus Limitations on International Law (Continued)

> In times of public emergency which **threatens the life of the nation and the existence of which is officially proclaimed**, the States parties to the present Covenant may take measures derogating from their legal obligation under the present Covenant **to the extent strictly required by the exigencies of the situation**, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the grounds of race, colour, sex, language, religion or social origin.

- Any derogation must be reported to the Secretary-General of the United Nations.

- Situations of tensions and disturbances *rarely* justify a state of emergency that would permit derogation.

- The following treaties do NOT contain a derogation clause: Covenant on Economic, Social and Cultural Rights, the Convention on Racial Discrimination, the Convention against Torture, and the Convention on the Rights of the Child.

- However, in accordance with article 4(3) of the ICCPR, certain human rights - non-derogable rights - may *never* be suspended or restricted even in situations of war and armed conflict.

Show Slide 2-4 Non-Derogable Rights.

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NON-DEROGABLE RIGHTS
Those rights which can <u>never</u> be suspended

- The right to life
- Freedom from torture and cruel and inhumane treatment or punishment
- Freedom from enslavement or servitude
- Freedom of thought, conscience and religion
- Prohibition of retroactive application of penal law

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How the Guiding Principles Clarify International Law on Behalf of the
Internally Displaced and Facilitate the Rights of the Displaced (20
minutes)

Present the following information on how the Guiding Principles
clarify international law on behalf of the internally displaced and
facilitate the rights of the displaced:

- The particular situation of displacement gives rise to questions as
  to whether international law - which was not drafted with
  situations of displacement specifically in mind - is comprehensive
  enough to cover the specific needs of internally displaced persons.

- Therefore, at the request of the Commission on Human Rights,
  the Secretary-General's Representative on Internally Displaced
  Persons directed a team of international legal experts to undertake
  an exhaustive analysis of relevant international human rights law,
  humanitarian law and analogous refugee law pertaining to
  internally displaced persons.

- The aim was to develop an appropriate normative and legal
  framework to clarify the needs and rights of internally displaced
  persons and the duties and obligations of States.

- Their research concluded that present international law contains
  sufficient protection for the specific needs of internally displaced
  persons in many areas; however, "gray areas and gaps were
  identified.

- The Guiding Principles facilitate the rights of internally displaced
  populations by clarifying existing law and filling in gaps in the
  law to protect the displaced.

- This section describes in some detail how the Guiding Principles
  operate to clarify and fill gaps, with concrete examples relating
  the Guiding Principles to underlying provisions of international
  law.

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How the Guiding Principles Clarify International Law on Behalf of the Internally Displaced and Facilitate the Rights of the Displaced (Continued)

Present the following information on the practical guidance provided by the Guiding Principles:

- In order to facilitate implementation of existing rights, the Guiding Principles specify in greater detail the meaning of specific rights, thereby providing a normative framework to give effect to rights.

- These provisions are consistent with the fundamental principles of equality and non-discrimination and frequently draw upon other international guidelines adopted by the UN, ICRC or other international organizations.

- For example, Principle 12(1) restates a pre-existing right.

Show Slide 2-5 Principle 12.

> **The Guiding Principles**
> **Principle 12(1)**
>
> Everyone human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

- This is derived from the Universal Declaration of Human Rights, articles 3 and 9, which provide:

  ➢ Article 3: Everyone has the right to life, liberty and security of person.

  ➢ Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

- In addition, the International Covenant on Civil and Political Rights at article 9(1) provides:

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How the Guiding Principles Clarify International Law on Behalf of the
Internally Displaced and Facilitate the Rights of the Displaced
(Continued)

> Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law…

- In order to implement this right for internally displaced persons, Principle 12 provides the following guidance - drawn partly from universal principles against arbitrary detention and also ICRC Commentary on the Fourth Geneva Convention.
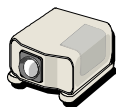
Show Slide 2-6 Principle 12.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

Show Slide 2-7 Principle 17.

- Another example is provided by Principle 17.

- **Principle 17** restates the right that "Every human being has the right to respect for his or her family life".

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How the Guiding Principles Clarify International Law on Behalf of the Internally Displaced and Facilitate the Rights of the Displaced (continued)

- This right is derived from the Universal Declaration of Human Rights, Article 16, the Fourth Geneva Convention, Article 27, and the International Covenant on Civil and Political Rights, Article 23, which provides, "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State".

- Principle 17 subsequently provides guidance on how this right should be implemented in relation to internally displaced persons.
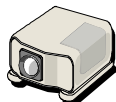
Show Slide 2-8 Principle 17.

Principle 17

2. **To give effect to this right** for internally displaced persons, family members who wish to remain together shall be allowed to do so.

3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Present the following information on closing the gaps:

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How the Guiding Principles Clarify International Law on Behalf of the Internally Displaced and Facilitate the Rights of the Displaced (continued)

- Where international law does not provide adequate coverage, the Guiding Principles attempt to close the gap.

- One of the most significant gaps was the need for internally displaced persons to be protected against arbitrary displacement.

- International instruments do not contain an express prohibition against displacement in <u>all</u> situations.

- International humanitarian law prohibits the arbitrary displacement of civilians in international and non-international armed conflicts. Human rights law guarantees freedom of movement and the right to choose one's own residence.   The Universal Declaration of Human Rights at article 13(1) and the International Covenant on Civil and Political Rights at article 12(1) provide that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence." Article 11(1) the International Covenant on Economic, Social and Cultural Rights also guarantees the right to housing.

- Although freedom from arbitrary displacement is not directly stated, it can be implied from the above provisions and from the spirit in which rights should be applied. Thus, Principle 6 articulated a new formulation from established principles.
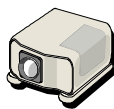
Show Slide 2-9 Principle 6.

> **The Guiding Principles**
> **Principle 6**
>
> 1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.

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The Principles in Action (60 minutes)

Introduce the activity by making the following points:

- Now let's look at some international law instruments and see how the Guiding Principles restate provisions of international law.

- This exercise will demonstrate the clear and plain language used in international law and give you a chance to understand the on-going relevance of human rights and humanitarian law to internally displaced persons.

Conduct the activity by asking participants to do the following:

- Work in groups of three.

- First, identify and list five actual needs and rights that you might imagine an internally placed person would want and require. For example, fast responses might include food, firewood, transportation, identification documents, safe passage or seeds.

- Your group will be the custodian of a particular international instrument. Take some time to familiarize yourself with the central rights provision.

For the purposes of the exercise, a selection of the following main instruments should be distributed, two or three to each group:

- *Universal Declaration of Human Rights (UDHR)*
- *International Covenant on Civil and Political Rights (ICCPR)*
- *International Covenant on Economic, Social and Cultural Rights (ICESCR)*
- *Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

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The Principles in Action (Continued)

- *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*
- *Convention on the Rights of the Child (CRC)*
- *Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*
- *The Fourth Geneva Convention of 1949, relative to the Protection of Civilian Persons in Time of Armed Conflict, and Additional Protocols I and II to the Geneva Conventions*
- *Regional instruments, if applicable.*

- On the basis of the identified list of "wants and needs," comb your particular instruments to identify what it says about that issue. It will become evident that the list of "needs and wants" can be protected by the instruments.

- Once the international provisions are identified, find a corresponding *principle* in the Guiding Principles restating that right and providing greater detail relevant to the specific situation of displacement. In this way, the legal basis for the Guiding Principles should become apparent.

Debrief the activity by asking each group to present its findings.

What Are Humanitarian Principles and Why Do We Care about Them? (15 minutes)

Present the following points about international humanitarian principles:

- The Guiding Principles reflect not only international law, but also international humanitarian principles.

- International humanitarian principles are ethical standards applicable to all humanitarian actors, which have their underpinnings in international human rights and humanitarian law, and seek to protect the humanitarian imperative and the integrity of humanitarian action.

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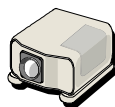*Humanitarian Principles*
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What Are Humanitarian Principles and Why Do We Care about Them? (Continued)

- Unlike provisions of international law that speak to the rights of the internally displaced, international humanitarian principles speak primarily to the rights and responsibilities of <u>humanitarian actors</u>, such as UN and partner organizations.

- The first explicit statement of humanitarian principles is to be found in "The Fundamental Principles of the Red Cross and Red Crescent," which were adopted by the 20th International Conference of the Red Cross and Red Crescent in 1965.

- The principles agreed upon at that time were as follows: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality. Since then there have been a number of developments and efforts made to give guidance to humanitarian actors on ethical standards in humanitarian action.

- There are several examples of where humanitarian principles documents have been developed to guide humanitarian actors. The "Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes," and the "The Humanitarian Charter and Minimum Standards in Disaster Response" developed by the Sphere Project are good examples of humanitarian principles instruments giving practical tools and guidelines on action in an emergency environment.

Ask participants to turn to "Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes" and "The Humanitarian Charter and Minimum Standards in Disaster Response" in their Participant Guide.

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What Are Humanitarian Principles and Why Do We Care about Them? (Continued)

- These last two documents -- the "Principles of Conduct" and the "Humanitarian Charter" -- illustrate important concepts about humanitarian principles.

- Both generally address many of the same topics, illustrating the widely shared notion of humanitarian standards. But the two documents express shared humanitarian principles in different language, illustrating the lack of formal codification of humanitarian principles.

- Both the "Principles of Conduct" and the "Humanitarian Charter" provide guidance to humanitarian organizations by addressing the "humanitarian imperative," and by noting the need for access to affected populations. But let us look at how the language varies.

- The "Principles of Conduct" says:

  "The humanitarian imperative comes first. The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility."

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What Are Humanitarian Principles and Why Do We Care about Them? (Continued)

- The "Humanitarian Charter" expresses the humanitarian imperative differently:

  "We reaffirm our belief in the humanitarian imperative and its primacy. By this we mean the belief that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that civilians so affected have a right to protection and assistance." and, later in the document, speaking to the issue of access to affected populations: "We understand an individual's right to life to entail the right to have steps taken to preserve life where it is threatened, and a corresponding duty on others to take such steps. Implicit in this is the duty not to withhold or frustrate the provision of life-saving assistance."

Core Humanitarian Principles (5 minutes)

Present the following information on the core humanitarian principles.
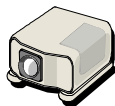
Show Slide 2-10 Five Core Humanitarian Principles

- Based on international humanitarian law, human rights law, widely accepted codes of conduct, and the Guiding Principles themselves, the following five core humanitarian principles should guide sound programming in internal displacement:

  1. Do no harm: that is, avoid prolonging conflict or creating a deleterious effect on any groups you come in contact with. As noted in the SPHERE Humanitarian Charter, "…the attempt to provide assistance in situations of conflict may potentially render civilians more vulnerable to attack, or may on occasion bring unintended advantage to one or more of the warring parties. We are committed to minimizing any such adverse effects of our interventions…."

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Core Humanitarian Principles (Continued)

> 2. The humanitarian imperative, or the effort to accomplish what can be accomplished for those in need
>
> 3. Neutrality
>
> 4. Impartiality
>
> 5. The provision of protection, as well as assistance.

The Guiding Principles Speak to Humanitarian Principles (10 minutes)

Present the following information on how the Guiding Principles speak to humanitarian principles.

- Principles 24 through 27 of the Guiding Principles are addressed to humanitarian actors and directly address the core humanitarian principles noted above.

- Notably, these principles not only guide how humanitarian actors should work with the internally displaced, but especially in principles 25 and 26, provide protection for humanitarian actors themselves.

Ask participants to read Principles 24 through 27.

- The useful publication entitled "Handbook for Applying the Guiding Principles on Internal Displacement" provides an explication of the intent of Principles 24 to 27.

Ask participants to open that publication now and read the intent of Principles 24-27.

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Group Discussion of the Humanitarian Principles (30 minutes)

Introduce the activity by telling participants the following:

- Now let's work in groups to read and discuss information and examples of the fundamental principles.

Conduct the activity by giving the following instructions:

- Work in five groups, one Principle per group.

- Turn to "Five Fundamental Humanitarian Principles in Internal Displacement" on page II-28 in the Participant Guide.

- Read and discuss the information and examples provided for your assigned principle and prepare a discussion of the principle for the large group. Add your own examples of the principle based on your experience.

Debrief the activity by asking groups to report out on their discussions.

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**Six Cross-Cutting Themes in Internal Displacement That Support
Humanitarian Action (10 minutes)**

*Present the following information on cross-cutting themes that
support humanitarian action:*

- The five fundamental humanitarian principles just discussed are
  firmly rooted in international humanitarian and human rights law,
  generally or specifically addressed in the Guiding Principles, and
  widely noted in codifications of humanitarian principles.

- Also drawing upon these same sources, as well as the
  international community's growing experience with internally
  displaced persons, other standards have evolved that also deserve
  mention.

- These standards are not as universally proclaimed as the five
  fundamental humanitarian principles and are more appropriately
  characterized as "cross-cutting themes" in work with internally
  displaced persons.

- They are, nonetheless, also targeted at the activities of
  international humanitarian actors and provide the same kind of
  ethical guidance to those actors. Most are explicitly rooted in the
  Guiding Principles.

Ask the following question:

What do you think some of these cross-cutting themes might be?

Post answers on chart paper.

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Six Cross-Cutting Themes in Internal Displacement That

Add any of the following not mentioned by the participants:

- To respect culture and custom

- To enhance capacity building

- To coordinate efforts for maximum benefit

- Recognition of the gender aspects of displacement

- Taking action that supports the best interest of the child

- Taking action that supports the confidentiality of displaced
  populations

*Ask participants to turn to "Six Cross-Cutting Themes in Internal
Displacement That Support Humanitarian Action" beginning on page
34 of the Participant Guide and to review the themes briefly.*

*Transition to the next module, The Institutional Framework for
Activities on Behalf of Internally Displaced Persons.*

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Module II: The Basis for Action in International Law and Humanitarian Principles

Objectives

By the end of this session, participants will be able to:

- Describe the "general principles" of the *Guiding Principles on Internal Displacement* and principles related to humanitarian assistance

- Explain how the *Guiding Principles* have a foundation in international human rights and humanitarian law, as well as humanitarian principles

- Describe how the *Guiding Principles* (1) re-state existing law, (2) explain in greater detail sections of existing law, and (3) fill in gaps in existing law

- Explain how the *Guiding Principles* can be used to advocate on behalf of internally displaced persons.

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The Legal Basis for the Guiding Principles

- All human beings are entitled to fundamental rights and freedoms, including internally displaced persons.

- While internally displaced persons are entitled to the same fundamental rights as other persons, it remains the case that all too frequently the event of displacement makes internally displaced persons differentially at risk of human rights violations or violations of international humanitarian law during displacement, in the place of relocation, and on return.

- Universally recognized rights are not lost by virtue of being displaced. It is generally recognized that internally displaced persons have the same rights as all other persons within a state. States have prime responsibility for ensuring these rights are realized for all people, yet States are sometimes unwilling or unable to fulfill their prime protection responsibilities.

- For these reasons, it became necessary to restate the rights and guarantees of internally displaced persons in a practical way to facilitate implementation.

- At the same time, it was necessary to identify the extent to which these rights and guarantees adequately address the *particular* needs of internally displaced persons - by seeking clarification on unclear areas and filling particular gaps.

- The *Guiding Principles on Internal Displacement* consolidate into one document the relevant rights and norms, thereby providing a practical tool for implementation. They begin by explicitly confirming that internally displaced persons have the same legal entitlements as all other persons within a country.

- In order to appreciate the status of the *Guiding Principles*, it is necessary to understand their underlying legal foundations.

- Strictly speaking, the *Guiding Principles* themselves do not constitute binding international law. However, many of the *principles* directly restate international law relevant to internally displaced persons embodied in treaties and customary international law, which is binding on States parties.

- In general, the *Guiding Principles* restate these existing rights and proceed to provide guidance on how best to implement them in practical terms.

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The Legal Basis for the Guiding Principles (continued)

- In essence, while the *Guiding Principles* do not technically form part of international law, they draw upon international law to such an extent as to make them an authoritative consolidation of recognized rights, norms and obligations relevant to internally displaced persons - bound together in one document to facilitate implementation.

- It is important to appreciate these legal foundations when advocating for the rights contained within the *Guiding Principles*. States hold prime responsibility for implementing the international treaties to which they are party, as well as adhering to customary international law. Should States fail to discharge these responsibilities, they may be in breach of international law.

- Understanding the international legal basis for the *Guiding Principles* will assist those working with internally displaced persons to:

  ➢ Deal with the *Guiding Principles* as being an authoritative restatement of international law to which a State may be bound;

  ➢ Use the *Guiding Principles* to facilitate implementation of existing law;

  ➢ Utilize the normative framework where gaps exist.

> **The Guiding Principles are *not a substitute* for reference to the actual international instruments from which they are drawn. In particular circumstances, the specific provision or instrument of international law should be cited. As the name suggests, the Guiding Principles provide *guidance* on the array of rights and norms applicable in situations of internal displacement. Staff of international organizations should not hesitate to consult relevant legal or other experts to reference specific provisions of international law.**

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Main Sources of Law Relevant to Internally Displaced Persons

1.   Human rights law

Human rights law contains some of the most central provisions relevant to internally displaced persons and is, therefore, heavily drawn upon in the *Guiding Principles*. The rights contained within this body of law are not lost by virtue of being displaced.

1.1   What are human rights?

Human rights are commonly understood as being those rights which are *inherent* to human beings. The concept of human rights acknowledges that every single human being is entitled to enjoy human rights without distinction as to race, colour, sex, language, religion, political or other opinion, nation or social origin, property, birth or other status.

The following are some of the most important characteristics of human rights:

* Human rights are founded on respect for the *dignity and worth* of each person;
* Human rights are *universal*, meaning that they are applied equally and without discrimination to all people,
* Human rights are *inalienable*, in that no one can have his or her human rights taken away other than in specific situations,
* Human rights are *indivisible, interrelated and interdependent*, for the reason that it is insufficient to respect some human rights and not others. In practice, the violation of one right will often affect the respect of several other rights. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person.

1.2   International human rights law

Human rights are legally guaranteed by *human rights law*, protecting individuals and groups against action or inaction by states, which interfere with fundamental freedoms and human dignity. It is important to emphasize that the law does not establish human rights. Human rights are inherent entitlements that come to every person as a consequence of being human. Human rights law generally serves to formally protect the rights of individuals and groups, regardless of being displaced, against actions or abandonment of actions by the State that interfere with the enjoyment of human rights.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

1.3   The duties of states

The obligation to protect, promote and ensure enjoyment of human rights is primarily the duty of States. Duties are derived from international treaties to which a State is party, as well as customary international law binding on all States. The notion of the duties of states includes the obligation to take proactive measures to ensure that human rights are protected by providing effective remedies for persons whose rights are violated, as well as measures against violating the rights of persons within its territory. A State cannot abandon these duties simply because a segment of the population is displaced. Where a State is unable or willing to fulfill this prime duty, it is expected to invite or at least accept international assistance.

It is generally acknowledged that a State must fulfill its duties without invoking its national constitution or legal system as a means of avoidance. Only in situations where a national constitution guarantees great protection of rights can national standards apply before international standards.   Therefore, States have prime responsibility for protecting, promoting and ensuring the rights of internally displaced persons in accordance with international law.

Checklist for establishing a state's duties

1. Has the State ratified or acceded the main international human rights treaties?
TIP: S*earch by country or treaty for the status of ratifications at*
http://www.unhchr.ch/tbs/doc.nsf

2.   Did the State enter the reservations when it entered the treaty? If so, to what articles?
TIP: *Search by treaty for the status of reservations at* http://www.unhchr.ch/tbs/doc.nsf

3.   Is the State a *party* to a regional human rights treaty?
The answers to these questions establish a State's binding international legal obligations.

4.   Is the national constitution or bill or rights compatible with international standards?

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

1.4   Main international human rights instruments

The rights relevant to internally displaced persons are affirmed in the following main human rights instruments. Given their significance in expressing these fundamental rights, we will explore each one in greater detail.

THE MAIN INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

- The Universal Declaration of Human Rights
- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- The Convention on the Elimination of all Forms of Racial Discrimination
- The Convention on the Elimination of all Forms of Discrimination against Women
- The Convention against Torture and other Cruel and Degrading Treatment or Punishment
- The Convention on the Rights of the Child.

1.4.1   The Universal Declaration Of Human Rights

The General Assembly adopted the Universal Declaration of Human Rights (Universal Declaration) on 10 December 1948. It consists of a Preamble and 30 articles, setting out the human rights and fundamental freedoms to which all men and women are entitled, without distinction of any kind. While the Universal Declaration of Human Rights is not a treaty and is not binding, it is widely regarded as forming part of customary international law.

The Universal Declaration recognizes that the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world. It recognizes fundamental rights that are inherent rights of every human being including, *inter alia*, the right to life, liberty and security of person; the right to an adequate standard of living; the right to seek and enjoy asylum from persecution in other countries; the right to freedom of opinion and expression; the right to education, freedom of thought, conscience and religion; and the right to freedom from torture and degrading treatment. These inherent rights are to be enjoyed by *every* human being of the world - man, woman and child - as well as by all groups in society regardless of being displaced.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

1.4.2   The International Covenant on Economic, Social and Cultural Rights

Economic, social and cultural rights are designed to ensure the protection of people, based on the expectation that people can enjoy rights, freedoms and social justice simultaneously. The Covenant embodies some of the most significant international legal provisions establishing economic, social and cultural rights, including, *inter alia*, rights relating to work in just and favourable conditions; to social protection; to an adequate standard of living including clothing, food and housing; to the highest attainable standards of physical and mental health; to education and to the enjoyment of the benefits of cultural freedom and scientific progress.

Significantly, article 2 outlines the legal obligations which are incumbent upon States parties under the Covenant. States are required to take positive steps to implement these rights, to the maximum of their resources, in order to achieve the progressive realization of the rights recognized in the Covenant, particularly through the adoption of domestic legislation.

As of April 2000, 142 States were parties to the Covenant.

1.4.3   The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) addresses the State's traditional responsibilities for administering justice and maintaining the rule of law. Many of the provisions in the ICCPR address the relationship between the individual and the State. In discharging these responsibilities, States must ensure that human rights are respected, not only those of the victim but also those of the accused.

The civil and political rights defined in the ICCPR include, *inter alia*, the right to self determination; the right to life, liberty and security; freedom of movement, including freedom to choose a place of residence and the right to leave the country; freedom of thought, conscience, religion, peaceful assembly and association; freedom from torture and other cruel and degrading treatment or punishment; freedom from slavery, forced labour, and arbitrary arrest or detention; the right to a fair and prompt trial; and the right to privacy.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

There are also other provisions that protect members of ethnic, religious or linguistic minorities. Under Article 2, all States Parties undertake to respect and take the necessary steps to ensure the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The phrase "other status" is intended to be interpreted broadly and thus appears to include internally displaced persons[1].

The Covenant on Civil and Political Rights authorizes a State to derogate from, or in other words restrict, the enjoyment of certain rights in times of an *official* public emergency which threatens the life of a nation. Such limitations are permitted only to the extent strictly required under the circumstances and must be reported to the United Nations. Even so, some provisions such as the right to life and freedom from torture and slavery may never be suspended. *(See Part I, section c)*

As at April 2000, 144 States were parties to the Covenant, 95 States were parties to the Optional Protocol and 41 States were parties to the Second Optional Protocol.

1.4.4   International Convention On The Elimination Of All Forms Of Racial
        Discrimination

The phenomenon of racial discrimination was one of the concerns behind the establishment of the United Nations and has therefore been one of its major areas of attention. Racial discrimination is a frequent cause of displacement. It restricts access to protection and assistance during displacement, as well as impeding safe return or resettlement and reintegration.   Article 1 of the Convention defines the term "racial discrimination" as, "any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin with the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights in any field of public life, including political, economic, social or cultural life".

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[1] Compilation and Analysis, para 52.

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Parties to the Convention agree to eliminate discrimination in the enjoyment of civil,
political, economic, social and cultural rights and to provide effective remedies against
any acts of racial discrimination through national tribunals and State institutions. States
parties undertake not to engage in acts or practices of racial discrimination against
individuals, groups of persons or institutions and to ensure that public authorities and
institutions do likewise; not to sponsor, defend or support racial discrimination by
persons or organizations; to review government, national and local policies and to amend
or repeal laws and regulations which create or perpetuate racial discrimination; to
prohibit and put a stop to racial discrimination by persons, groups and organizations; and
to encourage integration or multiracial organizations, movements and other means of
eliminating barriers between races, as well as to discourage anything which tends to
strengthen racial divisiveness.

As at April 2000, 155 States were parties to the Convention.

1.4.5   Convention On The Elimination Of All Forms Of Discrimination Against Women

The Convention was drafted to combat the continuing evident discrimination against
women in all parts of the world. In addition to addressing the major issues, the
Convention also identifies a number of specific areas where discrimination against
women has been flagrant, specifically with regard to participation in public life, marriage,
family life and sexual exploitation.

The objective of the Convention is to advance the status of women by utilizing a dual
approach. It requires States parties to grant freedoms and rights to women on the same
basis as men. It encourages States parties to make use of positive measures, including
preferential treatment, to advance the status of women and their ability to participate in
decision-making in all spheres of national life - economic, social, cultural, civil and
political. Frequently, the majority of internally displaced persons are women. The
Guiding Principles affirm that special measures may be required to address the particular
needs of displaced women.

As at April 2000, 165 States were parties to the Convention.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

1.4.6   Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment

Over the years, the United Nations has developed universally applicable standards against torture which were ultimately embodied in international declarations and conventions. The Convention, article 1, defines "torture" as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

The overall objectives of the Convention are to prevent acts of torture and other acts prohibited under the Convention and to ensure that effective remedies are available to victims when such acts occur. More specifically, the Convention requires States parties to take preventive action against torture such as the criminalization of acts of torture and the establishment of laws and regulations to promote respect for human rights among its public servants for both the alleged victim and the accused.

As at April 2000, 118 States were parties to the Convention.

1.4.7   Convention on the Rights of the Child

The Convention codified child rights in a comprehensive and binding treaty. It embodies four general principles for guiding implementation of the rights of the child: non-discrimination ensuring equality of opportunity; when the authorities of a State take decisions which affect children they must give prime consideration to the best interests of the child; the right to life, survival and development which includes physical, mental, emotional, cognitive, social and cultural development; and children should be free to express their opinions, and such views should be given due weight taking the age and maturity of the child into consideration.

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Among other provisions of the Convention, States parties agree that children's rights include: free and compulsory primary education; protection from economic exploitation, sexual abuse and protection from physical and mental harm and neglect; the right of the disabled child to special treatment and education; protection of children affected by armed conflict; child prostitution; and child pornography.

As at April 2000, an unprecedented 191 States were parties to the Convention: the largest number of ratifications of all international instruments.

1.5   Other Applicable Sources of Human Rights Law

1.5.1   The United Nations Treaty Bodies

The two covenants and the four conventions listed above are each monitored by a United Nations committee, established by each of the treaties, except the Committee on Economic, Social and Cultural Rights which was established pursuant to a resolution of ECOSOC. By ratifying a treaty, States parties willingly submit their domestic legal system, administrative procedures and other national practices to periodic review by the committees. These committees are often referred to as treaty bodies.

By virtue of their responsibilities, treaty bodies serve as the most authoritative source of interpretation of the human rights treaties that they monitor. Interpretation of specific treaty provisions can be found in their "views" on complaints and in the "concluding observations" or "concluding comments" which they adopt on State reports. In addition, treaty bodies share their understanding on and experience of various aspects of treaty implementation through the formulation and adoption of "general comments" or "general recommendations". The drafters of the Guiding Principles drew upon this large body of general comments and recommendations for interpretation of rights relevant to internally displaced persons.

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1.5.2   United Nations Resolutions

A number of resolutions of the United Nations General Assembly and Security Council are also relevant to protecting the rights of internally displaced persons. For example, the Declaration on the Protection of All Persons from Enforced Disappearances was adopted by resolution of the General Assembly[2] and the Standard Minimum Rules for the Treatment of Prisoners was approved by resolutions of the Economic and Social Council[3]. Both instruments contain principles and guidance relevant to internally displaced persons.

It must be noted that the legal effect of General Assembly resolutions is unclear. The term "soft law" is frequently used to describe documents, such as resolutions, which do not constitute legally binding treaties yet carry weight. It can be said that resolutions are binding on the work of the United Nations; however, the extent to which States are bound is generally determined by circumstances surrounding the adoption of the resolution, e.g. the content and context of the resolution. Additionally, the proportion of countries supporting a resolution will determine its value as evidence of customary law. If a substantial number of States dissent, the value of the resolution is diminished. On the other hand, consensus or near unanimous acceptance can provide a basis for the progressive development of customary law[4].

Resolutions of the United Nations Security Council are legally binding on Member States, especially resolutions which fall under chapter VII of the United Nations Charter: actions with respect to threats to peace, breaches of peace and acts of aggression. There is increasing reference in Security Council resolutions to the rights of internally displaced persons.

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[2] GA resolution 47/133 of 18 December 1992.
[3] Resolution 663 C (XXXIV) of 31 July 1957 and 2067 (LXII) of 143 May 1977.
[4] Internally Displaced Persons Compilation and Analysis of Legal Norms, Francis M. Deng, Representative of the Secretary General, United Naitons New York and Geneva, 1998, paragraph 18.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

2.   International humanitarian law

The Guiding Principles are also firmly grounded and consistent with international humanitarian law.

<u>2.1   What is international humanitarian law?</u>

International humanitarian law (sometimes referred to as "the law of armed conflict" or "the laws of war") is the body of law that protects persons not or no longer taking part in hostilities (i.e., the wounded and sick, captured combatants and civilians) and regulates the means and methods of warfare. It is applicable in international and non-international armed conflicts and is binding on both states and organized armed groups.

Armed conflicts commonly cause the displacement of civilians. International humanitarian law protects civilian populations which are internally displaced during conflicts. For this reason, the Guiding Principles apply to internally displaced persons who have fled their homes "as a result of or in order to avoid the effects of armed conflict"[5], among others.

<u>2.2   The main instruments of humanitarian law</u>

Modern international humanitarian law is mainly embodied in the following four Geneva Conventions of 1949 (189 States Parties) and the two 1977 Protocols Additional to those Conventions (159 and 151 States Parties respectively).

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[5] Guiding Principles, Principle 2.

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**Main Sources of Law Relevant to Internally Displaced Persons
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MAIN INSTRUMENTS OF INTERNATIONAL HUMANITARIAN LAW

- Geneva Convention (I)for the Amelioration of the Condition of the Wounded and
  Sick in the Armed Forces in the Field (1949);
- Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and
  Shipwrecked members of the Armed Forces at Sea (1949);
- Geneva Convention (III) relative to the Treatment of Prisoners of War (1949);
- Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War
  (1949);
- Additional Protocol I relative to the Protection of Victims of International Armed
  Conflicts (1977);
- Additional Protocol II Relative to the Protection of Victims of Non-international
  Armed Conflicts (1977).

Other humanitarian law instruments prohibit or restrict the use of particular weapons,
such as for example biological and chemical weapons and certain conventional weapons
that may be deemed to be excessively injurious or to have indiscriminate effects. Recent
instruments include the 1995 Protocol on Blinding Laser Weapons to the 1980
Conventional Weapons Convention and the 1997 Convention on the Prohibition of Anti-
Personnel Mines.

An important body of customary norms of international humanitarian law exists
alongside these conventional rules.

2.3 The rules of international humanitarian law relating to internal displacement

If they are in a state which is experiencing an armed conflict – be it international or non-
international – and they are not participating in the hostilities, internally displaced
persons are considered civilians and as such as protected by the body of rules of
international humanitarian law which protect the civilian population.

International humanitarian law aims to prevent the displacement of civilians in the first
place and to ensure their protection during displacement should this have nevertheless
occurred.

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**Main Sources of Law Relevant to Internally Displaced Persons
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2.3.1 The express prohibition of displacement

International humanitarian law expressly prohibits parties to a conflict from displacing
civilians. This is a manifestation of the principle that the civilian population must be
spared as much as possible from the effects of hostilities.

In international armed conflicts, in situations of occupation, the Fourth Geneva
Convention contains a wide prohibition on individual or mass forcible transfers, both
within the occupied territory and beyond its borders, either into the territory of the
occupying power or, as is more often the case in practice, into third states.

There is a limited exception to this rule, which permits an occupying power to "evacuate"
the inhabitants of a particular area either if this is necessary for the security of the civilian
population or for imperative military reasons. Moreover, displaced persons must be
transferred back to their homes as soon as the hostilities in the area in question have
ceased.

The basic prohibition on displacing the civilian population for reasons related to the
conflict unless the security of the civilians or imperative military reasons so demand is
also applicable in non-international armed conflicts.   This express prohibition in
Additional Protocol II extends to both transfers within a country and across a border.

2.3.2 Protection from the effects of hostilities in order to *prevent* displacement

In addition to these express prohibitions, the rules of international humanitarian law
which shield civilians from the effects of hostilities also play an important role in the
prevention of displacement, as it is often violations of these rules which are at the root of
displacements in situations of armed conflict.

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The following rules are of particular relevance:

- the prohibition on making civilians the target of attacks;
- the prohibition of acts or threats of violence the primary purpose of which is to spread terror among the civilian population;
- the prohibition on conducting hostilities in an indiscriminate manner;
- the duty to take precautions in attack to spare the civilian population;
- the prohibition on the destruction and appropriation of civilian property;
- the prohibition of starvation of the civilian population as a method of warfare and of the destruction of objects indispensable to its survival; and
- the prohibition on reprisals against the civilian population and its property.

Also pertinent are the prohibition on collective punishments which, in practice have often taken form of destruction of homes, leading to displacement; the rules requiring parties to a conflict, as well as all other states to allow the unhindered passage of relief supplies and assistance necessary for the survival of the civilian population.; and the rules protecting cultural objects and places of worship and the natural environment.

Internally displaced persons also benefit from the provisions of international humanitarian law on family unity – an issue that is particularly relevant in situations of displacement.

These basic principles for the protection of the civilian population apply in both international and non-international armed conflicts.

2.3.3 Protection during displacement

Although prohibited by international humanitarian law, displacement of civilians frequently occurs in practice. Once displaced or evacuated civilians are entitled to various basic protections and rights, In addition to special provisions relating specifically to persons who have been displaced, such persons are civilians and, as such, entitled, even during displacement, to the whole range of protection appertaining to civilians.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

The Fourth Geneva Convention lays down basic rules on the manner in which evacuations must be effected. These safeguards provide that such transfers must be carried out are in satisfactory conditions of hygiene, health, safety and nutrition, that during displacement persons must be provided with appropriate accommodation and that members of the same family must not be separated. Additional Protocol II lays down similar basic conditions to be ensured on evacuations in non-international armed conflicts.

Although these provisions relate to conditions to be ensured on situations of evacuation – i.e. "lawful" displacements for the safety of the persons involved security or for imperative military necessity- these conditions should be applicable *a fortiori* in situations of unlawful displacement.

2.3.4 Return

With regard to return, this is only expressly addressed by international humanitarian law in the context of evacuations in situations of occupation. In such cases displaced persons must be transferred back to their homes as soon as hostilities in the area have ceased. However, a right of return can be inferred *a fortiori* following any arbitrary displacement.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

3. Refugee law

The main distinction between refugees and internally displaced persons is that refugees have crossed an international border, while internally displaced persons remain inside their country. This distinction is significant in terms of protection responsibilities. Refugee law provides international protection to persons who are *outside* their country of nationality. It sets out the rights of refugees and obligations of host countries to afford protection. Being *inside* their own country, the duty to protect internally displaced persons rests with the State. Despite this important distinction, internally displaced persons are similar to refugees in that internally displaced persons have been forced to leave their homes and find themselves in refugee-like situations. Given the commonalities in the experience of displacement within or outside a country, it is useful to propose elements of refugee law *by analogy* to protect the rights of internally displaced persons[6], especially during displacement and on return.

The main international treaty relating to refugees is the 1951 Convention Relating to the Status of Refugees (the Refugee Convention) and its subsequent Protocol of 1967. The Refugee Convention defines a "refugee" at Article 1 as a person who;

> Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or owing to such fear, is unwilling to return to it.

The Convention sets the minimum standards for treatment of refugees, including the basic rights to which they are entitled. It also contains provisions on their rights to gainful employment and welfare and on the issue of identity papers and travel documents.   For example, the Refugee Convention provides that a host country should respect acquired rights - such as rights attached to marriage[7]. It also provides for refugees to receive documents or certification as would normally be delivered to aliens[8]. Such rights are equally applicable to internally displaced persons.

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[6] Compilation and Analysis of Legal Norms, paragraphs 24 - 25.
[7] Refugee Convention, Article 12(2).
[8] Ibid. article 25.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

The United Nations High Commissioner for Refugees and its Executive Committee have progressively developed the provisions of the Refugee Convention. The elaboration of guidelines - such as the Guidelines on the Protection of Refugee Women and Guidelines on the Protection and Care of Refugee Children - offer guidance for the provision of relevant and specialized protection. Likewise the adoption of Conclusions by the Executive Committee of UNHCR (EXCOM Conclusions) provide guidance for States in implementing their obligations under the Refugee Convention. Many aspects of the UNHCR guidelines and EXCOM Conclusions are relevant to situations of internal displacement.

4. Regional frameworks

Regional legal frameworks provide another important source of law embodying rights and obligations to all people in a region, including, of course, internally displaced persons.   States in a region can be party to these regional treaties at the same time as being party to international treaties. Many regional treaties set out individual human rights and to some extent codify international treaties. The treaties also elaborate the responsibility of States.

- Africa

The African Charter on Human and Peoples Rights was adopted by the Organization for African Unity (OAU) and entered into force in 1986. Almost all Member States of the OAU have ratified it.

- The Americas

There are two regional sources of human rights law in the Americas. The American Declaration of the Rights and Duties of Man defines the human rights referred to in the Charter of the Organization of American States. The American Convention on Human Rights was adopted by the Organization of American States (OAS) and entered into force in 1978. An additional Protocol has been adopted in the area of economic, social and cultural rights.

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Main Sources of Law Relevant to Internally Displaced Persons (continued)

• Europe

The European Convention for the Protection of Human Rights and Fundamental Freedoms was adopted by the Council of Europe and entered into force in 1953. The European Convention sets out civil and political rights. The provisions have been expanded through the adoption of some 11 protocols to expand protection. Economic, social and cultural rights are set out in the European Social Charter.

• Asia Pacific

The Asia and Pacific region is the only UN-defined region without its own human rights system. The vast religious and cultural diversity in the region partly explains the difficulties in developing regional arrangements.

5. National legal frameworks

National legal frameworks apply equally to internally displaced persons as to all people within a territory and, therefore, serve as an important basis for determining rights and obligations relevant to internally displaced persons. That is to say, the vast majority of internally displaced persons are nationals of the state in which they find themselves and are therefore entitled to the full enjoyment of all rights granted to nationals/citizens under national law without any adverse distinction flowing from their displacement. Domestic rights and obligations are typically derived from national constitutions, legislation, regulations and decrees. Some countries have specific constitutional provisions or a bill of rights which guarantee certain human rights to all citizens - regardless of being displaced. These provisions should be in conformity with international obligations, and States hold prime responsibility for ensuring compliance.

As international law does not specify *how* obligations are to be translated into domestic law, it is for each State to determine the best way to protect and guarantee rights at the domestic level in practical terms. Hence, when determining the rights of internally displaced persons and duties of States, an understanding of domestic law could be crucial. For example, in situations of return, internally displaced persons may have rights under domestic property law for restitution of property or compensation for loss that elaborates international property rights in practical terms. Similarly, issues surrounding collection and identification of remains of deceased persons are often provided by national legal frameworks.

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**Main Sources of Law Relevant to Internally Displaced Persons
(continued)**

For these reasons, national legal frameworks may be significant in protecting the rights of
internally displaced persons, in so far as they are in compliance with international treaty
obligations and universal standards.

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Categories of Conflict

- The applicability of human rights law and international humanitarian law is different, according to whether there is peace, internal disturbances, or armed conflict.

- Human rights law is applicable at all time, i.e., in peacetime and in situations of armed conflict. However, it is possible for states to suspend the application of certain rights in times of public emergency. It is never permitted to derogate from a core body of rights which include the right to life, the prohibition on cruel, inhuman, or degrading treatment, the prohibition on slavery and on retroactive criminal laws.

- International humanitarian, on the other hand, applies exclusively in armed conflicts, be they international or non-international. As a body developed to provide protection in such situations, international humanitarian law does not allow derogations.

- As a consequence, a different set of legal rules apply in different situations of violence. These include:

  ➢ Tensions and civil disturbances (such as riots and demonstrations) or disasters. Human rights law is applicable in these situations;

  ➢ Non-international armed conflicts (when civil disturbances and tensions escalate within a country and are marked by prolonged use of force) either between the government armed forces and organized armed groups or between two or more organized armed groups. These situations are governed by the rules of international humanitarian law applicable in non-international conflicts and human rights law. It may be possible to suspend the application of certain rights;

  ➢ International armed conflicts between two or more states and including wars of national liberation. These situations are governed by the rules of international humanitarian law applicable in international armed conflicts and human rights law. It may be possible, however, to suspend the application of certain human rights.

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Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes

1: The humanitarian imperative comes first.

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognize our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations, is of fundamental importance in exercising that responsibility. The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such.

2: Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.

Wherever possible, we will base the provision of relief aid upon a thorough assessment of the needs of the disaster victims and the local capacities already in place to meet those needs. Within the entirety of our programmes, we will reflect considerations of proportionality. Human suffering must be alleviated whenever it is found; life is as precious in one part of a country as another. Thus, our provision of aid will reflect the degree of suffering it seeks to alleviate. In implementing this approach, we recognize the crucial role played by women in disaster prone communities and will ensure that this role is supported, not diminished, by our aid programmes. The implementation of such a universal, impartial and independent policy, can only be effective if we and our partners have access to the necessary resources to provide for such equitable relief, and have equal access to all disaster victims.

3: Aid will not be used to further a particular political or religious standpoint.

Humanitarian aid will be given according to the need of individuals, families and communities. Not withstanding the right of non-governmental humanitarian agencies (NGHAs) to espouse particular political or religious opinions, we affirm that assistance will not be dependent on the adherence of the recipients to those opinions. We will not tie the promise, delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed.

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4: We shall endeavour not to act as instruments of government foreign policy.

NGHAs are agencies which act independently from governments. We therefore formulate our own policies and implementation strategies and do not seek to implement the policy of any government, except in so far as it coincides with our own independent policy. We will never knowingly - or through negligence - allow ourselves, or our employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments. We will use the assistance we receive to respond to needs and this assistance should not be driven by the need to dispose of donor commodity surpluses, nor by the political interest of any particular donor. We value and promote the voluntary giving of labour and finances by concerned individuals to support our work and recognize the independence of action promoted by such voluntary motivation. In order to protect our independence we will seek to avoid dependence upon a single funding source.

5: We shall respect culture and custom.

We will endeavour to respect the culture, structures and customs of the communities and countries we are working in.

6: We shall attempt to build disaster response on local capacities.

All people and communities - even in disaster - possess capacities as well as vulnerabilities. Where possible, we will strengthen these capacities by employing local staff, purchasing local materials and trading with local companies. Where possible, we will work through local NGHAs as partners in planning and implementation, and co-operate with local government structures where appropriate. We will place a high priority on the proper co-ordination of our emergency responses. This is best done within the countries concerned by those most directly involved in the relief operations, and should include representatives of the relevant UN bodies.

7: Ways shall be found to involve programme beneficiaries in the management of relief aid.

Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes.

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8: Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.

All relief actions affect the prospects for long term development, either in a positive or a negative fashion. Recognising this, we will strive to implement relief programmes which actively reduce the beneficiaries' vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes. We will also endeavour to minimise the negative impact of humanitarian assistance, seeking to avoid long term beneficiary dependence upon external aid.

9: We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.

We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies. All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency. We recognize the need to report on our activities, both from a financial perspective and the perspective of effectiveness. We recognize the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance. We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact. Our programmes will be based upon high standards of professionalism and expertise in order to minimise the wasting of valuable resources.

10: In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects.

Respect for the disaster victim as an equal partner in action should never be lost. In our public information we shall portray an objective image of the disaster situation where the capacities and aspirations of disaster victims are highlighted, and not just their vulnerabilities and fears. While we will co-operate with the media in order to enhance public response, we will not allow external or internal demands for publicity to take precedence over the principle of maximising overall relief assistance. We will avoid competing with other disaster response agencies for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the security of our staff or the beneficiaries.

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The Humanitarian Charter and Minimum Standards in Disaster Response

Humanitarian agencies committed to this Charter and to the Minimum Standards will aim to achieve defined levels of service for people affected by calamity or armed conflict, and to promote the observance of fundamental humanitarian principles.

The Humanitarian Charter expresses agencies' commitment to these principles and to achieving the Minimum Standards. This commitment is based on agencies' appreciation of their own ethical obligations, and reflects the rights and duties enshrined in international law in respect of which states and other parties have established obligations. The Charter is concerned with the most basic requirements for sustaining the lives and dignity of those affected by calamity or conflict. The Minimum Standards which follow aim to quantify these requirements with regard to people's need for water, sanitation, nutrition, food, shelter and health care. Taken together, the Humanitarian Charter and the Minimum Standards contribute to an operational framework for accountability in humanitarian assistance efforts.

1 Principles
We reaffirm our belief in the humanitarian imperative and its primacy. By this we mean the belief that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity, and that civilians so affected have a right to protection and assistance.
It is on the basis of this belief, reflected in international humanitarian law and based on the principle of humanity, that we offer our services as humanitarian agencies. We will act in accordance with the principles of humanity and impartiality, and with the other principles set out in the *Code of Conduct for the International Red Cross and Red Cross Crescent Movement and Non-Governmental Organizations in Disaster Relief (1994).*

The Humanitarian Charter affirms the fundamental importance of the following principles:

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The Humanitarian Charter and Minimum Standards in Disaster Response (Continued)

1.1 The right to life with dignity
This right is reflected in the legal measures concerning the right to life, to an adequate standard of living and to freedom from cruel, inhuman or degrading treatment or punishment. We understand an individual's right to life to entail the right to have steps taken to preserve life where it is threatened, and a corresponding duty on others to take such steps. Implicit in this is the duty not to withhold or frustrate the provision of life-saving assistance. In addition, international humanitarian law makes specific provision for assistance to civilian populations during conflict, obliging states and other parties to agree to the provision of humanitarian and impartial assistance when the civilian population lacks essential supplies.

1.2 The distinction between combatants and non-combatants
This is the distinction which underpins the 1949 Geneva Conventions and their Additional Protocols of 1977. This fundamental principle has been increasingly eroded, as reflected in the enormously increased proportion of civilian casualties during the second half of the twentieth century. That internal conflict is often referred to as 'civil war' must not blind us to the need to distinguish between those actively engaged in hostilities, and civilians and others (including the sick, wounded and prisoners) who play no direct part. Non-combatants are protected under international humanitarian law and are entitled to immunity from attack.

1.3 The principle of non-refoulement
This is the principle that no refugee shall be sent (back) to a country in which his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion; or where there are substantial grounds for believing that s/he would be in danger of being subjected to torture.

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Core Humanitarian Principles

Based on international humanitarian law, human rights law, widely accepted codifications, and the Guiding Principles themselves, the following five core humanitarian principles should guide sound programming in internal displacement:

1. Do no harm: that is, avoid prolonging conflict or creating a deleterious effect on any groups you come in contact with. As noted in the SPHERE Humanitarian Charter, "…the attempt to provide assistance in situations of conflict may potentially render civilians more vulnerable to attack, or may on occasion bring unintended advantage to one or more of the warring parties. We are committed to minimizing any such adverse effects of our interventions…."

2. The humanitarian imperative, or the effort to accomplish what can be accomplished for those in need

3. Neutrality

4. Impartiality

5. The provision of protection, as well as assistance.

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Five Fundamental Humanitarian Principles in Internal Displacement

Drawing upon Principles 24 through 27 in the *Guiding Principles on Internal Displacement,* as well as upon international humanitarian law and human rights law, the following fundamental principles should guide sound programming in internal displacement. In each case, a recent example of field practice has been provided to enhance understanding of the fundamental principles.

Do No Harm

Humanitarian action (aid) becomes part of the dynamics of a conflict or other crisis and may even prolong it. The question then is: How can the humanitarian community do as little harm as possible? For, example humanitarian aid increases resources available in the society overall, and the argument is sometimes made that aid can, therefore, sustain a conflict. Or, more specifically, specific humanitarian policies may sustain one side or the other in a conflict, or create a deleterious impact on a group of aid recipients on non-recipients. The humanitarian actors need to be aware of this possibility and see how they can minimise the harm in, for example, the following situations:

- When aid is used as an instrument of war by denying access or attacking convoys.

- When aid is an indirect part of the dynamics of the conflict because it creates jobs, gives incomes in form of taxes, leaves no or little responsibility on the state for social welfare, [etc.], adds to the vulnerabilities of women or other groups in a society, or creates dependency in a recipient group.

- When aid exacerbates the root causes of the conflict by inadvertently boosting one or the other side in a conflict.

> "Anecdotal evidence indicates that a disproportionate number of death occurred during the night [in the camps in Goma]. Though the levels of violence appear to have been reduced after the first month, they remained unacceptably high and stimulated collaborative action by 18 agencies that in November jointly requested the UN Secretary-General to deploy a UN security force in the camps and led to the withdrawal of at least two important NGOs (MSF-France and CARE) from the camps in the same month." From The International Response to Conflict and Genocide: Lessons from the Rwanda *Experience, Study 3: Humanitarian Aid and Effect, March 1996, Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, page 52.*

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Five Fundamental Humanitarian Principles in Internal Displacement (Continued)

The risk of humanitarian agencies causing unintended harm in a conflictive environment is explicitly noted in The Humanitarian Charter crafted by the Sphere Project. Section 2.4 of that Charter notes that: "The frequent failure of warring parties to respect the humanitarian purpose of interventions has shown that the attempt to provide assistance in situations of conflict may potentially render civilians more vulnerable to attack, or may on occasion bring unintended advantage to one or more of the warring parties. We are committed to minimising any such adverse effects of our interventions in so far as this is consistent with the obligations outlined above [i.e., the humanitarian imperative]. It is the obligation of warring parties to respect the humanitarian nature of such interventions."

The *Guiding Principles on Internal Displacement* themselves reinforce the notion that humanitarian agencies must be aware of how humanitarian assistance can cause unintended consequences. Principle 24.2, for example, states that "Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military purposes." and principle 27.1 notes that international humanitarian organizations "Shall respect relevant international standards and codes of conduct."

It is nonetheless clear, however, that the essential, overarching framework for humanitarian action contained in the "do no harm" principle creates complex choices in particular circumstances. The Sphere Project's Humanitarian Charter also enjoins humanitarian agencies to "Reaffirm our belief in the humanitarian imperative and its primacy. By this we mean the belief that all possible steps should be taken to prevent or alleviate human suffering arising out of conflict or calamity…." it is when "all possible steps" confronts "adverse effects" that the most careful analysis is required of humanitarian agencies.

Suggest other examples from your experience of the principle of do no harm.

The Humanitarian Imperative

The humanitarian imperative is to prevent and alleviate suffering; to protect life and health to improve the human condition; and to ensure respect for the human being. It implies a right to receive humanitarian assistance and a right to offer it as fundamental to humanitarian principles. The humanitarian imperative also implies an overall protection approach, based in respect for international humanitarian law and human rights law.

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**Five Fundamental Humanitarian Principles in Internal Displacement
(Continued)**

Contemporary interpretations of the humanitarian imperative are contained in *The Code
of Conduct for the International Red Cross and Red Crescent Movement and NGOs in
Disaster Response Programmes*, and in *The Humanitarian Charter* of the Sphere Project.
The former defines the humanitarian imperative by stating "The prime motivation of our
response to disaster is to alleviate human suffering amongst those least able to withstand
the stress caused by disaster." The latter means by humanitarian imperative "The belief
that all possible steps should be taken to prevent or alleviate human suffering arising out
of conflict or calamity, and that civilians so affected have a right to protection and
assistance."

The internally displaced, by definition, remain citizens of their own nation, and national
authorities retain primary responsibility for their welfare. When lack of resources, or
lack of will, limit assistance by national authorities, the humanitarian imperative may
suggest support for, or advocacy with, those authorities as an appropriate first step in
sound practice. The following example illustrates the responsibilities of both national
authorities and opposition groups to permit access to civilians under their control, as well
as the imperative of international organizations to assiduously seek access to persons cut
off by conflict.

**ENGAGEMENT WITH BOTH GOVERNMENT AND OPPOSITION FORCES
ON BEHALF OF THE INTERNALLY DISPLACED: [Sudan]** "Operation Lifeline
Sudan (OLS)," launched in 1989, was an early effort to link both parties controlling
access to internally displaced persons – the Government of Sudan, and the opposition
Sudanese People's Liberation Army (SPLA) – into an agreement for relief delivery.
Although the approach to a rebel force like the SPLA initially raised serious issues for
UN agencies, the resulting agreement was the only hope of reaching 1.5 million displaced
and war-affected, since both sides to the conflict controlled displacement sites and access.
The OLS agreement, although it has continued to face problems in an ongoing conflict,
permitted international humanitarian assistance in each side's area of operations, and
guaranteed safe passage in designated "corridors of tranquillity." *Field Practice in
Internal Displacement, IASC 1999*

Suggest other examples from your experience of the principle of the humanitarian
imperative.

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Five Fundamental Humanitarian Principles in Internal Displacement (Continued)

Neutrality

The principles of neutrality ensure that humanitarian actors do not take sides in the hostilities or in controversies based on political, racial, religious or ideological identity (non-partisanship/independence). Transparency and openness are key issues to maintain neutrality. For an organisation that has human rights principles at its core, neutrality does not imply, however, that behind an argument of wanting to stay neutral the organisation could decide to take no action at all in response to human rights violations. Neutrality for an organisation that has taken on a rights-based approach must therefore not be an obstacle to tackling human rights violations. Action does not necessarily mean speaking out, but might include confidentially approaching the authorities, submitting information to others who can take appropriate action, and so on.

Although section IV of the Guiding Principles does not mention the word "neutrality" itself, the concept is implied throughout principles 24 through 27, for example in references to humanitarian assistance not being diverted "for political or military reasons," and in the reference to non-interference in internal affairs by international humanitarian organizations. The following example illustrates how an international humanitarian actor displayed neutrality by working with both sides in the Sri Lankan conflict.

> **DISCUSSIONS WITH OPPOSITION GROUPS ON BEHALF OF THE INTERNALLY DISPLACED: [Sri Lanka]**: In situations of internal displacement, negotiations with opposition groups which control portions of national territory will always be sensitive. Nonetheless, active engagement with opposition forces by international organizations operating in Sri Lanka expanded substantially the protection available to the internally displaced. The Special Representative of the Secretary-General for Children and Armed Conflict, during a 1998 visit to Sri Lanka, sought and obtained a number of commitments from the Liberation Tigers of Tamil Eelam (LTTE) regarding children's rights. These commitments included limitations on recruitment of children, and an agreement to train fighters in the Convention on the Rights of the Child. The ICRC sought and achieved commitments from the LTTE on adherence to key portions of the Geneva Conventions. *Field Practice in Internal Displacement, IASC 1999*

Suggest other examples from your experience of the principle of neutrality.

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**Five Fundamental Humanitarian Principles in Internal Displacement
(Continued)**

Impartiality

The principle of impartiality requires that aid be delivered to all those who are suffering,
based solely on their need and the corresponding right. Human rights are the basis and the
framework for an assessment of needs. The idea is, based on our definition of protection,
that depending on which rights are to be fulfilled (for example, the right to health or the
right to a fair trial), the aid community should respond with the appropriate assistance,
advocacy and action. Accordingly, this principle can include both the proportionality to
need as well as the principle of non-discrimination. Proportionality to the need also
reflects accountability of the aid community to the beneficiaries as well as to donors.

It is crucial to emphasise state responsibility in the context of ensuring that aid is
delivered in an impartial way. In the internal displacement context, this principle includes
addressing internal displacement within a broader humanitarian strategy: The factors
causing internal displacement may affect other groups as well, including host
communities, conflict-affected communities, refugees and returnees. Although the
internally displaced may experience particular vulnerabilities related to their condition,
assistance and protection for the internally displaced should be provided as part of a
broader humanitarian strategy that takes into account the perspectives, rights and
capacities of other affected groups within the society.

Principle 24 of the Guiding Principles specifically addresses the "principle of
impartiality." The following example illustrates an instance of impartiality by
humanitarian actors by reaching out to both displaced and refugee communities, based on
need, in Burundi.

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Five Fundamental Humanitarian Principles in Internal Displacement (Continued)

> **BALANCING THE PRIORITIES OF DISPLACED AND HOST COMMUNITIES IN CONFLICTIVE ENVIRONMENTS: [BURUNDI]** The large-scale internal displacement crisis in Burundi has been characterized by continued mistrust between ethnic groups, and multiple attempts to politicize the needs assessment and aid distribution processes along ethnic lines. A particularly volatile aspect of this process was the hostility between Tutsi internally displaced persons in Burundi and the estimated 160,000 Rwandan Hutu refugees who entered Burundi in 1994. Burundian Tutsi displaced individuals associated the Hutu refugees with the prior genocide in Rwanda.
>
> Efforts by UNHCR to meet its responsibilities for care and protection of the Rwandan refugees had to be balanced -- in a very volatile milieu -- with the perception by Burundian displaced communities of an aid disparity in favor of the Hutu population. Although suspicion and violence -- both inter-communal violence and violence directed against aid organizations -- could not be avoided, UNHCR carefully monitored and analyzed the relationship between the refugee and internally displaced groups, and attempted to direct food and other resources to the internally displaced populations, in an attempt to show balance and impartiality. *Field Practice in Internal Displacement, IASC 1999*

Suggest other examples from your experience of the principle of impartiality.

Protection, As Well As Assistance Activities

Since internally displaced persons remain within the boundaries of their nation, international efforts to guarantee the types of protection listed in the *Guiding Principles on Internal Displacement* will encounter issues of national sovereignty. Yet, displaced populations may be especially vulnerable to abuse, and protection may be a higher priority than material assistance. Creative efforts to extend protection to the internally displaced are an essential element of sound field practice.

The *Guiding Principles on Internal Displacement* focuses primarily on the **rights** of internally displaced persons and on the protection of those rights. The clear implication for humanitarian actors is that these actors have a responsibility beyond the delivery of relief supplies. When the rights of displaced persons are violated, international humanitarian actors are required to note violations, report on violations, advocate with authorities on behalf of the rights of displaced persons, and examine other strategies that might protect the rights of the displaced, all while taking into account the mandates of international agencies with special protection responsibilities. Within section IV, relating to humanitarian assistance, Principle 27 specifically references the "protection needs" of displaced persons.

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**Five Fundamental Humanitarian Principles in Internal Displacement
(Continued)**

The following example from Colombia illustrates how, in some cases, the requirement
for physical protection may exceed the requirement for physical sustenance.

> "Thus, in Colombia the main problem for the displaced population is one of protection,
> i.e. providing the displaced population, and those threatened with displacement with
> physical safety. The need for immediate humanitarian assistance (food, health, water,
> etc), while important, is not as severe as in many other displaced situations. When we
> speak of protection in this context, we include the need to prevent certain human rights
> violations against the physical integrity of the population, as well as providing durable
> solutions to those who have been displaced and are looking to settle down." *Mission to
> Colombia with a View to Develop Field Practice in Internal Displacement, UNICEF
> Office of Emergency Programmes 1998*

Suggest other examples from your experience of the principle of protection, as well as
assistance.

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action

The four fundamental humanitarian principles outlined above are firmly rooted in international humanitarian and human rights law, generally or specifically addressed in the Guiding Principles, and widely noted in codifications of humanitarian principles. Also drawing upon these same sources, as well as the international community's growing experience with internally displaced populations, other standards have evolved that also deserve mention. These standards are not as universally proclaimed as the four fundamental humanitarian principles, and are more appropriately characterized as "cross-cutting themes" in work with internally displaced persons. They are, nonetheless, also targeted at the activities of international humanitarian actors and provide the same kind of ethical guidance to those actors. Most are explicitly rooted in the Guiding Principles. Six of these cross-cutting themes are noted below.

Many displacement crises have an emergency phase, when immediate, life-saving assistance may be required. Many displacement crises, however, can last for years, as the internally displaced are caught in ongoing conflicts or political stalemates. Sound field practice is characterised by an early planning for durable solutions – such as return or resettlement – and a recognition that the solution to internal displacement may be related to national economic and political development. This section looks at humanitarian principles that make emergency action development-friendly.

To Respect Culture And Custom

Understanding local customs and traditions is, of course, important, not only in carrying out your work, but also in understanding local values when connecting them to internationally recognised human rights. Displaced communities, due to the disruption in normal social and cultural patterns that accompanies the process of displacement from homes and communities, displaced persons may require special sensitivity to their cultural traditions. However, in promoting human rights standards, it is always important to point out that human rights are not culturally relative, but that certain universally accepted human rights are applicable to all human beings, no matter what the cultural setting.

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action (Continued)

Some interventions require particular sensitivity to local customs. For example, in dealing with victims of rape it is important to be aware of how rape and victims of rape are perceived in the local community. In the case of internal displacement, it is important to carry out careful analysis of local socio-cultural patterns: the fact of displacement will be perceived differently by different communities and individuals, depending on prior experience and on local social, cultural, religious and community traditions and beliefs. Sound field practice will be preceded by careful study of these factors, in order to understand what displacement means to those experiencing it.

Within the Guiding Principles, numerous references support the theme of respect for culture and custom. Principle 23 notes the right to education that respects "cultural identity, language and religion." Principle 9 addresses particular obligations to indigenous peoples and other groups with a special dependency on their lands. Principle 22 addresses language rights and the freedom of "religion or belief." In addition the Red Cross "Code of Conduct," cited earlier, addresses "respect [for] culture and custom." The example below illustrates a case where an international actor used its knowledge of local culture to promote international humanitarian law in its work with displaced persons.

"Play Clean!" Addressing Root Causes of Internal Displacement by Creatively Promoting Humanitarian Law: Most observers of the conflict in Colombia note that the violence is directed less between armed groups, and more by armed groups against civilians. In fact, the primary cause of internal displacement in Colombia is direct armed attack, or threat of armed attack, on civilian populations, rather than innocent populations finding themselves in the crossfire of military-versus-military operations.

In this milieu, displacement could be significantly reduced if combatants respected the essential elements of international humanitarian law (IHL) -- a major goal of the International Committee of the Red Cross (ICRC) program in Colombia. ICRC's program to promote IHL is notable in its creative use of material relevant to the interests of combatants in Colombia, like football. Through the use of posters, training material and wallet-size summaries of key elements of IHL (written in plain language, and laminated in order to survive the weather), the ICRC reinforces its "Play Clean!" campaign by analogy to football matches. Given the intense interest in football in Colombia, IHL promotional materials display artwork of football games as an introduction to the rules of warfare. Although quantitative measurement of the success of this program is difficult, most observers believe the "Play Clean!" campaign and the use of culturally relevant symbols to attract the target population -- youthful male combatants -- make sense. *Mission to Colombia with a View to Develop Field Practice in Internal Displacement, UNICEF Office of Emergency Programmes 1998*

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action (Continued)

To Enhance Capacity Building

Humanitarian action tends to be looking at short-term needs and forgets the responsibilities of the aid community to give sustainable aid. Because of breakdown of local service delivery and administrative structures there is reliance on external support. In our work it becomes important to focus on capacity building and participation of beneficiaries in all that we do. As a result, part of the strategy must be to empower civil society so that the beneficiaries are able to claim accountability from governing authorities and humanitarian agencies. At the same time, international actors should be prepared to assist governments and other competent authorities who wish to assist internally displaced persons, but have limited capacity to exercise their responsibilities.

Recognising that displaced individuals, families and communities are key actors is important: In displacement situations, as in other circumstances when international organisations attempt to assist local communities, the perspectives, rights and capacities of the displaced themselves should guide appropriate interventions. In certain cases, the displaced will be in extremely difficult condition, and will require immediate relief. In other cases, the total effort of the international community might pale in comparison with what the displaced will do for themselves. Supporting displaced communities, understanding their objectives, seeking their input in planning, and enhancing their role in relation to local authorities are essential steps to sound field practice.

The *Guiding Principles* address the empowerment of displaced communities both in reference to involving local communities in decisions regarding their displacement (Principle 8) and in decisions affecting their return or resettlement (Principle 28). Moreover, by reference to the primary responsibility of national governments and other authorities toward the displaced, the *Guiding Principles* implies a responsibility on the part of international humanitarian actors to support government officials in the appropriate exercise of their duties.   In addition, the Red Cross *Code of Conduct* incorporates the theme of local capacity building in two articles: Article 6, which states "We shall attempt to build disaster response on local capacities," and article 7, which states "Ways shall be found to involve programme beneficiaries in the management of relief aid."

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action (Continued)

The example below notes the efforts of international humanitarian actors to support the efforts of a national government willing to undertake its duties to prevent internal displacement, in this case due to natural disasters.

> **INTERNATIONAL EFFORTS TO BUILD LOCAL GOVERNMENT CAPACITY, IN ORDER TO MITIGATE DISPLACEMENT RESULTING FROM NATURAL DISASTERS: [Tajikistan]** The prevalence of natural hazards, such as landslides and floods, contributes significantly to internal displacement in mountainous Tajikistan. Recognizing this threat, the International Organization for Migration (IOM) designed a training program to prevent or mitigate the effects of these natural threats. As part of its capacity building effort, IOM assisted Government and local officials to develop a model for adaptive resettlement of villages in high risk areas, and trained these officials in planning for and implementing resettlement activities. *Field Practice in Internal Displacement, IASC 1999*

To Coordinate Efforts for Maximum Benefit

Not only must different international humanitarian agencies make sure they complement each other in the actual delivery of aid, but it is also important that decisions about, for example, stopping the delivery of aid are taken in a principled fashion. This may be cause for major disagreement between aid agencies, as it tends to be difficult to agree on the development of policies on some more sensitive areas of co-ordination. Nevertheless, humanitarian actors must have a common standpoint for maximum benefit. But co-ordinating for the maximum benefit also entails creating an alliance of partnership in government and civil society.

Collaborative institutional arrangements among international organisations, and international and local non-governmental organisations, are particularly important in internal displacement. The complexity of displacement crises, the gap in international institutional leadership, and the evolution of systematic practice should all impel close working relationships among responding organisations. It is all too easy for the particular needs of internally displaced persons to "fall through the cracks" if international and national organisations, including governments and non-governmental organisations, are not talking with each other, sharing data, and rationally allocating tasks. Close and collaborative working relations among responding institutions – including the use of IDP working groups, and similar targeting arrangements – are essential to sound field practice.

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action (Continued)

Although the G*uiding Principles* do not address inter-agency coordination per se, this concept is implied in Article 27, which encourages all international humanitarian organizations to "Respect relevant international standards and codes of conduct," and in the introduction, which notes that the principles apply to all "Intergovernmental and non-governmental organizations when addressing internal displacement." Within the UN specifically, recent activities of the Inter-agency Standing Committee have emphasized the coordinated contributions of multiple agencies in addressing the situation of internal displacement.

The following example discusses a program designed to achieve synergy in inter-agency work with displaced persons in the Sudan.

AN INTEGRATED ASSISTANCE AND PROTECTION PROGRAMME ON BEHALF OF INTERNALLY DISPLACED PERSONS: [SUDAN] In order to improve programming for the internally displaced in the Sudan, in coordination with other UN agencies and NGOs, the UN Humanitarian Coordination Unit in Khartoum created a six-person team of IDP Coordinators, deployed in five locations. The team, assembled in 1997, neither managed separate programs nor attempted formal coordination of other agency operations. Rather, through collaborative efforts at information gathering, analysis and assistance in field coordination, the IDP program attempted to improve work in seven issue areas:

- Garnering a better profile of displacement through data collection and analysis
- Assisting in field coordination among UN agencies, NGOs and government
- Improving access for humanitarian assistance, and promoting humanitarian principles
- Assisting government authorities in protection of the internally displaced
- Ensuring that the displaced are involved in relief planning and implementation
- Improving relations between displaced and host communities
- Supporting self-reliance for displaced communities

To gain local knowledge, cultural awareness and communications skills, Sudanese nationals were recruited to serve as coordinators. However, recognizing that local officers might be susceptible to political pressure, international officers backed up the team through short-term field assignments[…]. *Field Practice in Internal Displacement, IASC 1999*

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action (Continued)

Recognition Of The Gender Aspects Of Displacement:

Many aspects of displacement – from camp facilities, to food access, to disruption of employment, to risk of violence, to social standing – will affect men and women differently, with the impact often most severe on women. Just as important, the experience of displacement is likely to affect the social relationship between genders. Recognition of this reality is a core element of sound field practice.

The *Guiding Principles* reflect recognition of the gender aspects of displacement in several articles. Principle 4 refers to female heads of households, as well as mothers of young children, as among those "Entitled to protection and assistance required by their condition and to treatment which takes into account their special needs." Principle 7 notes that affected persons, "particularly women," should be involved in decisions on relocation. Principle 11 prohibits gender-specific violence. Article 20 notes that women and men should have equal right to obtain identity documents, the loss of which often are a hindrance to displaced persons. Article 23, recognizing that women and girls may be denied education because of displaced status, encourages "special efforts" by the authorities and international organizations for their participation in educational programs.

The example below notes the value to the displaced community of seeking women's preference in food commodity provided to displaced persons.

INCORPORATING COMMUNITY PREFERENCES AND THE SPECIAL NEEDS OF WOMEN INTO RELIEF FOOD DISTRIBUTION TO DISPLACED COMMUNITIES: [AZERBAIJAN] In Azerbaijan, the World Food Programme (WFP) provides food assistance to a large percentage of the estimated half million internally displaced. After discussions with displaced community leaders, WFP has modified the composition of the food ration to alternative -- equally nutritious and comparably priced -- commodities, based on the community's stated preferences. For example, a simple change in the pulse allotment from green peas to white beans, as requested by the community, boosted community morale and retained some element of community control over its diet. *Field Practice in Internal Displacement, IASC 1999.*

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action (Continued)

Taking Action That Supports the Best Interest of the Child

Children often make up a very large portion of displaced populations. Beyond the physical deprivation they may face, the process of displacement itself may be particularly disruptive to normal development during the formative years of life. Although the child can be addressed in a broader context, there may be certain interventions required to cater for children in need of special protection. The best interest of the child must always be a prime consideration in sound programming. Many children have had traumatising experiences because of the conflict, and may have lost an entire childhood. This must be recognised in the overall programming approach.

The *Guiding Principles on Internal Displacement* note, in Principle 4, that children are among those categories of displaced persons that "Shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs." Principle 11 prohibits forced labor of children. Principle 13 notes the right of children to avoid recruitment into armed forces. And other provisions note the special condition or requirements of children among displaced populations.

The following example describes an initiative to address the special needs of displaced children -- in this case for vaccinations -- in the midst of the conflict in Sri Lanka.

> DAYS OF TRANQUILITY: UNICEF has negotiated, for the past four years, annual days of tranquility -- several days when the guns fall silent on all sides -- for nation-wide immunization campaigns in Sri Lanka. These efforts, requiring complex negotiations with all parties to the conflict, have maintained high levels of coverage for vaccine-preventable diseases in Sri Lanka, despite the long conflict and shifting conflict zones. *Mission to Sri Lanka with a View to Develop Field Practice in Internal Displacement, UNICEF Office of Emergency Programmes, 1998*

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Six Cross-Cutting Themes in Internal Displacement That Support Humanitarian Action (Continued)

Taking Action That Supports The Confidentiality Of Displaced Populations

As a general rule, it is important to engage the internally displaced themselves in information/data gathering efforts, in program design, and in advocacy efforts with authorities. Identification of community leaders among the displaced, for example, is an important task, as is the development of displaced community profiles, focusing on vulnerable groups and other important sub-groups.

However, the confidentiality of displaced persons must also be respected, especially in conditions where conflict or other violence may put the displaced at particular risk. Confidentiality of community leaders may be especially important, as singling them out as leaders may put them at special risk of being targeted by parties to a conflict. Certain records maintained by international organizations – on allegations of human rights violations or complaints emanating from the displaced; on the location of displaced community leaders; on the schedule for assessment visits prior to possible return – may need to be maintained in secure locations or in a confidential manner. Organizations with special expertise in documentation in high risk environments, such as the ICRC, UNHCR, or the OHCHR may be consulted on issues related to confidentiality vis-à-vis internally displaced persons.

EXAMPLE:

*"MAPPING" URBAN AND PERI-URBAN NEIGHBORHOODS TO IDENTIFY AND ACCESS CONCENTRATIONS OF INTERNALLY DISPLACED PERSONS [PERU]: During Peru's long internal conflict in the 1980s and 1990s, many of the estimated 600 thousand internally displaced fled to urban shantytowns around Lima and other major cities. Some groups of displaced settled with others from the same home locale, while others dispersed in vast squatter communities. Fearful of being singled out as deserters from self-defense forces or as traitors, many did not readily identify themselves or their origins, some going so far as to destroy their personal identity cards in a quest for anonymity. To target resources to the neediest communities, international NGOs working in Peru were required to conduct community surveys and interviews – **with sensitivity to the legitimate security concerns of individuals** – to map concentrations of internally displaced persons in urban areas.*

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At the end of this session, you will be able to

- Describe the "general principles" of the *Guiding Principles on Internal Displacement* and principles related to humanitarian assistance

- Explain how the *Guiding Principles* have a foundation in international human rights and humanitarian law, as well as humanitarian principles

- Describe how the *Guiding Principles* (1) re-state existing law, (2) explain in greater detail sections of existing law, and (3) fill in gaps in existing law

- Explain how the *Guiding Principles* can be used to advocate on behalf of internally displaced persons

Principle 1

- Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country.....

II-2

Categories of conflict

- Tensions and civil disturbances, or disasters where human rights law is applicable

- Non-international armed conflicts governed by some of the most central principles of humanitarian law and by many human rights guarantees

- International armed conflict between two or more states and including wars of national liberation

II-3

II-4

Non-derogable rights

- Those rights that can **never** be suspended
  - The right to life
  - Freedom from torture and cruel and inhumane treatment or punishment
  - Freedom from enslavement or servitude
  - Freedom of thought, conscience and religion
  - Prohibition of retroactive application of penal law

II-5

Principle 12 (1)

- Everyone human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention

Principle 12

- Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention

- To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

- Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

- In no case shall internally displaced persons be taken hostage.

II-6

II-7

Principle 17

- Every human being has the right to respect for his or her family life

Principle 17

- To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

- Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

- Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together

.

II-8

Principle 6

- Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.

II-9

II-10

Core humanitarian principles

- Do no harm
- Humanitarian imperative
- Neutrality
- Impartiality
- Provision of protection

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Module III: The Institutional Framework for Activities on Behalf of Internally Displaced Persons

Objectives

By the end of this session, participants should be able to:

- Describe the collaborative model the international community has developed for working with internally displaced persons

- Describe how key individuals and institutions within the UN system and in the larger international community can assist in meeting the needs of internally displaced persons at the country level

- Explain the key role of the Resident Coordinator/Humanitarian Coordinator (RC/HC) in coordinating efforts of the UN Country Team on behalf of the internally displaced

- Describe the two basic options the RC/HC has for managing a situation of internal displacement: (1) allocation of responsibilities among the country team and (2) designation of a lead agency

Contents

Section Title	Time
Introduction to Module III	10 minutes
The Collaborative Model and Its Key Institutions	20 minutes
Evaluating Coordination Efforts	20 minutes
The Role of the RC/HC	20 minutes
The Two Basic Options the RC/HC Has for Managing a Situation of Internal Displacement	5 minutes
Advocating for a Team or a Lead Agency Approach	45 minutes
Approximate Total Time	**2 hours**

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Methods

Presentation/lecture

Plenary discussion

Reading

Group work

Materials

Facilitator Guide

Participant Guide

PowerPoint slides or overhead transparencies 3.1 – 3.11

Preparation

Prepare for the PowerPoint or overhead transparency presentation.

**Basic Course on Internal Displacement: Background, Program
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Introduction to Module III (10 minutes)

Provide the following introduction to Module III:

- As noted in the Introduction to this training, no one agency --
  within or outside the UN system -- has sole responsibility for
  working with internally displaced persons. Yet, the internally
  displaced often face particular circumstances that require focused
  analysis and well-designed program interventions to meet their
  needs and ensure their rights are protected.

- In response to the serious problem of internal displacement, the
  international community has developed a collaborative approach
  to guide its work vis-à-vis internally displaced persons. The
  collaborative approach requires that the capabilities of many
  international organizations, working together, be combined to
  address situations of internal displacement in a coordinated
  fashion.

- For you and your agency to assist internally displaced
  communities, you must understand the basic collaboration
  mechanisms that have evolved, and how to fit your efforts within
  a coordinated effort.

- You must also know what additional assets are available within
  the international community that you can draw upon to assist
  your efforts at the country level.

Show Slide 3.1 Module III Objectives

Make the following points about what is included in this session:

- To achieve this goal, Module III provides the following
  information:

  ➢ First, this module describes the key institutions within the
    international community with responsibilities to address
    internal displacement and how they fit together to achieve
    collaboration.

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Introduction to Module III (Continued)

> ➢ Second, the module outlines the central role of the resident coordinator (RC) or humanitarian coordinator (HC) at the country level in coordinating the role of the UN Country Team to deal effectively with internal displacement.

> ➢ Third, the module presents the two basic options available to the RC/HC to manage displacement crises at the country level, and explores the advantages and disadvantages of each approach.

The Collaborative Model and Its Key Institutions (20 minutes)

Present the following information about the collaborative model and its key institutions:

- It is, first and foremost, the responsibility of national authorities both to ensure protection for and provide assistance to the displaced and those at risk of displacement.

- However, governments may not have the capacity to meet the needs of their displaced populations, or they may lack the will to do so. In such cases, the internally displaced have no alternative but to turn to the international community for help.

- Over the past few years, UN agencies and partner organizations have strengthened their capacities to address the needs of IDPs.

- Assistance and protection have been provided to such persons as a vulnerable population within the mandates of the UN agencies or, in the case of UNHCR, on a case-by-case extension of its refugee mandate. However, no agency has a global comprehensive mandate to assist and protect IDPs.

- The scale and the multi-faceted nature of displacement crises have led the international community to recognise that an effective and comprehensive response to the protection and assistance needs of displaced persons necessitates a collaborative approach.

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The Collaborative Model and Its Key Institutions (Continued)

- Thus, the management model for assistance and protection in situations of internal displacement, rather than a single agency approach, is one that involves government officials, UN agencies, international organisations, and international and local NGOs.

- Such a collaborative approach implies a significant coordination role for the Emergency Relief Coordinator (ERC) and the UN Inter-Agency Standing Committee Working Group (IASC-WG).

- It requires the RC/HC to undertake an important assessment and task coordination role within the country setting; and further means the involvement of UN agencies and other international and national organisations, based on their areas of comparative advantage.

Present the following descriptions of key institutions at the international and/or headquarters level that collaborate to meet the needs of internally displaced persons and briefly outline their respective responsibilities.

Show Slide 3-2 The Emergency Relief Coordinator

- The Emergency Relief Coordinator: Inter-Agency Focal Point on IDPs

  ➢ The UN Secretary-General has designated the ERC as the focal point at headquarters level for the inter-agency coordination of humanitarian assistance to internally displaced persons.

  ➢ This responsibility includes:

    -- global advocacy on both assistance and protection requirements;

    -- resource mobilisation and the identification of gaps in resources for internally displaced persons;

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The Collaborative Model and Its Key Institutions (Continued)

> -- promotion of the establishment of a database and global information on internally displaced persons in consultation with external institutions, including monitoring and issuance of periodic situation reports; and

> -- support to the field on related humanitarian issues, including negotiation of access to internally displaced persons.

> ➢ As chair of the Inter Agency Standing Committee (IASC), the ERC ensures that appropriate arrangements are set up with regard to protection and assistance in specific situations of internal displacement.
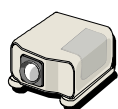
Show Slide 3-3 The Representative of the Secretary-General on Internally Displaced Persons

- The Representative of the Secretary-General on Internally Displaced Persons (RSG)

  > ➢ In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for protection and assistance, the U.N. Secretary-General, at the request of the Commission on Human Rights, appointed a Representative on Internally Displaced Persons (RSG).

  > ➢ The RSG was requested to examine the human rights issues relating to internal displacement and to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, measures to strengthen their implementation, and additional ways of addressing protection needs.

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The Collaborative Model and Its Key Institutions (Continued)

> ➢ In fulfillment of these responsibilities, the Representative
>   -- Monitors internal displacement worldwide,
>
>   -- Undertakes country missions,
>
>   -- Establishes dialogues with governments,
>
>   -- Collaborates with intergovernmental, regional and non-
>   governmental organisations,
>
>   -- Makes recommendations to improve international and
>   regional institutional arrangements,
>
>   -- Assesses international legal protection, and
>
>   -- Publishes reports for action by Governments, the
>   Commission, General Assembly, international organisations
>   and non-governmental organisations.

Show Slide 3-4 The Office for the Coordination of Humanitarian Affairs

• The Office for the Coordination of Humanitarian Affairs (OCHA)

> ➢ OCHA has appointed a Special Coordinator on Internal
> Displacement who, among other responsibilities, chairs the
> Senior Inter-Agency Network to Reinforce the Operational
> Response to Situations of Internal Displacement.

> ➢ In addition, OCHA may make available Field Coordination
> Support Units that can assist in the management of internal
> displacement emergencies.

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The Collaborative Model and Its Key Institutions (Continued)

➢ In April 2001, the Special Coordinator of the Network on
   Internal Displacement issued a report on the activities and
   findings of the Network. The report found that the United
   Nations (UN), international organizations (IO) and non-
   governmental organizations (NGOs) need to increase their focus
   on, and support to, internally displaced persons (IDPs).

➢ To ensure increased focus, the Special Coordinator
   recommended the establishment of a non-operational, internally
   displaced persons (IDPs) office within the Office for the
   Coordination of Humanitarian Affairs (OCHA). Based on the
   Special Coordinator's recommendation, the Emergency Relief
   Coordinator (ERC) proposed to the Secretary-General (SG) the
   establishment of such an office. The proposal was endorsed by
   the SG on 25 May 2001.

➢ The role of the Unit, to be up and running by January 2002, will
   be to advise and support the ERC in focusing on and
   coordinating an effective response to the needs of the internally
   displaced. It is expected to undertake a number of activities
   including:

   --Promotion and support of advocacy efforts, including those of
   the SG's Representative on IDPs

   --Monitoring of situations of internal displacement in order to
   identify operational gaps in the responses to internal
   displacement

   --Provision of training, guidance and expertise to Resident
   Coordinators (RCs), Humanitarian Coordinators (HCs), UN
   Country Teams and humanitarian organizations on IDP-related
   issues, and the formulation of strategies to address the
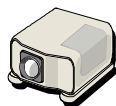   protection, humanitarian and durable development needs of
   IDPs

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The Collaborative Model and Its Key Institutions (Continued)

--Development of necessary linkages between the humanitarian response to internal displacement and the security, political and development spheres of activity

--Mobilization of the resources needed to assist IDPs

--Further development of inter-agency policies on IDP issues
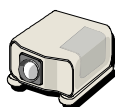
Show Slide 3-5 The Senior Network

- The Senior Inter-Agency Network to Reinforce the Operational Response to Situations of Internal Displacement ("The Senior Network")

  ➢ The Senior Network is composed of the OCHA Special Coordinator and "Senior Focal Points" from all member organizations and standing invitee organizations of the IASC.

  ➢ The Senior Network will reinforce operational response and coordination arrangements in critical crises of internal displacement by assessing field operations and recommending follow-up action as appropriate, by UN Country Teams and agency headquarters, as well as the wider humanitarian community on the ground.

  ➢ Recommendations may also be made regarding the activities to be undertaken by concerned governments and, where appropriate, non-state actors.
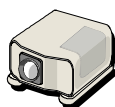
Show Slide 3-6 The Inter-Agency Standing Committee

- The Inter-Agency Standing Committee (IASC)

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The Collaborative Model and Its Key Institutions (Continued)

> ➢ At the global level the Inter-Agency Standing Committee (IASC*),* chaired by the Emergency Relief Coordinator (ERC), is a primary mechanism for inter-agency coordination.

> ➢ The IASC facilitates inter-agency decision making in response to complex emergencies primarily by developing and agreeing on system-wide humanitarian policies; allocating responsibilities among agencies in humanitarian programs; advocating common humanitarian principles to parties outside the IASC; identifying areas where gaps in mandates or lack of operational capacity exist; and building consensus between humanitarian agencies on system-wide humanitarian issues.

Show Slide 3-7 Composition of the IASC

> ➢ The IASC is formed by the Executive Heads of the following agencies:

Full members	Standing invitation
OCHA	International Committee of the Red Cross
UNICEF	International Federation of Red Cross
UNHCR	and Red Crescent Societies
UNDP	International Organization for Migration
FAO	Steering Committee for Humanitarian Response
WFP	INTERACTION
WHO	International Council of Voluntary Agencies
	Representative of the Secretary General on IDPs/
	Office of the High Commissioner for Human
	Rights
	World Bank

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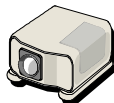*Facilitator Guide*

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The Collaborative Model and Its Key Institutions (Continued)

> ➢ The **IASC-WG**, formed by senior representatives of the same agencies, meets four to six times a year.

> ➢ Its responsibilities include formulating the agenda for IASC meetings; making non-strategic policy and operational decisions; endorsing the yearly work plan; and preparing options and recommendations for the IASC on strategic policy and major operational issues.

> ➢ The IASC-WG also acts as the inter-agency forum for consultations on all aspects related to Internally Displaced Persons.

Present the following descriptions of key institutions at the country level that collaborate to meet the needs of internally displaced persons and briefly outline their respective responsibilities.

Show Slide 3-8 The UN Resident/Humanitarian Coordinator.

- The UN Resident/Humanitarian Coordinator (RC/HC):

  > ➢ At the field level, the UN Resident/Humanitarian Coordinator (RC/HC) is, in full consultation with the inter-agency Country Team, responsible for the strategic coordination of assistance to internally displaced persons.

  > ➢ This includes ensuring that humanitarian requirements before, during and after an emergency are adequately addressed, and advocating for assistance and protection. The Humanitarian Coordinator is accountable to the ERC.

  > ➢ More information on the RC/HC is provided in Handout 3.1.

Ask participants to turn to and read "Operational Guidance to Resident/ Humanitarian Coordinators" beginning on page 9 of the Participant Guide.

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The Collaborative Model and Its Key Institutions (Continued)
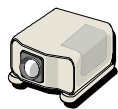
Show Slide 3-9 The Country Team

- The Country Team:

  ➢ The Resident/ Humanitarian Coordinator works closely with, and provides leadership to, the UN Country Team (CT) in the field, which includes representatives of the UN humanitarian agencies present in the affected country (the Team may also be expanded to include others as appropriate).

  ➢ Part of the responsibility of Resident Coordinators and UN agency heads in-country is to ensure that their CT is already in place and functioning at the early warning phase of a complex emergency.

  ➢ During complex emergencies, the CT is the main in-country mechanism for UN agencies to work out their common humanitarian aid policies and programs, and to coordinate their specific actions. The CT should regularly convene joint meetings with representatives of the larger humanitarian assistance community, e.g., NGOs, the Red Cross Movement and international organizations such as IOM.

Show Slide 3-10 NGO Coordinating Bodies

- NGO Coordinating Bodies

  ➢ NGOs have increasingly used coordinating bodies to organize and increase their effectiveness in complex emergencies.

  ➢ NGO coordinating bodies give the NGO community a higher political profile then they can achieve individually and can serve as focal points for communications with the UN.

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The Collaborative Model and Its Key Institutions (Continued)

> ➢ For example, in Colombia, a number of local NGOS have organised themselves in a consortium called GAD (Grupo de Apoyo a los Desplazados, or Support Group for the Displaced). In Burundi international NGOs have organised themselves in a group called RESO.

- Donor Coordinating Bodies

  > ➢ In some complex emergencies, donors have formed coordination bodies in order to consolidate their objectives and approaches to working with the internally displaced and operational agencies.

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Evaluating Coordination Efforts (20 minutes)

Introduce the activity by making the following points:

- Now let's look at two reports that illustrate attempts by
  organizations at the headquarters level -- in these cases, OCHA
  and the IASC-WG -- to assist Country Teams by evaluating
  displacement situations and recommending improvements in
  programming.

- Both of these are reports of the OCHA Senior Advisor on
  Internally Displaced Persons following field trips to the respective
  countries.

Give participants Handouts 3.1 and 3.2.

Conduct the activity by asking participants to do the following:

- Work in two groups, with one group looking at the report "Internal
  Displacement in the Sudan: A Review of UN Strategic
  Coordination," and the other group looking at the document
  "Internal Displacement in Angola: A Review of UN Strategic
  Coordination."

- Answer the questions on page III-12 in the Participant Guide and
  be prepared to discuss the questions with the large group.

*Debrief the activity by asking each group to share its answers with the
large group.*

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The Role of the RC/HC (20 minutes)

Describe the central role of the resident coordinator or humanitarian coordinator in managing situations of internal displacement at the country level.
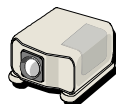
Show Slide 3-11 The Role of the RC/HC

- At the field level, the RC/HC is responsible for the strategic coordination of assistance to and protection of internally displaced persons, in full consultation with the UN Country Team. In particular, the RC/HC:

  ➢ Ensures that humanitarian needs are met, taking into account the contribution of all relevant partners on the ground.

  ➢ Recommends to the ERC a division of tasks and responsibilities among agencies. S/he may also recommend to the ERC, in consultation with the UN Country Team, a "lead agency" to assume responsibility for internally displaced persons in that country.

  ➢ Serves as an advocate for protection/assistance to internally displaced persons.

- In addition, the IASC-WG Statement on Protection of Internally Displaced Persons notes the particular importance of the Consolidated Appeals Process (CAP) in achieving a systematic, coordinated approach to internal displacement issues.

- Country Teams, in formulating their Consolidated Appeals, should ensure that the protection needs of internally displaced persons are addressed in the joint programming process.

- The RC/HC plays a central role in ensuring that the needs of internally displaced communities are reflected systematically in the CAP.

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The Role of the RC/HC (Continued)

- Regrettably, a study by the Representative of the Secretary-
  General in 2000 noted the following about internally displaced
  persons in the CAP: "….much work remains to be done. The
  analysis of and response to internal displacement within Appeal
  documents can be enhanced….Careful reading of the CAs
  suggests a disconnect between the frequent references to internally
  displaced persons as program beneficiaries and the relatively
  limited program initiatives, beyond traditional humanitarian aid,
  actually targeted to the displaced."

- The central role of the RC/HC is described in more detail in the
  IASC-WG's "Operational Guidance to Resident/Humanitarian
  Coordinators."

- Let's review and see if critical responsibilities are addressed in this
  document.

Give participants time to review the document.

?   *Ask the following questions:*

> What would you add?
>
> What problems do you foresee in your country in implementing this
> guidance?

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The Two Basic Options The RC/HC Has for Managing a Situation of Internal Displacement (5 minutes)

Present the following information on the basic options of the RC/HC:

- As noted above, the IASC-WG "Operational Guidance to Resident/Humanitarian Coordinators" notes that s/he: "Recommends to the ERC a division of tasks and responsibilities among agencies. S/he may also recommend to the ERC, in consultation with the UN Country Team, a 'lead agency' to assume responsibility for internally displaced persons in that country."

- If the RC/HC recommends the first option and determines to manage the UN response to internal displacement from within the Country Team (assuming ERC concurrence), s/he creates and supervises an in-country internal displacement task force; allocates responsibilities for assistance and protection among agencies with relevant expertise; and leads the Country Team in developing an integrated plan for responding to assistance and protection needs.

- If the RC/HC recommends the second option and determines to appoint a lead agency, that agency and its country director would assume responsibility for the UN's response to the needs of internally displaced persons.

- Under those circumstances, as outlined in the IASC-WG "Operational Guidance to Resident/Humanitarian Coordinators, " the lead agency would assume the coordination, task allocation, and integrated planning responsibilities otherwise taken on by the RC/HC.

- In some country situations, a coordinated effort by all relevant UN agencies may make the most sense to address internal displacement. In other situations, special competencies of individual agencies may argue for a lead agency to address the overall displacement situation.

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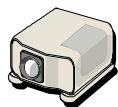*Activities on Behalf of Internally Displaced Persons*
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Advocating for a Team or Lead Agency Approach (45 minutes)

Introduce the activity by making the following points:

- Now let's look at the special competencies of selected UN and partner organizations vis-à-vis internally displaced persons.

Ask participants to turn to the " Outline of the Capacities of Different Organizations with Regard to the Protection of Internally Displaced Persons" beginning on page III-14 in the Participant Guide, which provides a description of these competencies.

Conduct the activity by asking participants to do the following:

- Review this material and see if you believe that the competencies described therein, and others you are aware of, suggest a "team" approach to managing internal displacement or a "lead agency" approach.

- Work in two teams: one team will advocate for RC/HC management of the country team to manage internal displacement issues; the other team will advocate for a lead agency.

- Be prepared to defend your position to the large group.

Debrief the activity by recording plusses and minuses of each approach on flip charts.

Transition to the next module, Preparing for, and Preventing, Internal Displacement.

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Module III: The Institutional Framework for Activities on Behalf of Internally Displaced Persons

Objectives

By the end of this session, participants should be able to:

- Describe the collaborative model the international community has developed for working with internally displaced persons

- Describe how key individuals and institutions within the UN system and in the larger international community can assist in meeting the needs of internally displaced persons at the country level

- Explain the key role of the Resident Coordinator/Humanitarian Coordinator (RC/HC) in coordinating efforts of the UN Country Team on behalf of the internally displaced

- Describe the two basic options the RC/HC has for managing a situation of internal displacement: (1) allocation of responsibilities among the country team and (2) designation of a lead agency

Contents

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

The Collaborative Model and Its Key Institutions

- It is, first and foremost, the responsibility of national authorities both to ensure protection for and provide assistance to the displaced and those at risk of displacement.

- However, governments may not have the capacity to meet the needs of their displaced populations, or they may lack the will to do so. In such cases, the internally displaced have no alternative but to turn to the international community for help.

- Over the past few years, UN agencies and partner organizations have strengthened their capacities to address the needs of IDPs.

- Assistance and protection have been provided to such persons as a vulnerable population within the mandates of the UN agencies or, in the case of UNHCR, on a case-by-case extension of its refugee mandate. However, no agency has a global comprehensive mandate to assist and protect IDPs.

- The scale and the multi-faceted nature of displacement crises have led the international community to recognise that an effective and comprehensive response to the protection and assistance needs of displaced persons necessitates a collaborative approach.

- Thus, the management model for assistance and protection in situations of internal displacement, rather than a single agency approach, is one that involves government officials, UN agencies, international organisations, and international and local NGOs.

- Such a collaborative approach implies a significant coordination role for the Emergency Relief Coordinator (ERC) and the UN Inter-Agency Standing Committee Working Group (IASC-WG).

- It requires the RC/HC to undertake an important assessment and task coordination role within the country setting; and further means the involvement of UN agencies and other international and national organisations, based on their areas of comparative advantage.

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The Collaborative Model and Its Key Institutions (Continued)

The Emergency Relief Coordinator: Inter-Agency Focal Point on IDPs

- The UN Secretary-General has designated the ERC as the focal point at headquarters level for the inter-agency coordination of humanitarian assistance to internally displaced persons.

- This responsibility includes:

  ➢ Global advocacy on both assistance and protection requirements;

  ➢ Resource mobilisation and the identification of gaps in resources for internally displaced persons;

  ➢ Promotion of the establishment of a database and global information on internally displaced persons in consultation with external institutions, including monitoring and issuance of periodic situation reports; and

  ➢ Support to the field on related humanitarian issues, including negotiation of access to internally displaced persons.

- As chair of the Inter Agency Standing Committee (IASC), the ERC ensures that appropriate arrangements are set up with regard to protection and assistance in specific situations of internal displacement.

The Representative of the Secretary-General on Internally Displaced Persons (RSG)

- In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for protection and assistance, the U.N. Secretary-General, at the request of the Commission on Human Rights, appointed a Representative on Internally Displaced Persons (RSG).

- The RSG was requested to examine the human rights issues relating to internal displacement and to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, measures to strengthen their implementation, and additional ways of addressing protection needs.

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The Collaborative Model and Its Key Institutions (Continued)

- In fulfillment of these responsibilities, the Representative:

  ➢ Monitors internal displacement worldwide,

  ➢ Undertakes country missions,

  ➢ Establishes dialogues with governments,

  ➢ Collaborates with intergovernmental, regional and non-governmental
    organisations,

  ➢ Makes recommendations to improve international and regional institutional
    arrangements,

  ➢ Assesses international legal protection, and

  ➢ Publishes reports for action by Governments, the Commission, General
    Assembly, international organisations and non-governmental organisations.

- The Office for the Coordination of Humanitarian Affairs (OCHA)

  ➢ OCHA has appointed a Special Coordinator on Internal Displacement who,
    among other responsibilities, chairs the Senior Inter-Agency Network to
    Reinforce the Operational Response to Situations of Internal Displacement.

  ➢ In addition, OCHA may make available Field Coordination Support Units that can
    assist in the management of internal displacement emergencies.

  ➢ In April 2001, the Special Coordinator of the Network on Internal Displacement
    issued a report on the activities and findings of the Network. The report found that
    the United Nations (UN), international organizations (IO) and non-governmental
    organizations (NGOs) need to increase their focus on, and support to, internally
    displaced persons (IDPs).

**Basic Course on Internal Displacement: Background, Program
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The Collaborative Model and Its Key Institutions (Continued)

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The Collaborative Model and Its Key Institutions (Continued)

- The Senior Network will reinforce operational response and coordination arrangements in critical crises of internal displacement by assessing field operations and recommending follow-up action as appropriate, by UN Country Teams and agency headquarters, as well as the wider humanitarian community on the ground.

- Recommendations may also be made regarding the activities to be undertaken by concerned governments and, where appropriate, non-state actors.

The Inter-Agency Standing Committee (IASC)

- At the global level the Inter-Agency Standing Committee (IASC*),* chaired by the Emergency Relief Coordinator (ERC), is a primary mechanism for inter-agency coordination.

- The IASC facilitates inter-agency decision making in response to complex emergencies primarily by developing and agreeing on system-wide humanitarian policies; allocating responsibilities among agencies in humanitarian programs; advocating common humanitarian principles to parties outside the IASC; identifying areas where gaps in mandates or lack of operational capacity exist; and building consensus between humanitarian agencies on system-wide humanitarian issues.

- The IASC is formed by the Executive Heads of the following agencies:

Full members	Standing invitation
OCHA	International Committee of the Red Cross
UNICEF	International Federation of the Red Cross
UNHCR	and Red Crescent Societies
UNDP	International Organization for Migration
FAO	Steering Committee for Humanitarian Response
WFP	INTERACTION
WHO	International Council of Voluntary Agencies
	Representative of the Secretary General on IDPs Office of the High Commissioner for Human Rights
	World Bank

- The **IASC-WG**, formed by senior representatives of the same agencies, meets four to six times a year.

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The Collaborative Model and Its Key Institutions (Continued)

- Its responsibilities include formulating the agenda for IASC meetings; making non-strategic policy and operational decisions; endorsing the yearly work plan; and preparing options and recommendations for the IASC on strategic policy and major operational issues.

- The IASC-WG also acts as the inter-agency forum for consultations on all aspects related to Internally Displaced Persons.

The UN Resident/Humanitarian Coordinator (RC/HC)

- At the field level, the UN Resident/Humanitarian Coordinator (RC/HC) is, in full consultation with the inter-agency Country Team, responsible for the strategic coordination of assistance to internally displaced persons.

- This includes ensuring that humanitarian requirements before, during and after an emergency are adequately addressed, and advocating for assistance and protection. The Humanitarian Coordinator is accountable to the ERC.

The Country Team

- The Resident/ Humanitarian Coordinator works closely with, and provides leadership to, the UN Country Team (CT) in the field, which includes representatives of the UN humanitarian agencies present in the affected country (the Team may also be expanded to include others as appropriate).

- Part of the responsibility of Resident Coordinators and UN agency heads in-country is to ensure that their CT is already in place and functioning at the early warning phase of a complex emergency.

- During complex emergencies, the CT is the main in-country mechanism for UN agencies to work out their common humanitarian aid policies and programs, and to coordinate their specific actions. The CT should regularly convene joint meetings with representatives of the larger humanitarian assistance community, e.g., NGOs, the Red Cross Movement and international organizations such as IOM.

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The Collaborative Model and Its Key Institutions (Continued)

NGO Coordinating Bodies

- NGOs have increasingly used coordinating bodies to organize and increase their effectiveness in complex emergencies.

- NGO coordinating bodies give the NGO community a higher political profile then they can achieve individually and can serve as focal points for communications with the UN.

- For example in Colombia a number of local NGOS have organised themselves in a consortium called GAD (Grupo de Apoyo a los Desplazados, or Support Group for the Displaced). In Burundi international NGOs have organised themselves in a group called RESO.

Donor Coordinating Bodies

- In some complex emergencies, donors have formed coordination bodies in order to consolidate their objectives and approaches to working with the internally displaced and operational agencies.

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Operational Guidance to Resident/Humanitarian Coordinators[1]

1. **Responsibilities**

1.1. At headquarters level, the <u>Emergency Relief Coordinator (ERC)</u>, as chairman of the Inter-Agency Standing Committee (IASC), is the focal point for the inter-agency coordination of protection/assistance to IDPs.

1.2. The <u>Inter-Agency Standing Committee</u>[2] (IASC) is the inter-agency forum for consultations on all matters regarding IDPs.

1.3. At the field level, the <u>Resident Coordinator/Humanitarian Coordinator</u> (RC/HC)[3] is responsible for the strategic coordination of assistance to and protection of IDPs, in full consultation with the UN Country Team. In particular:

   - The RC/HC ensures that humanitarian needs are met, taking into account the contribution of all relevant partners on the ground.

   - The RC/HC recommends to the ERC a division of tasks and responsibilities among agencies. He/she may also recommend to the ERC, in consultation with the UN Country Team, a lead agency to assume responsibility for IDPs.

   - The RC/HC serves as an advocate for protection/assistance to IDPs.

2. **Coordination Mechanisms at the Outset of a IDP-Crisis**

3.1. The RC/HC reports to the ERC on any evolving situation of internal displacement. The ERC shares relevant information with the IASC.

3.2. The ERC recommends to the IASC the appointment of a senior official responsible for the UN's response to the needs of the IDPs. This official will normally be the RC/HC or, when deemed appropriate, the Country Director of a lead agency for IDPs.

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[1] The Operational Guidance is based on Section III and Section IV of the Inter-Agency Standing Committee Policy on Protection of Internally Displaced Persons, endorsed on 6 December 1999.

[2] The IASC mechanism consists of the Committee at the level of heads of agencies, its Working Group, and Reference Groups for specific issues.

[3] The term Resident Coordinator/Humanitarian Coordinator (RC/HC) is used to reflect the fact that in most countries in crisis the two functions are carried out by one official. In countries where the Secretary-General has designated an overall lead agency for humanitarian action, the Country Director of that agency takes is the responsible and accountable official. In those countries where the RC and HC functions are separate, responsibility for activities related to internally displaced persons is vested in the HC.

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Operational Guidance to Resident/Humanitarian Coordinators (Continued)

3.3. The RC/HC, or the IDP lead agency, initiates consultations with the UN Country Team and other international organisations and establishes in-country task forces on IDPs.

3.4. The RC/HC, or the IDP lead agency in consultation with the UN Resident Coordinator, conducts consultations with national and local authorities to assess the willingness and capacity of the government to respond to the crisis and to fulfil its obligations with regard to protection/assistance in situations of internal displacement and in order to establish a joint understanding of the measures required to respond to the crisis.

3.5. The RC/HC, or the IDP lead agency, takes into account the availability of expertise related to the protection of IDPs from the OHCHR, the ICRC and agencies with a special experience or responsibility in protection matters.

3.6. The RC/HC, or the IDP lead agency, leads the Country Team in developing an integrated plan for responding to the assistance/protection needs of IDPs, ensuring that such plan takes account of the policy guidance provided in the IASC Policy Paper on Protection of IDPs.

3.7. In developing the integrated plan on IDPs the RC/HC, or the IDP lead agency, may call upon the ERC to send an expert mission to assist with the process.

3.8. The RC/HC, or the IDP lead agency, presents the integrated plan on IDPs to the ERC, and through him/her to the IASC. The ERC reviews the proposed plan and recommends it to the IASC.

3.9. The RC/HC, or the IDP lead agency, may encourage the development of *Memoranda of Understanding* or other institutional arrangements between key partners (governmental, non-governmental and international organisations) in the humanitarian response to displacement situations in order to clarify roles and responsibilities.

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Operational Guidance to Resident/Humanitarian Coordinators (Continued)

3. Coordination Mechanisms in Ongoing IDP-Crises

3.1. The RC/HC, or the IDP lead agency, supervises the in-country task forces on IDPs, ensuring that the Country Team maintains an integrated plan on IDPs that is updated according to the evolution of the crisis.

3.2. The RC/HC, or the IDP lead agency, reports regularly to the ERC on the situation of IDPs, with input from the UN Country Team and other international organisations, highlighting gaps and other problems in assistance and protection measures, as well as lack of access or resources.

3.3. The RC/HC, or the IDP lead agency, also advises the ERC on possibilities for the Representative of the Secretary-General on Internally Displaced Persons[4] (RSG) to intervene with national authorities in the country in question and with the international community in support of protection/assistance to the IDPs.

3.4. The ERC reviews the reports from the field and shares relevant information with the IASC in order to provide support and address problems, e.g. through inter-agency consultations, negotiations of access, advocacy with donors.

3.5. Where required the ERC, in consultation with the RC/HC or the IDP lead agency and with IASC agencies, field's expert missions in order to review the coordination needs on the ground and determine adequate measures in support of the RC/HC and the Country Team.

3.6. The ERC keeps the IASC regularly informed on situations of internal displacement by providing detailed updated accounts on the institutional arrangements for the provision of protection/assistance in each affected country.

3.7. The IASC reviews country arrangements with regard to IDPs and monitors the follow-up to field visits by the ERC, inter-agency missions or country-visits of the RSG.

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[4] The Representative of the Secretary-General on IDPs is a member of the IASC.

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Evaluating Coordination Efforts: Questions

Are these reviews useful?

In what ways can the headquarters organizations described above best assist Country
Teams?

Are there some tasks that are best left to Country Teams? Some tasks that headquarters
units should take on?

Does the system of collaboration that has evolved meet the needs of internally displaced
persons in cases you are familiar with?

 What gaps exist in the collaboration system?

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The Role of the Resident Coordinator or Humanitarian Coordinator (RC/HC)

- At the field level, the RC/HC is responsible for the strategic coordination of assistance to and protection of internally displaced persons, in full consultation with the UN Country Team. In particular, the RC/HC:

  ➢ Ensures that humanitarian needs are met, taking into account the contribution of all relevant partners on the ground.

  ➢ Recommends to the ERC a division of tasks and responsibilities among agencies. S/he may also recommend to the ERC, in consultation with the UN Country Team, a "lead agency" to assume responsibility for internally displaced persons in that country.

  ➢ Serves as an advocate for protection/assistance to internally displaced persons.

- In addition, the IASC-WG Statement on Protection of Internally Displaced Persons notes the particular importance of the Consolidated Appeals Process (CAP) in achieving a systematic, coordinated approach to internal displacement issues.

- Country Teams, in formulating their Consolidated Appeals, should ensure that the protection needs of internally displaced persons are addressed in the joint programming process.

- The RC/HC plays a central role in ensuring that the needs of internally displaced communities are reflected systematically in the CAP.

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Outline of Capacities (Continued)

The Office for the Coordination of Humanitarian Affairs (OCHA)

The Emergency Relief Coordinator is supported by the Office for the Coordination of
Humanitarian Affairs**.**

OCHA Mission Statement
To mobilize and coordinate the collective efforts of the international community, in particular those of the UN system, to meet in a coherent and timely manner the needs of those exposed to human suffering and material destruction in disasters and emergencies. This involves reducing vulnerability, promoting solutions to root causes and facilitating the smooth transition from relief and rehabilitation and development.

OCHA is part of the United Nations Secretariat and has the mandate to coordinate the
provision of humanitarian assistance (particularly that of the UN system) in complex
emergencies and natural disasters. Where a humanitarian crisis goes beyond the mandate
or capacity of a single agency, OCHA works to ensure a rapid and effective response by
all parties involved – including governments, non-governmental organizations (NGOs)
and UN agencies.

As a non-operational organization, OCHA may be viewed by some as more impartial and
more objective than operational agencies whose primary concern is with their own
particular field. Secondly, due to its strong links with the political, peacekeeping and
human rights components of the UN, OCHA is well-placed to promote a holistic,
integrated approach to complex crises and to peace-building, reconstruction and longer
term development

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At field level OCHA supports the coordination role of the RC/HC through its Field Coordination Units (FCU). In support of the Resident/ Humanitarian Coordinator, the FCU's responsibilities include liaising regularly with government counterparts, NGOs and UN Agencies on humanitarian programs and related requirements; analyzing and disseminating information on the humanitarian situation, including on access, to humanitarian partner and donors; planning, facilitating and monitoring the Consolidated Appeal (CAP); organizing field assessments to affected areas for the UN, NGOs, governments and donors, and ensuring appropriate follow-up; and supporting UN Agencies' efforts to build institutional capacity at national and local levels for adequate response to and management of humanitarian crises and disasters.

Outline of Capacities (Continued)

UN Development Programme (UNDP)

Although UNDP manages a wide range of programs in furtherance of its broad goal "to support all national and international efforts to achieve sustainable human development for the world's peoples" it also plays a role in humanitarian emergencies. The Emergency Response Division of UNDP is responsible for coordinating such UNDP assistance.

UNDP plays a significant role in the transition from relief to development, helping prepare the foundation for coherent recovery programs. In the post crisis-environment, UNDP helps to develop programs for rehabilitation. UNDP's work also includes building national government's capacity to prepare for, mitigate, manage, and respond to crisis. In performing these functions, UNDP supports the efforts of transitional authorities, governments and special interests, as well as donors and the relief and development community.

UNDP also contains the UN Volunteers Programme. UNV is mandated to assist the UN system in collaboration with various UN agencies. Originally focusing just on development support, and thus coming under the auspices of UNDP, UNV in recent years has also given special attention to providing experienced volunteer specialist professionals to work in relief operations, including within governments of developing countries, UN agencies and NGOs.

UN High Commissioner for Refugees (UNHCR)

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UNHCR is mandated to lead and coordinate international assistance and protection for refugees. UNHCR's primary purpose is to safeguard the rights and well-being of refugees – i.e. people who have fled their country due to a well-founded fear of persecution.

In some cases UNHCR also undertakes assistance programs for internally displaced persons. As UNHCR's mission statement puts it, 'UNHCR is mandated by the United Nations to lead and co-ordinate international action for the world-wide protection of refugees and the resolution of refugee problems.' Recognising that in many situations the plight, the needs and the causes of displacement of internally displaced persons are closely related to those of refugees or returnees and that it is not possible to resolve refugee problems without addressing simultaneously the issue of internal displacement, UNHCR has increasingly undertaken activities on behalf of the internally displaced as part of a comprehensive approach to address coerced population movements.

Outline of Capacities (Continued)

UN Children's Fund (UNICEF)

UNICEF is mandated to advocate and work for the protection of children's rights, to help the young meet their basic needs and to expand their opportunities to reach their full potential. In this it is guided by the Convention on the Rights of the Child. UNICEF works to ensure special protection for the most disadvantaged children – victims of war (including child soldiers), disasters, extreme poverty, all forms of violence and exploitation, and those with disabilities.

In emergencies, UNICEF's Office of Emergency Programmes is the focal point for emergency assistance, humanitarian polices, staff security and support to UNICEF offices in the field, as well as strategic coordination with humanitarian partners both within and outside the UN system.

World Food Programme (WFP)

WFP provides food to sustain victims of emergencies and disasters, to improve the nutrition of the most vulnerable people, and to promote the self-reliance of poor people and communities. WFP's dual relief and development mandate allows it to play a major role in the continuum from emergency relief to rehabilitation and development, where priority is given to disaster prevention, preparedness and mitigation, as well as post-conflict rehabilitation activities. WFP's large-scale food aid operations has led it to develop a highly specialized and cost-effective logistics capability, including conventional surface and air transport, as well as barge and airdrop operations. In complex emergencies WFP plays an important role in the coordination of food aid and

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logistics, through the collection and dissemination of information on global food aid deliveries and requirements and through in-country coordination structures. WFP also has a high level of expertise in the area of emergency telecommunication, in particular "deep-field" connectivity, and may in certain situation be in a position to address the telecommunications needs of other UN agencies in-country.

World Health Organization (WHO)

WHO is essentially a development organization, but one that may play an important role in emergency situations. The WHO Division of Emergency and Humanitarian Action is responsible for assisting in the coordination of the international response to complex emergencies and natural disasters in the health field, in close cooperation with other agencies.

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Outline of Capacities (Continued)

In this context, WHO provides expert advice on epidemiological surveillance, control of
communicable diseases, public health information and health emergency training. Other
emergency relief activities include the fielding of emergency assessment missions,
organizational support for health emergency coordination, provision of specialized drugs
and medical supplies, and stockpiling and standardizing specialized emergency health
supplies. WHO's emergency preparedness activities include policy-making and planning,
awareness-building, and the dissemination of technical advice, focusing particularly on
training activities in the health sector.

Food and Agriculture Organization (FAO)

FAO is mandated to raise levels of nutrition and standards of living, to improve
agricultural productivity, and to better the condition of rural populations. The
organization works to alleviate poverty and hunger by promoting agricultural
development, improved nutrition and the pursuit of food security – i.e. the access of all
people at all times to the food they need for an active and healthy life.

In addition to its development programs, FAO also plays a major role in dealing with
food and agricultural emergencies. In relief operations, it focuses on the provision of
agricultural inputs, such as seeds, farming tools, and emergency veterinary services. This
involves working closely with relevant NGOs, and in some countries with UNICEF.
Furthermore, the organization operates an early warning system for famine that assesses
shortfalls in food production. It also conducts joint assessments with WFP in countries of
concern to assess food security and food assistance needs.

The Office of the High Commissioner for Human Rights (OHCHR)

OHCHR has a field presence in several situations of internal displacement, which in a
number of cases has specific responsibilities relating to promoting and protecting the
rights of internally displaced persons.

In addition to human rights monitoring, OHCHR can contribute to addressing protection
needs of internally displaced persons through technical cooperation activities such as
supporting the strengthening of judiciary and the creation and effective functioning of
national institutions for promoting and protecting human rights, programmes of human
rights education, providing training in human rights, and capacity-building for local non-
governmental organisations.

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Outline of Capacities (Continued)

Special Representative of the UN Secretary-General (SRSG)

A Special Representative of the Secretary-General (SRSG) is sometimes appointed by the UN Secretary-General to act on his behalf in emergencies which are "complex or of exceptional magnitude" (as set out in the Standard Directives for SRSGs). In practice, the appointment of an SRSG is normally reserved for those complex emergencies which require UN involvement in major political negotiations and/or when UN peacekeeping forces are deployed. When an SRSG is appointed, he/she is recognized as having overall authority with regard to UN operations in the designated country. If heading a peacekeeping operation, the SRSG reports to the Secretary-General through the USG for Peacekeeping Operations or, if heading a political mission, through the USG for Political Affairs.

At the same time the Humanitarian Coordinator is recognized as having the sole mandate for coordination of humanitarian assessment/ response, under the SRSG's strategic lead. The SRSG recognizes that mandate by ensuring that all concerned agencies and NGOs deal with his office through the HC. HCs report in parallel to the SRSG and the ERC: in particular to the SRSG on the day-to-day functioning of operational coordination, but remaining accountable to the ERC for coordination, programming and policy in relation to humanitarian assistance.

This relationship was redefined in this way in April 1999 because of the inherent tension between two potentially conflicting policy goals where there are political and humanitarian elements of UN involvement in an emergency (and therefore between the SRSG and HC in a particular country or region). These policy goals are the need for the UN to achieve a substantially greater level of strategic coordination between political and assistance elements of its response to crises (illustrated by lessons learned from such operations as Bosnia, Rwanda, Somalia and the former Zaire), balanced with the UN's mandate to deliver humanitarian assistance on the fundamental principles of humanity, impartiality and neutrality – i.e. to respond to victims of armed conflict solely on the basis of need. (*See Note of Guidance on Relations between Representatives of the Emergency Relief Coordinator and Special Representatives of the Secretary-General, April 1999).

In certain circumstances the Secretary-General may appoint a **Special Envoy**, who would have a similar political mandate to that of a SRSG (but who would not head a peacekeeping mission). A Special Envoy is sometimes deployed for a specific mission or to address a particular issue (e.g. in the Great Lakes region, to participate in peace negotiations for the Democratic Republic of Congo).

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Outline of Capacities (Continued)

UN Peacekeeping Operations

UN peacekeeping forces can play important roles regarding humanitarian assistance. One is the provision of security, including for relief convoys. While this is sometimes controversial, (and some relief agencies contend that armed escorts often tend to draw fire more than they deter or protect from it), in some situations it may simply be impossible to operate without such protection. Peacekeeping forces can also provide major logistics support to relief efforts, especially in terms of truck and air transport.

On the downside there is often an inherent tension between humanitarian and military operations due to their different objectives, roles, responsibilities and operating styles. This may be attributed to a basic lack of understanding between two essentially different cultures. In some situations this tension may be alleviated through the establishment of a Civil-Military Operations Center (CMOC). The CMOC is staffed with military and civilian personnel, and works in support of the Resident/ Humanitarian Coordinator. UN humanitarian coordination staff may also help to resolve such misunderstanding – for example by convening coordination meetings where humanitarian and military staff can work out issues of common concern, or by incorporating military liaison officers into the humanitarian coordination structures.

Non-Governmental Organizations (NGOs)
International NGOs are private, non-profit organizations that operate in more than one country. Most have their headquarters in Western countries, although an increasing number are based in developing countries. Some NGOs are mandated exclusively for the provision of humanitarian relief (e.g. Medecins Sans Frontieres), whilst others normally have development-oriented programs (e.g. Care International, Oxfam, Save the Children Fund) but will become involved in humanitarian relief operations when a crisis occurs. The humanitarian relief component of major international NGOs is in part funded by private sources, and donor governments may use them to channel large amounts of humanitarian assistance. Some international NGOs also receive funding via UN agencies, as implementing partners of the UN agency in question. NGOs' participation in the UN inter-agency consolidated appeals process is crucial, as it allow collaborative programming to be undertaken within the large humanitarian community.
Local NGOs operate only in their country of origin, and may have a wide range of programs, often with a development perspective. These organizations may act as implementing partner with international NGOs, and may be funded and supported by them (and in some cases by international donors).

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Outline of Capacities (Continued)

Inter-Governmental Organizations
Inter-governmental organizations are ones that exist outside the UN system, and which
have executive boards composed of national governments. One important example is the
International Organization for Migration (IOM). IOM assists with resettlement of
IDPs

Another important example of an inter-governmental organization is the **European
Community Humanitarian Office** (ECHO). ECHO has the task of administering
humanitarian aid on behalf of the European Union (the biggest donor of humanitarian aid
in the world) to non-European Union countries. This aid goes to victims of both man-
made crises and natural disasters. In carrying out this task, ECHO works in collaboration
with more than 170 organizations worldwide – including OCHA, UN agencies such as
UNICEF, WFP and UNHCR, as well as the Red Cross family and NGOs dedicated to
humanitarian causes.

The International Red Cross and Red Crescent Movement
The International Committee of the Red Cross (ICRC), based in Switzerland, is the
founding institution of the International Red Cross and Red Crescent Movement. This
Movement includes three branches: ICRC, the National Red Cross and Red Crescent
Societies (National Societies), and the International Federation of Red Cross and Red
Crescent Societies (IFRC).
All three branches have distinct tasks:

ICRC
ICRC's mandate is to operate in areas of armed conflict and internal disturbance. It
originally focused mainly on protection work, such as promotion among the conflicting
parties of the various Geneva Conventions and Protocols, regarding such matters as the
treatment of civilians and prisoners of war. In recent years, the provision of assistance in
complex emergencies has become a very large component as well, especially inside
conflict zones (and on both sides of conflict lines).

National Red Cross and Red Crescent Societies

National Societies operate in more than 160 countries around the world (using the Red
Crescent symbol in Islamic countries). These Societies act as auxiliaries to the public
authorities in their own countries. They provide a range of services from disaster relief,
health and social assistance to first aid courses. During wartime, National Societies may
support the army medical services

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Outline of Capacities (Continued)

International Federation of Red Cross and Red Crescent Societies

The Federation (or IFRC) works around the world to support the actions of the various National Societies. It assists with coordination of international assistance provided via the Red Cross Movement to victims of natural disasters, and to victims of manmade disasters outside of conflict areas (where ICRC takes the lead).

Donor Governments

The great majority of international assistance is provided via donor governments. Some of these resources may be provided multilaterally (via the UN system) while others are channeled bilaterally or though other organizations such as the NGOs or the ICRC. While UN agencies will, of course, maintain their own direct donor contacts, meetings between the UN agencies as a group and with the main donors are generally arranged via the Resident/ Humanitarian Coordinator. Dialogue with donors in-country also takes the form of individual meetings, and of visits by donor representatives to field sites. The Office of the Resident/ Humanitarian Coordinator should encourage and facilitate such field visits, including providing support if needed.

At the end of this session, you will be able to

- Describe the collaborative model the international community has developed for working with internally displaced persons

- Describe how key individuals and institutions within the UN system and in the larger international community can assist in meeting the needs of internally displaced persons at the country level

- Explain the key role of the Resident Coordinator/ Humanitarian Coordinator (RC/HC) in coordinating efforts of UN Country Team on behalf of the internally displaced

- Describe the two basic options the RC/HC has for managing a situation of internal displacement: (1) allocation of responsibilities among the country team and (2) designation of a lead agency

III-1

Emergency Relief Coordinator

- Global advocacy
- Resource mobilization
- Promotion of the establishment of a database and global information on internally displaced persons in consultation with external institutions
- Support to the field on related humanitarian issues

III-2

III-3

Representative of the Secretary-General of the UN

- Monitors internal displacement worldwide
- Undertakes country missions,
- Establishes dialogues with governments,
- Collaborates with intergovernmental, regional and non-governmental organisations,
- Makes recommendations to improve international and regional institutional arrangements,
- Assesses international legal protection, and
- Publishes reports for action by Governments, the Commission, General Assembly, international organisations and non-governmental organisations

Office for the Coordination of Humanitarian Affairs

- OCHA has appointed a Special Coordinator on Internal Displacement

- OCHA may make available Field Coordination Support Units that can assist in the management of internal displacement emergencies

III-4

The Senior Network

- Reinforce operational response and coordination arrangements in critical crises of internal displacement by assessing field operations and recommending follow-up action as appropriate, by UN Country Teams and agency headquarters, as well as the wider humanitarian community on the ground

III-5

Inter-Agency Standing Committee

- Facilitates inter-agency decision making in response to complex emergencies primarily by

  – Developing and agreeing on system-wide humanitarian policies;

  – Allocating responsibilities among agencies in humanitarian programs;

  – Advocating common humanitarian principles to parties outside the IASC;

  – Identifying areas where gaps in mandates or lack of operational capacity exist; and

  – Building consensus between humanitarian agencies on system-wide humanitarian issues

III-6

Composition of IASC

- Full members:OCHA,UNICEF,UNHCR, UNDP, FAO, WFP, WHO

- Standing invitation:

  – International Committee of the Red Cross

  – International Federation of Red Cross and Red Crescent Societies

  – International Organization for Migration

  – Steering Committee for Humanitarian Response

  – INTERACTION

  – International Council of Voluntary Agencies

  – Representative of the Secretary General on IDPs/Office of the High Commissioner for Human Rights

  – World Bank

III-7

UN Resident/Humanitarian Coordinator

- In full consultation with the inter-agency Country Team, responsible for the strategic coordination of assistance to internally displaced persons

III-8

III-9

The Country Team

- The main in-country mechanism for UN agencies to work out their common humanitarian aid policies and programs, and to coordinate their specific actions.

- The CT should regularly convene joint meetings with representatives of the larger humanitarian assistance community, e.g., NGOs, the Red Cross Movement and international organizations such as IOM.

III-10

NGO Coordinating Bodies

- Give the NGO community a higher political profile then they can achieve individually and can serve as focal points for communications with the UN

RC/HC at field level

- Responsible for the strategic coordination of assistance to and protection of internally displaced persons, in full consultation with the UN Country Team

  – Ensures that humanitarian needs are met

  – Recommends to the ERC a division of tasks and responsibilities among agencies

  – Serves as an advocate for protection/assistance to internally displaced persons

III-11

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Module IV: Preventing, or Preparing for, Internal Displacement

Objectives

By the end of this session, participants should be able to:

- Explain the rights of individuals to be protected against arbitrary displacement, as spelled out in the *Guiding Principles on Internal Displacement*

- Explain the responsibilities of governments and other authorities to prevent arbitrary displacement

- Describe practical steps that can be taken by staffs of international organizations in order to prevent unwarranted displacement

- List the actions that international organizations can take to prepare for internal displacement, when such displacement is inevitable

Content

Session	Time
Introduction to Module IV	10 minutes
Introduction to Prevention Strategies	10 minutes
What the Guiding Principles Have to Say about Protection from Displacement	5 minutes
Reviewing Principles 5 – 9 of the Guiding Principles	15 minutes
Practical Steps That Can Be Taken by International Organizations	15 minutes
Exploring the Strategies for Preventing Displacement	10 minutes
Exploring Strategies for Minimizing the Adverse Effects of Displacement	20 minutes
Exploring Sample Programs	45 minutes
Preparedness for Internal Displacement	15 minutes
Examining a Contingency Plan	20 minutes
Approximate Total Time	**2.75 hours**

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Methods

- Presentation/lecture

- Plenary discussion

- Reading

- Group work

- Materials

- PowerPoint slides or overhead transparencies 4.1 – 4.9

Materials

- Facilitator Guide

- Participant Guide

- Computers with access to the Internet

Preparation

- Prepare for the PowerPoint or overhead transparency presentation.

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Introduction to Module IV (10 minutes)

Present the following introductory remarks to Module IV:
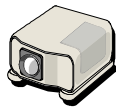
Show Slide 4-1 Module IV Objectives.

- The next three modules cover (1) prevention of internal
  displacement; (2) protection and assistance activities during the
  period when persons are displaced; and, (3) return or resettlement
  after internal displacement.

- This time-phased structure parallels the organization of the
  Guiding Principles on Internal Displacement, which discusses
  these same three periods.

- In each of the next three training sessions, we will try to
  accomplish the same two goals:

  ➤ First, we will familiarize ourselves with the rights of the
    internally displaced, as noted in the Guiding Principles.

  ➤ Then, second, we will examine practical strategies that
    international organizations can employ to assist individuals
    and communities when displacement crises occur.

- As a practical matter, you will note that displacement crises rarely
  evolve in such an orderly "pre-displacement," "during
  displacement," and "post-displacement" sequence.

- Different regions of an affected nation may be experiencing
  different phases of displacement, or different individuals within a
  country may be in varying phases of displacement
  simultaneously.

- As conflict or violence cycles continue, individuals may
  experience repeated displacement.

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**Basic Course on Internal Displacement: Background, Program
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Introduction to Module IV (Continued)

- As an analytical approach, however, it is useful to think in terms
  of activities the international community can undertake on behalf
  of the threatened communities <u>before</u> displacement actually
  occurs, steps that can be taken <u>during</u> displacement when
  vulnerabilities are highest, and programs to support durable
  solutions for internally displaced persons <u>after</u> they have settled in
  their former or new places of residence.

- After completing these three modules, you will have a better
  understanding of what steps you and your agency might take,
  within your country context, to support internally displaced
  persons.

Show Slide 4-2 Four Fundamental Considerations

- At the same time, you should keep in mind four fundamental
  considerations:

  ➤ First, while international agencies may contribute
    considerable analytical and program capacity in support of the
    internally displaced, the views of the displaced themselves, or
    those threatened with displacement, should be given
    maximum weight. In situations of conflict or human rights
    violations, the process for eliciting those views should be
    undertaken with great sensitivity, in order to avoid increasing
    the risk for individuals or communities.

  ➤ Second, since activities on behalf of the displaced undertaken
    during conflictive or threatening conditions may increase the
    risk facing the displaced and humanitarian agencies alike,
    interventions should be undertaken in full consultation with
    all partner agencies, within and outside the UN Country
    Team.

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Introduction to Module IV (Continued)

> ➢ Third, while recognizing that governments or other relevant authorities may not fully assist displaced individuals, international organizations should avoid the temptation to "go it alone." International organizations should strive to engage such authorities in developing solutions, making efforts when appropriate to build national capacity to deal with issues of internal displacement.

> ➢ Fourth, although the approaches outlined in the following modules are addressed to all international organizations operating in countries affected by displacement, such organizations should recognize the special mandates and expertise of partner agencies. Especially when addressing protection issues, the special roles of the International Committee of the Red Cross, the High Commissioner for Refugees, the High Commissioner for Human Rights, and other specialized agencies should be given due weight during consultations and program design.

Introduction to Prevention Strategies (10 minutes)

Make the following points about prevention strategies:

- The Representative of the Secretary-General has noted of the internally displaced that they "nearly always suffer from severe deprivation, hardship and discrimination." Since these conditions frequently accompany the condition of displacement, it is desirable -- as a general rule -- that displacement should be avoided when possible.

- In addition, displaced persons often struggle for many years to cope with their losses during displacement and to regain self-sufficiency. Efforts to assist the recovery of their previous standard of living are expensive and complex, and success in not guaranteed. The greater part of this module, consequently, focuses on the rights of persons under international law to remain in their place of residence, and on what international organizations can do to assist them in avoiding displacement.

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Introduction to Prevention Strategies (Continued)

- This module also addresses, in summary form, the work that agencies can undertake to prepare for internal displacement, with the goal of moderating the hardships of displacement.

- A <u>very strong caveat</u>, however, is that there may be situations when prevention activities should <u>not</u> be undertaken by international agencies.

- These situations occur when individuals or communities at risk of displacement make a conscious choice that fleeing -- either across an international boundary or within their own country -- is their safest and best alternative.

Ask participants to turn to Principles 2-2, 1-1, and 14 of the Guiding Principles and ask a volunteer to read them.

- You will note that the internally displaced have a right to seek asylum if that strategy makes most sense to them. By extension of this Principle, and in light of the general guarantees embodied in Principle 1-1 and Principle 14 of the Guiding Principles, individuals and communities have the right to flee their residences when this appears to be in their interest.

- One final note before we begin: Since we have limited time for training, most of the discussion in this module speaks to the proximate, or immediate, causes of internal displacement and short-term interventions to prevent it.

- Clearly, however, there are strong links between long-term, ongoing problems of scarcity, inequality, and institutional weakness in a society, on the one hand, and the risk of conflict, human rights abuses, and displacement, on the other.

- The UN Development Programme's (UNDP's) *Human Development Report*, in noting this link, points out that the main cause of "complex humanitarian emergencies," is inequality between groups in terms of participation, economic assets, and social conditions.

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Introduction to Prevention Strategies (Continued)

- It is essential that international organizations keep in mind strategies to address long-term inequality, even as they design strategies to meet immediate concerns of the internally displaced. The article "Long Term Strategies" beginning on page IV-2 in your Participant Guide provides important additional information on this topic.

What the Guiding Principles Have to Say about Protection from Displacement (5 minutes)

Make the following points about what the Guiding Principles say about protection from displacement:

- Guiding Principles numbers 5 through 9 offer a framework for the protection of persons from involuntary displacement.

- These principles are organized around two broad themes: (1) the prevention of displacement -- the rights of individuals to be protected against arbitrary displacement and the responsibilities of governments and other authorities to prevent such displacement; and (2) procedures to minimize the adverse effects of displacement when such movements take place.
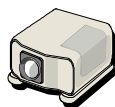
Show Slide 4-3 Prevention of Displacement

- Those principles that address prevention of displacement are especially interesting in that they speak both to the *rights* of individuals and the *responsibilities* of authorities. Among the key elements are:

  - ➢ Authorities and international actors must respect their obligations under international law so as to avoid conditions that might lead to displacement.

  - ➢ All human beings have the right to be protected from arbitrary displacement, whether from attempts to alter the composition of an area's population, from armed conflict (with limited exceptions), from development projects, in cases of disasters, or as a result of collective punishment.

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What the Guiding Principles Have to Say about Protection from
Displacement (Continued)

> ➢ When displacement is compelled by authorities, it will last no longer than necessary.

> ➢ Prior to displacement compelled by authorities, those authorities will consider alternatives to displacement.
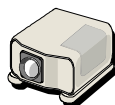
Show Slide 4-4 Minimizing the Adverse Effects of Displacement

- Those principles that address <u>minimizing the adverse effects of displacement</u> include the following key elements:

> ➢ If displacement is undertaken by authorities, it shall occur under proper conditions; shall avoid family separation; shall be accomplished with proper legal guarantees, review, and remedies; shall be accompanied by adequate information to the displaced, seeking their consent; and, shall involve the displaced in the move.

Reviewing Principles 5-9 of the Guiding Principles (15 minutes)

Introduce the activity by telling participants the following:

- New let's do a simple exercise to help you become familiar with the relevant Guiding Principles.

Write the two subtopics (prevention and minimizing) on chart pages.

Conduct the activity by asking participants to do the following:

- Working in your table groups, review Principles 5 –9 of the *Guiding Principles*.

- Assign each paragraph of those Principles to one of the two subtopics.

Debrief the activity by having participants share their answers.

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Practical Steps That Can Be Taken by International Organizations (15 minutes)

Introduce the activity by telling participants the following:

- Now let's examine some action steps you might take to help prevent and minimize the effects of displacement.
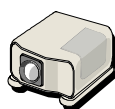
Show Slide 4-5 Prevent and Minimize Effects of Displacement

Conduct the activity by asking participants to do the following:

- Please turn to page 19 in the publication *Handbook for Applying the Guiding Principles*.

- Individually, examine the ten action steps suggested there.

- Then indicate -- based on your knowledge and experience -- those you consider practical (indicate "P") or not practical (indicate "N"). For those you consider practical, also list whether you and your agency could undertake the recommended activity with your current level of knowledge (indicate "OK") or whether you would require more training (indicate "T") in order to attempt this task.

- Tabulate "votes" at your table group, posting your tallies on chart paper.

Debrief the activity by asking table groups to report results to the large group.

Exploring the Strategies for Preventing Displacement (10 minutes)

Explore the first two strategies for preventing displacement recommended on page 19 of the Handbook for Applying the Guiding Principles, making the following points:

- The first recommended action step relates to <u>data collection</u>. To note increases in risk or vulnerability, agencies must be able to analyze data and compare new data against a baseline that represents a pre-crisis or more normal situation.

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Exploring the Strategies for Preventing Displacement (Continued)

- Several existing databases hold baseline and analytical information on internally displaced persons. The most comprehensive effort to gather such information is the database maintain by the Norwegian Refugee Council for the IASC.

- The content of this database should help agencies in a country setting to determine data requirements when planning their programs.

- Let's now go to the monitors in the room and take a look at that database now. (http//www.db.idpproject.org/)

Review data sets for two selected nations.

- An important aspect of data collection on displacement situations is the need to disaggregate data by important subgroups. This task is essential to support recommended activity #4 on page 19: "Identifying groups with special needs" among the displaced.

- Accurate data are especially required for women and children among displaced populations, since they constitute the majority of displaced persons and often suffer disproportionately the consequences of displacement. Displaced women are vulnerable to threats to physical security, in particular sexual violence and harassment. Displaced children are susceptible to poverty, neglect of schooling, sexual violence, forced recruitment, or denial of assistance.

- Other vulnerable groups among the displaced include the elderly, handicapped or disabled, people with AIDS or other chronic diseases, members of political opposition groups, minority ethnic groups, and others.

- Of special note, the Guiding Principles (Principle 9) notes that "States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to their lands."

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Exploring the Strategies for Preventing Displacement (Continued)
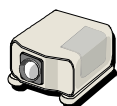
Show Slide 4-6 Escalation Indicators

- Returning to the list on page 19 of the *Handbook for Applying the Guiding Principles*, suggested action step #2, "early warning systems," may be especially important. One approach to determine the risk of displacement caused by conflict is to monitor "escalation indicators." Such indicators include:

  ➢ Status of governance/political process – establishment of martial law, dissolution of legislative bodies, forced removal of elected officials

  ➢ Polarization/potential for conflict – propaganda or unfounded accusations against persons or groups, creation of lists of public enemies, singling out groups as problems

  ➢ Structural or societal tension/security situation –increased police presence without due cause, increases in allegations of torture, disappearances

  ➢ Human rights violations – new laws which affect the cultural, religious or other rights of specific groups

  ➢ Violations of international humanitarian law – such as attacks by armed groups on civilians not parties to the conflict

  ➢ Military/arms supply/external support –increases in availability of weapons, creation of militias

  ➢ Economic and social situations – withdrawal of measures to ensure equal opportunity of employment or access to services, food insecurity, banditry, looting.

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Exploring Strategies for Minimizing the Adverse Effects of Displacement (20 minutes)

Introduce the activity for exploring the strategies for minimizing the adverse effects of displacement by making the following point:

- Let's now move from preventing displacement to minimizing the adverse effects of displacement.

Conduct the activity by asking participants to do the following:

- Please turn to the checklist on page 22 of the publication *Handbook for Applying the Guiding Principles*.

- By regional group, please review this checklist.

Answer the following questions:

> Is this adequate?
>
> What other questions would you recommend be added to this list to make it complete?

Debrief by having groups report out their findings to the large group.

Present the following list of considerations for relocation sites:

Show Slide 4-7 Considerations for Relocation Sites

- If displacement is inevitable and international agencies are focused on minimizing adverse impacts, the following list of considerations for relocations sites might also be considered:

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Exploring Strategies for Minimizing the Adverse Effects of Displacement (Continued)

> ➢ Establish the site as close to the home community as possible in order to reduce travel, to maintain residence in familiar surroundings, and facilitate return

> ➢ Support the displaced to resume normal economic and social activities as soon as possible

> ➢ Keep community and family members together

> ➢ Prepare for adequate accommodations, food supplies, sanitation, health, and other basic services

> ➢ Be culturally appropriate and gender sensitive. In some cultures, tradition or religious beliefs may prohibit men and women from staying together in public shelters. Vulnerable groups may have special needs for privacy, access to sanitation facilities, and personal security.

Exploring Sample Programs (45 minutes)

Introduce the activity by making the following points:

- You have been given a copy of another IASC publication, the *Manual on Field Practice in Internal Displacement*.

- Obviously, not every program on behalf of the internally displaced is replicable in other country settings. However, the IASC felt it was important for field staff to have a ready reference guide to some programs being undertaken in other nations, and the *Manual* provides examples of such programs.

- Let's turn to it now.

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Exploring Sample Programs (Continued)

Conduct the activity by asking participants to do the following:

- Work in three groups.

- Group One, please look at field practice #11, page 25; Group 2 look at #15, page 28, and Group 3 look at #16, page 29.

- Discuss these examples within your groups.

- Answer the following questions: would this approach work in most situations of internal displacement? If so, why? If not, why not? Report back to the group.

- Discuss responses and be prepared to present your findings to the large group.

Debrief by asking each group to report out to the large group.

Preparedness for Internal Displacement (15 minutes)

Make the following points about preparedness for internal displacement:
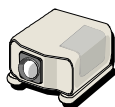
Show Slide 4-8 Preparedness for Internal Displacement

- Preparedness for internal displacement includes:

  ➢ Supporting early warning and data collection systems

  ➢ Planning response through contingency and operations planning

  ➢ Building response and protection capacity through coordination and training

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Preparedness for Internal Displacement (Continued)

> ➢ Developing information and communication systems and networks

> ➢ Building the resource base

> ➢ Planning for monitoring and evaluation.

- Under the direction of the Resident Coordinator/Humanitarian Coordinator (RC/HC) -- unless a lead agency for internally displaced persons has been appointed -- the Country Team and partner agencies will be required to engage in preparedness activities when displacement crises are likely.

- At its most basic level, preparedness consists of anticipating internal displacement when the probability of such displacement increases, analyzing the likely nature of the displacement, and taking early steps to prepare for meeting the needs of the displaced.

- Whether for prevention or preparedness initiatives, <u>collecting accurate data</u> on at-risk and displaced populations is essential, and the data must be disaggregated by vulnerable groups, as described during the discussion of Prevention earlier.

- Accurate data is essential to all remaining preparedness tasks, especially contingency planning and resource mobilization. As data collection systems are designed, they should be structured to provide baseline information and data capture systems that will facilitate monitoring and evaluation of interventions on behalf of internally displaced populations, should displacement occur.

Show Slide 4-9 Contingency Planning

- <u>Contingency planning</u> prior to internal displacement serves as the foundation for sound program design. A useful contingency plan -- which we will discuss in more detail in a few minutes – includes the following:

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Preparedness for Internal Displacement (Continued)

> ➢ Basic country information;
>
> ➢ Likely scenarios about how, when and where displacement will occur, to serve as the basis for planning assumptions;
>
> ➢ Policies and objectives of international organizations;
>
> ➢ An organizational plan to structure the response to the displacement crisis among responding agencies;
>
> ➢ Sectoral plans to provide guidance on program design; and,
>
> ➢ Informational annexes.

- Building <u>response and protection capacity</u> prior to the crisis is essential if the immediate needs of potentially large numbers of malnourished, sick, exhausted and/or traumatized displaced persons are to be met in a timely fashion.

- Building <u>staff capacity to manage</u> response -- both response to assistance needs and protection needs -- and stockpiling commodities, communications equipment, and other critical supplies are essential.

- Developing <u>information and communications</u> systems and networks is a fourth critical element in preparedness for displacement crises. Questions that must be answered include: What will be the mechanism for information sharing among agencies, and with the internally displaced themselves? Does the international humanitarian community have access to radio and other essential communications media?

- <u>Developing the resource base</u> requires analysis of where the displaced might flee to and whether they will be supported by host populations; what national government or local NGO capacities are available to support the internally displaced; what resources the displaced have been able to salvage prior to or during their flight; and what agency or donor assets (financial or commodity) are immediately available.

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Foundations and Program Approaches for International Agency Staff**

Examining a Contingency Plan (20 minutes)

Introduce the activity by telling participants the following:

Now let's look at a sample outline for a contingency plan, "The
Sample Outline for Sectoral Components of a Contingency Plan," on
page IV-4 in the Participant Guide.

While it is targeted at refugees, this sample provides a good <u>partial</u>
list of issues that should be examined prior to internal displacement
and can serve as a useful tool for future contingency planning.

Conduct the activity by asking participants to do the following:

Take a few minutes to review the plan.

Working with your table groups, identify any elements that might be
missing from the plan and prepare to report to the large group.

*Debrief the activity by asking participants to report out to the large
group.*

*Transition to the next module, Protection and Assistance during
Displacement.*

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Module IV: Preventing, or Preparing for, Internal Displacement

Objectives

By the end of this session, participants should be able to:

- Explain the rights of individuals to be protected against arbitrary displacement, as spelled out in the *Guiding Principles on Internal Displacement*

- Explain the responsibilities of governments and other authorities to prevent arbitrary displacement

- Describe practical steps that can be taken by staffs of international organizations in order to prevent unwarranted displacement

- List the actions that international organizations can take to prepare for internal displacement, when such displacement is inevitable

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Long Term Strategies

The Guiding Principles are based upon various global human rights instruments that set standards for equitable human development. These instruments include:
- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- The Convention on the Rights of the Child
- The Convention on the Elimination of all Forms of Discrimination against Women
- The Convention on the Elimination of all Forms of Racial Discrimination

The instruments state that all citizens of the world have many rights. These include the right to an adequate standard of living, participation in government, recognition before the law, gainful employment, education, adequate nutrition, property ownership, security, personal and social development, and a clean environment. These rights, however, are far from being realized for a large percentage of the world's population, especially women and children.

Long-term sustainable development works toward the actualization of these rights and forms the cornerstone for both crisis prevention and recovery from crisis. Initiatives for long-term prevention are often given high profile only after a crisis, when the need for stabilization is urgent and conditions are favorable for change. However, in view of the serious negative effects of internal displacement, actors should place more emphasis on the use of long-term strategies as tools to avert crises altogether.

Developmental activities should also coexist with relief and rehabilitation assistance. Relief programs should be designed to lay the foundation for development while development-oriented programs should be planned during the emergency phase. This approach promotes a coordinated strategy for prevention that permits uninterrupted involvement of development actors in conflict or natural disaster areas.

Development actors are already on the ground when a crisis unfolds and have much to offer in terms of early warning analysis and knowledge of cultural and traditional perspectives on human rights. They can identify local actors in protection and potential points of intervention. They can ensure the continuity and relevance of long term goals.

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Long Term Strategies (Continued)

The challenge to development and relief organizations is to design and implement programs and projects which both acknowledge and actualize rights to equitable development. "Operationalizing" the rights requires both an understanding of the human rights conditions and specific targeted actions to address the conditions. These approaches are needed to strengthen all systems - international, national, provincial and community.

Targeted sectors are listed below with specific activities suggested to address legal, political, social and economic problems and inequities. These activities can significantly reduce the impact of conditions that may lead to internal displacement. They may be undertaken through a coordinated effort of governments, NGOs and other civil groups and with support of international technical and financial assistance.

Supporting human rights institutions and training

Governments should develop a plan of action to strengthen national human rights institutions such as ombudsman's offices and non -governmental groups such as research and training institutes. A comprehensive approach may include:

1. Effective and accessible mechanisms for resolution of conflicts between and among citizens and the government. Citizens must know how to access government offices and how they can file complaints without fear of retaliation. This education is best placed close to home where officials are known and trusted.

2. Full participation of the country in international human rights systems through the ratification of international treaties, training of government staff in reporting mechanisms, media coverage and public statements listing the human rights obligations of government institutions, civil servants, police and military, and participation in regional and international human rights conferences.

3. Human rights education for the military, law enforcement officials, civil society groups and NGOs, and incorporation of human rights curricula in primary, secondary and post-secondary education

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Long Term Strategies (Continued)

Strengthening legislative capacity

A strong legal framework under a national constitution is needed to protect human rights, encourage the free and open development of governing institutions, and promote restitution for people who have suffered violations of their rights. Laws should be brought into conformity with standards identified in UN and regional human rights instruments.

Review and reform activities should cover penal and criminal codes and regulations, laws regarding protection for minorities and women, laws affecting freedom of expression and association, immigration and nationality laws, laws relating to judiciary and legal practice, and, importantly, laws relating to security, such as special procedures which derogate from international human rights standards. For example, there must be justification for such measures as "administrative detention" or martial law.

Strengthening tenure security

All persons should possess security of tenure which guarantees legal protection against forced evictions, harassment and other threats. Provision of legal land titles is vital, particularly to protect indigenous groups or others with a dependency on land, such as pastoralists, peasants and minorities. During crisis situations, traditional land ownership mechanisms may become ineffective, legal ownership may be de-legitimized, or property may have been destroyed or put to other use. Vulnerable persons may find their ownership rights in question, or IDPs may return home to find their land expropriated and their property rights vacated.

In addition, legislation and supporting procedures should be in place for property restitution when return is not possible. Lack of workable laws may result in tensions and conflict leading to further displacement. Removal of occupants from the homes of returning IDPs must be carried out in accordance with human rights standards.

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Long Term Strategies (Continued)

Strengthening national electoral systems

While elections do not guarantee good governance, they are a major tool for promoting representation. Actors should support the implementation of elections and work to create conditions that promote fair elections. The systems should:

- Assure the right of everyone to take part in the government of his or her country either directly or through freely chosen representatives
- Assure equal access to public service, including elective public service
- Provide for periodic and genuine elections
- Guarantee universal and equal suffrage and secrecy of the ballot
- Secure an electoral atmosphere that is free of intimidation

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ELECTORAL SUPPORT SERVICES
A study of the election processes in Nicaragua, El Salvador, Cambodia, Angola and Mozambique showed that international electoral assistance should focus on supporting political performances of local actors and building on national electoral capacities. UNDP and UNV can tailor assistance programs for election support. They can include material support, advisory services, funding for voter registration and media relations training programs. UNV helped with the actual balloting in Yemen, which held its first elections since the civil war in 1997. UNV can recruit personnel with experience in managing elections from a wide range of countries. The Office of the High Commissioner for Human Rights has developed a number of publication relating to human rights and elections. (http://www.unhchr.ch).

Promoting administration of justice

To be effective, justice systems must recognize and protect the rights of the individual, be accessible to all, and be impartial and politically independent. If a nation's justice systems are weak or corrupt, it may be difficult to achieve judicial reconciliation for citizens who have been victims of human rights violations. Security and justice systems should provide human rights training for judges, magistrates, lawyers, police, and prison officials and all who administer justice.

Justice systems should streamline court operations, while promoting due process, and make their functions and staff accessible to the public. Violations of due process must be addressed, such as torture, arbitrary arrest and detention, secret detention, and deprivation of adequate legal representation. Court proceedings must be transparent except when confidentiality is necessary in order to protect individual rights as appropriate within the law.

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Long Term Strategies (Continued)

To increase access to justice, the judicial infrastructure must be adequate at the community level. Traditional and local systems of justice should be utilized where they support human rights and be included in development programs and training to promote international standards. Civil society can be instrumental in integrating traditional or indigenous dispute resolution mechanisms into the formal system. (Roles of international systems of justice are described in Module 2.)

Enhancing public security

To have confidence in their government's protective capacity, citizens must feel secure and have freedom of movement. Programs to improve public security include:

- *Defining the role of the military*—**If the military controls internal security, a reduction in its role may be needed to further good governance. Negative aspects of military sectors can be minimized by conversion of military assets to productive sector assets, training civil servants on security matters, military-to-military dialogs to establish legitimate mandates, and improving defense budgeting practices.**

- *Training civilian police forces*—Police should operate independently of the military. Training of police should include provision of information regarding international human rights law and domestic law relating to the legal rights of accused persons, methods of arrest and questioning, the prohibition of torture and the obtaining of forced confessions, and rules for the proper use of firearms. Judicial reforms must go hand-in-hand with and support police reforms. NGOs and the media can support public education programs to ensure that the public understands any new methods of policing.

- *Small arms and light weapons control*— Weapons control programs can include strengthening national, regional and international mechanisms to regulate the manufacture, transit and transfer of weapons; weapons collection and destruction mechanisms and disarmament programs; and public information and advocacy against small arms and support to ensure compliance with humanitarian law.

- *Disarmament, demobilization and reintegration of former troops*—Disarmament of demobilized soldiers must be combined with other programs of weapons control. The ex-soldiers should be given initial support packages, skills training, and education to promote their reintegration and prevent their transfer into crime or mercenary activities.

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Long Term Strategies (Continued)

- *Mine clearance*—**The presence of land mines acts as a major obstacle to the resumption of normal economic activities. External assistance can help to pay the high costs of de-mining and can help create a national capacity to carry out clearance operations. Community-based mine awareness programs are essential components of a long-term program.**

Promoting economic and social development

Programs that promote economic and social development of individuals and societies form the foundation for peace and security and create confidence in national capacities. Key programs are those which strengthen infrastructure for provision of basic services, such as water and sanitation, and those which provide social safety nets, such as government support for the most vulnerable groups. Other priority program options include:

Macro-economic reform— National programs may need strengthening to promote sustainable livelihoods and reduction in poverty and inequality. These include programs to revise fiscal and budgetary policies, control inflation, regulate taxation and foreign exchange, and promote investment and trade. These programs should avoid threatening livelihoods or essential social safety nets and services. For countries emerging from conflict, conditions for economic reform are usually stipulated in a peace agreement.

Agricultural development—Agricultural development contributes to self-sufficiency in food production and is an important source of employment. FAO's agricultural emergency and development activities are designed to reduce vulnerability by promoting strategies for improved nutritional security such as crop and livestock diversification, improved rangeland and water management, soil conservation, improved coastal fishing practices, pest and disease control measures and nutritional education. Equitable land policy is important in promoting equal access to agricultural and natural resources.

Environmental protection —Environmental protection programs promote good land use practices, conservation of natural resources, and preservation of biological diversity. They protect the environment and population against the effects of natural and human-made hazards. They can help to create mechanisms by which states and local cultures interact in decision-making for sustainable and equitable use of resources.

Education and training—Programs to improve knowledge and skills can significantly reduce a population's vulnerability. Education programs in schools and communities are strategic tools for building a culture of tolerance and generating awareness of human rights.

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Long Term Strategies (Continued)

Health care — Development of health resources to address emergency needs as well as strengthening the normal health care system quickly enhances social mobility and participation, particularly of women.

Sustainable livelihoods promotion—Unemployment may increase dramatically if government economic policies are weak, during periods of structural adjustment, or conflict and disasters, or when demobilized combatants are reintegrated. Development of sustainable livelihoods can help to avert social tensions and conflict. Measures may include training and job creation, expansion of the private and informal sectors, and credit schemes.

Constraints to long term prevention

The development of long term preventive strategies is a work-in-progress for all actors. No ready-made solutions exist—particularly for conflict-prone societies—and elaboration of best practices is on-going. Constraints (and possible responses from actors to overcome them) include:

Limited time and resources for prevention –Hindsight often governs the planning process, and foresight is limited by available time and resources. But if preventive measures are weak, recovery is often prolonged. The longer it takes a society to recover from a crisis, the more its citizens come to depend on resources and support from external sources—resources that will eventually be withdrawn. This makes it more difficult for them to regain local self-sufficiency. Several years are usually required to effect political, social and economic changes in order to avoid relapse into crisis. Meanwhile, funds generally decrease or run out before recovery is complete.

International resources for long-term development have been dwindling over the past 20 years. At the same time, donor response to emergencies is often generous, motivated by public outcry. Unfortunately, these donors may earmark their contributions without regard for the need for prevention. Thus far, development actors have been only marginally successful in making the case for the cost effectiveness of preventive development. There has been insufficient attention to gather and disseminate lessons learned and to develop joint guidelines for prevention and mitigation measures.

Possible responses from actors:

- State clearly during the planning phases of programs that there will be a focus on addressing inequities and assisting the most vulnerable in all development activities. Write appeals to incorporate human rights language or humanitarian principles

- Address the need for prioritization of response in terms of who is at greatest risk in the short, medium and long term. Use worst case scenarios to determine protection strategies. Develop and use lessons learned to support strategic interventions.

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Long Term Strategies (Continued)

- Identify strategies for informing donors about inequities and shifting their focus from immediate relief needs to long term projects that will reduce vulnerability. Substantiate time periods for recovery that are realistic and will provide needed stability.

Lack of access to developmental resources – A society's ability to develop individual potential depends to some degree on having resources such as education and training, political processes, and infrastructure that offers protection and security. Vulnerable people who must be at the center of the development process often lack understanding of their basic rights and the means to access these resources.

Possible responses:

- Identify persons or groups with the least access to programs and security. Determine ways to support them without increasing tensions in the community.

- Coordinate with implementation partners and share methods for human rights education and increasing security.

- Seek creative and practical ways to address problems of access to resources getting input from vulnerable persons on means to address inequities and security problems.

Need for development alternatives – Individuals depend on states to protect them; assistance agencies work through central governments. However, situations of collapsed states such as in Somalia and Afghanistan have revealed the tremendous capacities of community and civil groups to mobilize prevention and development initiatives. Development actors need the flexibility to take advantage of all local opportunities and resources to enhance prevention. They need to have a variety of methods which enable them to successfully confront human rights abuses and work around possible interference.

Possible responses:

- Identify effective local organizations and determine how they can be supported without endangering them.

- Collect priorities from persons under threat or who fear future insecurity. What ideas do they have to promote cooperation and coordination?

- Determine what types of programs are most acceptable to authorities. How might such programs be utilized or expanded to address inequities? How can actors avoid antagonizing authorities without sacrificing human rights principles?

- Form alliances to increase the political power or protection and security of informal networks. What other individuals or groups will lend support to such networks?

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Long Term Strategies (Continued)

- Project the types of problems that may be encountered and adapt past experiences and lessons learned from other situations to plan appropriately.

Weak Coordination – Coordinated efforts for preparedness and response have improved significantly in recent years, as partnerships have developed and multi-actor plans have been initiated. However, coordination for preventive development is not as widespread. Cooperative development most often occurs in the context of post-disaster actions rather than as preventive actions. Actors tend to pursue their own objectives in a non-crisis situation, working through their own channels and bureaucracies. Actors may not be aware of their actual or potential role in prevention.

Possible responses:

- Create a working group to focus specifically on issues of inequity and human rights standards.

- Select a leader in the development of collaborative programs and projects to address inequities and risk factors.

- Develop arguments to convince organizations and people that pursuing objectives related to the prevention of protection problems serves their own best interests.

Training questions

1. When long term needs seem so overwhelming, how can actors prioritize actions for prevention?

2. How can actors ensure that focus on long-term solutions is maintained during the pre-crisis, crisis and post-crisis phases?

3. How can you sensitize donors to the importance of prevention and protection issues? How might they be informed about the realities, in terms of inequities and vulnerabilities, faced by people in their every day lives in their communities?

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Sample Outline for Sectoral Components of a Contingency Plan

1. **Management and overall program coordination**

    - Who is responsible for:
        - Emergency Coordinating Committee and arrangements?
        - Regional coordination?
        - Implementing agencies and arrangements?
        - Staffing arrangements?
        - External relations, public information, ongoing coordinating arrangements?
        - Administrative arrangements including premises, communications, transport etc.?
        - Preparedness training?

    - What arrangements exist for updating the plan?

2. **Protection and Registration**

    - Who is responsible for security of the refugees?
        - Police?
        - Monitors?
        - Advisors?
        - Refugee community groups?
        - Have major protection concerns been identified, and planned for?
        - Access?
        - Determination of status, structures and procedures?

    - Are registration arrangements in place for incoming refugees?
        - Staff?
        - Resources?
        - Administrative systems and procedures?
        - Public information materials?

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Sample Outline for Sectoral Components of a Contingency Plan (Continued)

3. **Food**

   - Who is responsible for consultation with the World Food Programme, UN agencies, donor embassies, non-governmental organizations, other bilateral funding sources?
   - Are food resources available locally, regionally or internationally?
   - Which foods are culturally acceptable/appropriate for the different potential populations?
   - What is the composition of the food basket?
   - Higher kilocalorie requirements in colder climates?
   - Are there buffer stocks, local resources? What is the impact on local market availability/prices?
   - What are the special food needs of young children?
   - Is a food distribution system in place?
   - Will food assistance be provided to local communities as well?
   - What are the storage needs? What storage is available to meet the needs?

4. **Logistics and Transport**

   - Have the following been identified:
     - ➢ normal lines of supply to key areas of asylum-seekers or displaced persons?
     - ➢ international air and sea ports?
     - ➢ customs and clearing agents?
     - ➢ storage facilities/capabilities?
     - ➢ transport systems (road, train, air) and requirements, including availability and cost of in-country transport?
     - ➢ fuel availability, storage, and restrictions?
     - ➢ conditions and maintenance of roads?
     - ➢ availability of spare parts for vehicles?

   - Are there any prohibitions or conditions on the imports or donations of relief supplies?

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Sample Outline for Sectoral Components of a Contingency Plan (Continued)

- What is the likely impact on existing air and port facilities in the event of arrival of large tonnages of relief supplies?
- What is the likely impact of weather conditions on logistics systems?
- Who is responsible?

5. Domestic needs and household support

- Which items will be required and/or provided? (What if arriving refugees bring goods or come empty-handed?)
- Are buffer stocks necessary? What are the existing local resources?
- Are there blankets, water carriers, cooking/heating fuel, stoves, cooking/eating utensils and clothing?
- Does a distribution system exist?
- What is the storage availability?
- Who is responsible?

6. Water

- What is the water policy, infrastructure, technical and implementing capacity? Who are the responsible personnel?
- Do water systems/distribution systems exist?
- What if it is winter or the dry season, or what if water sources are polluted?
- What if the numbers of asylum-seekers are more than the existing system can support?
- What is the likely impact on existing water systems operated by local communities?
- What equipment is needed? Should buffer stocks be established or do local resources exist?

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Sample Outline for Sectoral Components of a Contingency Plan (Continued)

7. Environmental sanitation

- Who is responsible (public or private sector)?
- Are sanitation education programmes necessary?
- Are sanitation plans culturally appropriate?

8. Health and Nutrition

- What is the existing health policy towards asylum-seekers, if any?
- What is the description of the existing health care system and access of asylum-seekers to the system?
- Are vaccines for measles immunization available?
- What are the likely requirements for supplementary feeding (children, pregnant or lactating women) or other special nutritional programmes)?
- Who is responsible for preventive health care and public health education? What is the role of international agencies?
- What if it is winter weather?
- What if living conditions are crowded?
- What if there are many children?
- What types of medicines and medical equipment will be required and are they available in-country? Is there a need for international supply?
- Do cold chain systems exist?
- Are storage facilities available?

9. Shelter and other infrastructure

- What is the policy on refugee sites, shelter, infrastructure?
- Have likely new sites been identified?
- How will site selection be carried out? What are the implications of local land ownership? What is the impact on the local community?
- Is there existing shelter which could be used?

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Sample Outline for Sectoral Components of a Contingency Plan (Continued)

- What are the implications of summer vs. winter conditions?
- How will the terrain affect shelter requirements?
- Are there locally available building materials?
- Is a stockpile of tents, building materials, plastic sheeting needed?
- What type of design is appropriate for new communities or camps?
- Who will be responsible?

10. Community Services

- Have community leaders been identified?
- Are there adequate community workers for the refugee population?
- Has an assessment of community needs and structures been carried out?
- Have vulnerable groups been identified?

11. Education

- How were the refugees' traditional education systems structured?
- Are there educators in the refugee community?
- Are there special needs for the education of girls and boys?
- Is skills training appropriate for the adults?

12. Economic Activities (Agriculture, Livestock, Income Generation)

- What are the skills/trades that the refugees bring with them?
- Is land available for farming or grazing?
- Are there concerns about tension between the refugee community and local people?

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At the end of this session, you will be able to

- Explain the rights of individuals to be protected against arbitrary displacement, as spelled out in the *Guiding Principles on Internal Displacement*

- Explain the responsibilities of governments and other authorities to prevent arbitrary displacement

- Describe practical steps that can be taken by staffs of international organizations in order to prevent unwarranted displacement

- List the actions that international organizations can take to prepare for internal displacement, when such displacement is inevitable

IV-1

Four fundamental considerations

- Views of displaced themselves, or those threatened with displacement, should be given maximum weight

- Interventions should be undertaken in full consultation with all partner agencies

- International organizations should avoid temptation to "go it alone

- All international organizations should recognize special mandates and expertise of partner agencies

IV-2

Prevention of displacement

- Authorities and international actors must respect their obligations under international law so as to avoid conditions that might lead to displacement

- All human beings have the right to be protected from arbitrary displacement

- When displacement is compelled by authorities, it will last no longer than necessary

- Prior to displacement compelled by authorities, those authorities will consider alternatives to displacement

IV-3

Four fundamental considerations

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IV-2

Prevention of displacement

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IV-3

IV-4

Minimizing the adverse effects of displacement

- If displacement is undertaken by authorities, it shall:
    - Occur under proper conditions
    - Avoid family separation
    - Be accomplished with proper legal guarantees, review, and remedies
    - Be accompanied by adequate information to the displaced, seeking their consent
    - Involve the displaced in the move

Prevent and minimize effects of displacement

- Collect accurate data
- Establish early warning systems
- Suggest alternatives to displacement
- Identify groups with special needs
- Advocate
- Open channels of communication
- Establish a presence
- Preposition staff, transport, shelter materials and other supplies
- Ascertain optimal locations
- Conduct studies on potential environmental impact

IV-5

Preparedness for displacement

- Supporting early warning and data collection systems
- Planning response through contingency and operations planning
- Building response and protection capacity through coordination and training
- Developing information and communication systems and networks
- Building the resource base
- Planning for monitoring and evaluation

IV-8

Contingency plan

- Basic country information
- Likely scenarios about how, when and where displacement will occur, to serve as the basis for planning assumptions
- Policies and objectives of international organizations
- An organizational plan to structure the response to the displacement crisis among responding agencies
- Sectoral plans to provide guidance on program design
- Informational annexes

IV-9

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Module V: Protection and Assistance during Internal Displacement

Objectives

By the end of this session, participants will be able to:

- Describe the rights of individuals, as explained in the *Guiding Principles on Internal Displacement*, during the period of displacement

- Distinguish among three categories of protection activities: (1) environment-building activities; (2) responsive action; and, (3) remedial action

- Utilize the "People Oriented Planning" (POP) framework to help design effective protection and assistance activities

- Describe critical activities during the "emergency phase" of displacement, characterized by rapid movement and high vulnerability, and when displacement occurs in militarized environments

- Draw from current field practice to design effective protection programs for the internally displaced

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Content

Session	Time
Introduction to Module V	5 minutes
What Is "Protection?"	15 minutes
Protecting the Rights of Displaced Persons	10 minutes
Determining Categories of Protection	30 minutes
What the Guiding Principles Say about Protection During Displacement	45 minutes
A Planning Framework and Data Resources for Designing Activities during Internal Displacement	10 minutes
Practical Steps That Can Be Taken by International Organizations	45 minutes
Two Special Circumstances: Protection in the Emergency Phase of Displacement and Protection in Militarized Contexts	45 minutes
Approximate Total Time	**3.5 hours**

Methods

Presentation/lecture

Plenary discussion

Small group work

Materials

Facilitator Guide

Participant Guide

Computers with access to the Internet

PowerPoint slides or overhead transparencies 5.1-5.10

Preparation

Prepare for the PowerPoint or overhead transparency presentation.

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Introduction to Module V (5 minutes)

Show Slide 5.1 Module Objectives.

Make the following points about what is included in this session:

- As we have discussed earlier, the circumstances and conditions of internal displacement can vary substantially, and the range of difficulties that the internally displaced may face is also very broad.

- Given this diversity, and different circumstances in different country contexts, what does it mean to offer "protection" to the internally displaced?

- In the simplest sense, from the dictionary, to protect is "to keep from harm." Yet, the international community has many options to keep individuals from harm. When, where, on what basis, and how should the internally displaced be kept from what categories of harm?

- Module V explores these issues from the perspective of the protections delineated in the *Guiding Principles*, from the perspective of analytical tools developed by the High Commissioner for Refugees and the International Committee of the Red Cross, and from the perspective of field practice: what agency staff like you are actually doing in the field when confronted with the need to offer protection.

- The objective of Module V is to provide the tools for you to analyze protection needs in your country context and, drawing upon current policies and examples, design a protection program that will make practical sense vis-à-vis the internally displaced persons with whom you are working.

- This session builds on the paper *Protection of Internally Displaced Persons: Inter-Agency Standing Committee Policy Paper*. That document, found at page V-2 in the Participant Guide, is the definitive statement of policy, within the United Nations system, on protection.

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What Is 'Protection'? (15 minutes)

Ask the group to define 'protection'.

- Let's begin with a definition of protection. In your view, what does protection mean for internally displaced persons while they are actually displaced?

- As you respond, I will list the possible definitions on this flip chart. Try to make your definition as comprehensive as possible.

Encourage participants to think in terms of what the goal or elements of protection are. Challenge participants to think not only of physical protection, but also how protection is also relevant to the assistance side of humanitarian work. You will also want participants to be inclusive in terms of the bodies of law they refer to (human rights, humanitarian and refugee law) and the partners, which should be included in doing protection work within this broader understanding of the term.

Tell the participants that you will come back to the definition, but that you will first make a brief presentation on the overall approach to protection.

Make the following points about the overall approach to protection.

- In the past, the international response to internal displacement has tended to focus on providing assistance, with less attention given to protection concerns.

- In recent years, there has been a growing awareness within the international community of the connections between protection and assistance.

- As a result, a number of important initiatives have been taken in this direction. Nevertheless, the meaning of protection at a general level, and for internally displaced persons in particular, is yet to be fully conceptualised.

- The following definition was adopted in 1999 after three years of deliberations at workshops organised by the ICRC on protection.

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What Is 'Protection'? (Continued)
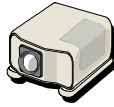
Show Slide 5-2 Definition of Protection

"The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law, and refugee law)."

- It is important to understand that this definition encompasses civil and political rights, as well as economic, social and cultural rights.

- This definition is comprehensive in scope, both in terms of the legal framework for protection, ("full respect"), and in terms of the strategies and methods by which protection may be achieved ("all activities"). It is also comprehensive in that it recognises all bodies of law relevant to the protection of internally displaced persons.

- Although there is growing recognition among humanitarian and development agencies of their responsibilities in the area of protection, including to internally displaced persons, there remains a need to give practical meaning to such commitment.

- Traditionally, humanitarian and development agencies lacking an explicit protection mandate have tended to conceive of protection for internally displaced persons as falling outside the scope of their work. Their protection role has been limited to the extent that the provision of assistance does in itself constitute a form of protection.

- The traditional work of humanitarian and development agencies is, indeed, inherently rights-based and the distinction between protection and assistance is complex. However, human rights protection cannot be done by halves; it involves the assurance of the whole set of rights enshrined in the Universal Declaration of Human Rights.

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What Is 'Protection'? (Continued)

- By saying that protection is an all-encompassing concept, we are not suggesting that all organisations become legal experts and start defending and visiting prisoners, or start drafting legislation on the protection of internally displaced persons. However, what we are saying is that the Country Team must have a clear vision and strategy for making sure that all areas of protection outlined in the *Guiding Principles* are addressed.

- Protection is difficult to implement, particularly where displacement is inflicted as part of a deliberate policy, and where national authorities are unwilling to discharge their responsibilities toward their displaced populace.

- It is important to bear in mind, however, that although protection and human rights activities cannot in themselves cause the disappearance of oppression and violence, they highlight the fact that human rights abuses and violations of international humanitarian law are illegal and unacceptable, and thus play an important role in diminishing their occurrence.

Protecting the Rights of Displaced Persons (10 minutes)

Make the following points about what can be done in practical terms to help protect the rights of displaced persons.

Show Slide 5-3 Categories of Protection Activities

- Let's pull this definition apart a bit more to help understand what we can do in practical terms to help protect the rights of displaced persons.

- The ICRC 1999 Workshop on Protection identified three categories of protection activities:

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Protecting the Rights of Displaced Persons (Continued)

> ➢ *Environment Building*, to include any activity aimed at creating and/or consolidating a global environment conducive to full respect for the rights of individuals;

> ➢ *Responsive Action*, to include any activity undertaken in the context of an emerging or established pattern of abuse and aimed at prevention and/or alleviating its immediate effects; and

> ➢ *Remedial Action*, to include any activity aimed at restoring dignified living conditions through rehabilitation, restitution, and reparation.

Show Slide 5-4 Environment Building

- Activities that can be included under environment building include the following:

  > ➢ Dissemination and promotion of the Guiding Principles

  > ➢ Advocacy

  > ➢ Engaging non-state actors

  > ➢ Prevention of displacement, early warning and awareness

  > ➢ Preparedness

  > ➢ Strengthening local and national protection capacity

  > ➢ Training

Show Slide 5-5 Responsive Action

- Activities that can be included under responsive action include the following:

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Protecting the Rights of Displaced Persons (Continued)

> ➢ Monitoring and reporting

> ➢ Promoting protection in the design of assistance programmes

> ➢ Presence of humanitarian actors (if at all possible, international) is fundamental to ensure adequate protection of internally displaced persons. Presence of female staff must be envisaged from the outset.

> ➢ Vulnerability assessments

> ➢ Protection strategies for women, children and other vulnerable groups

> ➢ Coordinated programming of assistance

Show Slide 5-6 Remedial Action

- Activities that can be included under remedial action include the following:

> ➢ Promoting protection in the design of return/reintegration or resettlement/integration programmes

> ➢ Property restitution or the return of housing to the rightful owner following displacement

> ➢ Reuniting families separated during displacement

> ➢ Economic security: beyond the delivery of relief supplies, assess the barriers to IDPs earning a living and take steps to enhance economic opportunity and traditional coping mechanisms.

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Determining Categories of Protection (30 minutes)

Introduce the activity by telling participants the following:

- Now, I want you to turn to the publication *Manual on Field
  Practice in Internal Displacement*.

Conduct the activity by asking participants to do the following:

- We are going to divide into three groups. I want one group to
  look at each of the following three sets of data:

  ➢ The field practices related to "Enhancing Protection of
    Physical Security and Freedom of Movement," on pages 37 to
    41

  ➢ The field practices related to "Protecting Social, Economic,
    and Cultural Rights" among the internally displaced, on pages
    42 to 49

  ➢ The field practices related to "Protecting Rights to Identity
    and Basic Freedoms," on pages 50 to 53.

- Please read over the examples cited, and discuss among
  yourselves which of the examples are "environment building"
  activities, which are "responsive actions," and which are
  "remedial actions."

- It is likely that there may be some overlap in these examples.
  But, our objective is to familiarize ourselves with how agencies
  confronted with concrete problems have attempted to deal with
  them, and to understand more fully the different approaches to
  protection activities that have been identified by the ICRC.

*Debrief the activity by having each group report its findings to the
large group.*

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What the *Guiding Principles* Say about Protection during Displacement (45 minutes)

Introduce the activity by telling participants the following:

- Fourteen of the thirty *Guiding Principles* are related to protection during displacement, and it is important for us to understand their content.

- You will find comments on the Principles related to protection during displacement beginning on page V-37 in the Participant Guide. The comments are not intended to be comprehensive or exhaustive, but to introduce the principles from a protection perspective. It should be reiterated that the *Guiding Principles* are best understood and practiced as an integral whole.

Conduct the activity by asking participants to do the following:

- I want you to take about twenty minutes to read the comments on protection during displacement in your Participant Guide.

- Then, I want you to consider as a group the following questions:

  - ➢ Which of these rights are most often protected by the international community, and why?

  - ➢ Which of these rights are least often protected by the international community, and why?

- As you finish reading the comments, please note the three categories of rights you believe are most often addressed, and the three categories of rights least often addressed.

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What the *Guiding Principles* Say about Protection during Displacement (Continued)

- I have a tear sheet with the Guiding Principles 10 to 23 listed. As you finish your reading, please walk up to the sheet and place the letter "F" next to those three rights frequently protected by the international community and an "I" next to those three infrequently protected.

Debrief the activity with a discussion of about fifteen minutes. Summarize the main reasons participants give for why certain rights are supported by the international community and why others are not supported. Be prepared to stimulate discussion of reasons. Is lack of protection due to :

Lack of mandate?
Lack of resources?
Lack of training?
Physical threat to international organizations?
Lack of access or data?
Lack of coordination among international agencies?
Resistance by local or national authorities?
Other reasons?

A Planning Framework and Data Resources for Designing Activities during Internal Displacement (10 minutes)

Make the following points about designing activities during internal displacement:

- This section suggests ways in which the standards for protection outlined in the Guiding Principles can be pursued in practice. Although examples of field practice from other country contexts can provide staff with stimulating ideas from existing or prior practice, appropriate interventions must be designed with a clear analysis of local conditions.

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A Planning Framework and Data Resources for Designing Activities during Internal Displacement (Continued)

- A useful planning framework to support country level analysis is the "People Oriented Planning" (POP) framework -- an analytical tool for planning protection activities in a human-sensitive manner.

- Additional planning resources -- in the form of current data on internal displacement and reports on conditions of the displaced -- are found in the Global IDP Database operated by the Norwegian Refugee Council in cooperation with the United Nations.

- The POP framework is a planning framework to enhance the efficiency and impact of protection, and assistance, activities. The POP framework helps analysts to determine:

  ➢ Who is at risk of protection violations, and from whom the risk emanates. Groups at particular risk can be identified through careful study of the profile of displaced persons, the context, and activity analysis

  ➢ How the internally displaced persons themselves can be partners in ensuring protection. Activities analysis and resources analysis can help to identify areas where refugees can create and maintain aspects of their own protection systems

  ➢ How protection and assistance activities can be designed so as to have maximum effect. Activities and resource analysis can point to areas where activities and procedures employed by humanitarian staff can themselves become an impediment to protection. This may be the case, for example, with procedures for registration, food distribution, or issues of leadership and representation within the group.

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A Planning Framework and Data Resources for Designing Activities during Internal Displacement (Continued)

- Beginning on page V-42 in your Participant Guide, you will find a very useful paper provided by UNHCR on the POP framework and, specifically, how it can be used to plot a direction for protection interventions on behalf of the internally displaced.

- The POP paper provided by UNHCR provides concrete checklists on factors to consider when designing an intervention.

- Let's turn to the "Physical Security Context Analysis," for example. Note the list of critical questions such as "Is the location of [displaced] settlements vulnerable to armed attack or infiltration by armed elements?"

- Take five minutes to look over the POP paper. It will be a useful tool later in this class and in your actual work with internally displaced persons.

- Earlier in this training, we introduced the Global IDP database. Let's go to the monitors again and take a look, for example, at the data on Sri Lanka. By scrolling through the menu, note the range of data and reports on protection issues during displacement.

- The topics such as "protection concerns," "subsistence needs," "access to education," "issues of public participation," "documentation needs," and others provide a wealth of information for determining appropriate protection interventions.

- The Global IDP Database provides an extraordinarily useful single reference point to begin the design of appropriate protection interventions.

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Practical Steps That Can Be Taken by International Organizations (45 minutes)

Introduce the activity by telling participants the following:

- The publication *Handbook for Applying the Guiding Principles on Internal Displacement* provides a useful categorization of the principles related to protection during displacement. The Handbook subdivides the relevant principles into four categories:

  ➢ Principles enhancing protection of physical security and freedom of movement (Principles 10 to 15)

  ➢ Principles preserving family and community (Principles 16 and 17)

  ➢ Principles protecting economic, social, and cultural rights (Principles 18, 19, 21 and 23), and

  ➢ Principles protecting basic freedoms (Principles 20 and 22)

- For each of these categories, the Handbook outlines "What You Can Do" in order to support the rights of internally displaced persons, families, or communities during displacement.

Conduct the activity by asking participants to do the following:

- Please take ten minutes now to review these lists on pages 31, 36, 44 and 48.

- Then I want you to divide into regional groups, and I want each group to look at the scenario paper *Kyrgyzstan: Civilians in Harm's Way*, provided by UNICEF, beginning on page V-48 in the Participant Guide.

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Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Practical Steps that Can Be Taken by International Organizations (45 minutes)

- Please discuss this situation in your group, analyze it from the perspective the category of rights assigned to your group, utilize the respective checklist from the Handbook, and prepare a list of five appropriate activities for the UN Country Team and partners. The activities might consist of interventions by one or more agencies, or representations to the Kyrgyz government.

- Have one person from your group be prepared to report findings to the entire class after we reconvene.   Also discuss and be prepared to report on whether your group will support the relocation proposed by the Kyrgyz government and why, or why not.

Debrief the activity by having each group report its findings to the large group.

Two Special Circumstances: Protection in the Emergency Phase of Displacement and Protection in Militarized Contexts (45 minutes)

Make the following points about special circumstances: protection in the emergency phase of displacement and protection in militarized contexts:
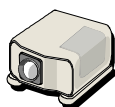
Show Slide 5-7 Two Particularly Demanding Contexts

- International agencies planning protection activities on behalf of the internally displaced may confront either of two particularly demanding contexts:

  ➢ The emergency phase of displacement, or

  ➢ Displacement in a militarized context.

- Both of these circumstances require special care and analysis by agency staffs. This section discusses particular considerations during emergency displacement or in militarized contexts.

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Two Special Circumstances: Protection in the Emergency Phase of Displacement and Protection in Militarized Contexts (Continued)

- This section addresses strategies for ensuring protection during the emergency phase of displacement. At the height of any forced population movement, human needs are at their greatest and most urgent, while resources are invariably stretched.

- Given that emergency situations pose particular challenges for protection activities, it is important to consider what objectives should be kept in view, and what strategies may be usefully employed in urgent circumstances.
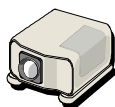
Show Slide 5-8 Characteristics of the Emergency Phase of Displacement

- The emergency phase of displacement is characterised *inter alia* by:

  ➢ Rapid population movement, often taking place suddenly

  ➢ Large numbers of persons on the move

  ➢ High percentage of vulnerable groups among the displaced population

  ➢ High percentage of injured or traumatised persons

  ➢ Serious threats to life and physical security: As the internally displaced are still within their country of origin, they may still be within range of the agents of arbitrary displacement.

  ➢ Conditions of overall vulnerability for injured or traumatised persons, or those who have been forcibly separated from family members.

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Two Special Circumstances: Protection in the Emergency Phase of Displacement and Protection in Militarized Contexts (Continued)

Show Slide 5-9 Objectives That Guide Protection Responses during the Emergency Phase of Displacement

Make the following points about objectives that should guide protection responses during the emergency phase of displacement:

- Rapid and secure access:

  ➢ The challenge of obtaining rapid and secure access can be especially daunting in situations of internal displacement. This is because displaced persons often find themselves in close proximity to the agents and causes of forced displacement.

  ➢ In situations of armed conflict where clear centres of national or *de facto* authorities may be lacking, it may be difficult or impossible to obtain guarantees of safe passage. Nevertheless, humanitarian personnel will often have to use whatever resources are available to negotiate access with *de facto* or other authorities.

- Involving displaced persons and empowering them from the outset:

  ➢ Strive to identify persons and groups among the displaced persons who can act as reliable sources of information, as channels of communication, and as partners in humanitarian interventions.

  ➢ It is important to treat the displaced persons with dignity and respect, to solicit their views and advice and to show genuine empathy for their preoccupations. A positive and collaborative approach can help to create a positive atmosphere, which can only enhance the effectiveness of humanitarian work.

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Two Special Circumstances: Protection in the Emergency Phase of Displacement and Protection in Militarized Contexts (Continued)

- Rapid assessment of needs and available resources:

  ➢ It is of crucial importance to obtain a quick overview of the main features of the emergency situation in both qualitative and quantitative terms. This initial assessment will go a long way to enhance the efficiency and effectiveness of the humanitarian response, and will provide a foundation for longer-term planning.

  ➢ Still, emergency situations require that the assessment process should take place at the same time as attention is being paid to urgent needs. **A quick response to obviously urgent needs must never be delayed because a comprehensive assessment has not yet been completed**. Priority needs should be addressed with whatever resources are immediately available.

- Prioritisation of tasks:

  ➢ The following priorities are always key: involve the displaced persons from the start; secure food and food storage facilities; obtain water and water storage capacity; secure emergency shelter, using local materials wherever possible; and establish systems of health care, including preventive and environmental health measures.

  ➢ A holistic, multi-sectoral approach must be a fundamental feature of every emergency response. Issues should not be treated in isolation.

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Two Special Circumstances: Protection in the Emergency Phase of Displacement and Protection in Militarized Contexts (Continued)

- <u>Ensure protection from forcible movement to situations of danger</u>:

  ➤ This is a prime protection consideration. The displaced population should be made as stable as possible. They should be shielded from the factors that caused their displacement, and from being forced to return to, or to resettle in locations where they may be placed at serious risk.

  ➤ Particular attention should be paid to the fact that threats to the security of displaced persons could emanate from outsiders as well as from groups within their midst. Steps should be taken to ensure that locations in which displaced persons reside are not vulnerable to physical attack.

Make the following points about objectives that should guide protection responses during displacement in militarized contexts:

- This section addresses strategies for supporting the rights of displaced populations when displacement has occurred in militarized environments -- a situation that frequently accompanies internal displacement.

- Such circumstances require special considerations by representatives of the international community, as well as by the displaced themselves.

- Internal displacement frequently occurs in circumstances linked to armed conflict.   In some situations, the displaced persons and the humanitarian personnel who act on their behalf find themselves in close physical proximity to one or the other party to armed conflict.

- In such militarised environments, the pursuit of humanitarian and protection objectives often cannot proceed or be effective without some form of cooperative partnership between the humanitarian actors and the military entities. It is imperative, however, that such a partnership should not compromise the non-political and humanitarian nature of protection activities, or affect the impartiality and neutrality of the organisations that seek to carry them out.

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Two Special Circumstances: Protection in the Emergency Phase of Displacement and Protection in Militarized Contexts (Continued)
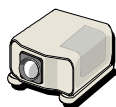
Show Slide 5-10 Ensuring That Humanitarian Operations Are Distinguished from Activities of Parties to Armed Conflict

- The following are some measures that may be implemented to ensure that humanitarian operations are clearly distinguished from activities of parties to armed conflict.

  - Humanitarian personnel and the premises and sites where humanitarian assistance and protection work are being undertaken, as well as vehicles transporting staff or humanitarian assistance, should all be clearly identified through the use of high visibility markings. On no account may they display any markings associated with an armed entity.

  - Assistance activities may be undertaken by military personnel only in exceptional situations, in which case they should be supervised by civilian aid workers to ensure conformity with humanitarian objectives. If military personnel are seconded to humanitarian aid operations, they should not be associated with a party to the armed conflict, and should not use uniforms or other identifying marks that are associated with a party to the armed conflict.

  - Locations where displaced persons reside should not be proximate to military installations of a party to the armed conflict. Areas where the displaced reside should not display any markings that are associated with a party to the armed conflict.

  - In some situations, it may be necessary to deploy armed personnel to protect the physical security of displaced persons and humanitarian personnel.

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➢ Steps should be taken in such situations to ensure: (i) that the armed personnel are committed to the protection of the displaced, and are capable of discharging their functions in an impartial and non-discriminatory manner; (ii) that the armed corps is professional, well equipped and well trained, and are under responsible and accountable command; (iii) that their terms of reference and rules of engagement are clear, and that the displaced persons are informed of these terms and rules; (iv) that the number of such personnel and their circulation among the displaced persons should be kept to the minimum required for them to effectively discharge their functions.

➢ Measures should be implemented to ensure that armed elements do not reside in, transit through, or visit areas where displaced persons reside.   The displaced population must be made aware of the risks of maintaining close ties with armed groups.

➢ Measures should be implemented to ensure that the areas where displaced persons reside are kept free of arms or weapons of any kind.

➢ Steps should be taken to ensure that displaced persons do not provide material aid, logistical support, the provision of rest and refreshment facilities, or other kinds of assistance to combatants.

Make the following points summarizing the module:

• As we noted at the beginning of this module, protecting the rights of internally displaced persons is a complex, difficult effort. And Module V of this training, which you have now completed, reflects this complexity. This module was designed to provide you with the essential tools to design effective activities on behalf of the internally displaced in your own country context. Among these tools are:

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➢ A clear definition of what protection means during internal displacement

➢ A understanding of the various categories of protection activities: environment building, responsive action, and remedial action

➢ An understanding of what the relevant sections of the Guiding Principles say about the rights of the displaced

➢ Analytical frameworks, like POP, and data sources that can assist your analysis and design of appropriate interventions

➢ Practical suggestions from existing field practice on programs on behalf of the internally displaced, and

➢ Special considerations you must take into account during particularly demanding circumstances, like emergency displacement or militarized contexts.

• In the next, and final, module we will examine the return and/or resettlement phase of internal displacement.

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Module V: Protection and Assistance during Internal Displacement

Objectives

By the end of this session, participants should be able to:

- Describe the rights of individuals, as explained in the *Guiding Principles on Internal Displacement*, during the period of displacement

- Distinguish among three categories of protection activities: (1) environment-building activities; (2) responsive action; and, (3) remedial action

- Utilize the "People Oriented Planning" (POP) framework to help design effective protection and assistance activities

- Describe critical activities during the "emergency phase" of displacement, characterized by rapid movement and high vulnerability, and when displacement occurs in militarized environments

- Draw from current field practice to design effective protection programs for the internally displaced

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Protection of Internally Displaced Persons: Inter-Agency Standing Committee Policy Paper

Introduction

Protection problems are endemic to the plight of internally displaced persons[1]. They arise not only as a cause of flight, but also during displacement and in the search for durable solutions. In the past, international response has tended to focus on providing assistance, with less attention given to protection concerns. n recent years, there has been a growing awareness within the international community of the connections between protection and assistance. As a result, a number of important initiatives have been taken in this direction. Nevertheless, the meaning of protection at a general level, and for internally displaced persons in particular, is yet to be fully conceptualised.

The Emergency Relief Coordinator (ERC), the Representative of the Secretary-General on internally displaced persons (RSG on IDPs) and the High Commissioner for Human Rights (HCHR), looking to enhance their collaborative efforts relating to the protection of internally displaced persons, agreed that it would be useful to prepare a joint policy paper on this subject. A first draft of this paper was presented to the Inter-Agency Standing Committee Working Group (IASC-WG) at its 29 January 1999 meeting. It was suggested that this paper be further developed within the IASC-WG. A one-day inter-agency workshop was organised to review the paper and all IASC members were encouraged to contribute to the paper in order to ensure that it would reflect the views of the IASC as a whole.

The objective of the paper is to outline the IASC policy on the protection of internally displaced persons. Section I of the paper examines the nature and content of protection for internally displaced persons. Section II sets out a number of strategic areas of activity for ensuring that these protection responsibilities are discharged effectively. Section III contains a short analysis of the responsibilities for action. Finally, Section IV aims at developing basic principles for allocating responsibilities in specific country situations in the hope of increasing the predictability of response and facilitating the work of the Resident/Humanitarian Coordinators (RC/HC) in addressing gaps. For reference, an outline of the different approaches of agencies to assist in addressing these needs is presented in an Annex.

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[1] The Guiding Principles on Internal Displacement define internally displaced persons as "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 generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border."

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Flexible strategies for responding to situations of internal displacement will need to vary depending upon the competencies and comparative strengths of the actors and agencies, as well as upon the different contexts in which internal displacement occurs. In particular, strategies for addressing the protection needs of internally displaced persons will differ depending upon how national authorities respond in fulfilling their responsibilities towards the displaced. A number of scenarios are possible. National authorities may be willing to respond to the needs of internally displaced persons and possess the necessary resources, or they may be willing to respond but lack the required resources. In other cases, national authorities may be either passively unwilling to respond to the needs of the displaced, or even be obstructive of international efforts to address those needs.

This paper seeks to broadly outline some major elements which together constitute the field of protection in internal displacement situations. It makes no attempt to provide definitive answers to all the complex questions posed by those situations. The paper is part of a growing effort on the part of the international organisations to address more proactively the needs of internally displaced persons, to assess and analyse those needs, and to act when the rights of internally displaced persons are being violated.

I - Nature Of Protection For Internally Displaced Persons

The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. HR law, IHL, refugee law).[2]

For the purpose of this paper we have adopted the above definition used in 1999 Workshop of the International Committee of the Red Cross (ICRC) on Protection. This definition is comprehensive in scope, both in terms of the legal framework for protection, ("full respect"), and in terms of the strategies and methods by which protection may be achieved ("all activities").

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[2] Third Workshop on Protection, Background paper, ICRC (7 January 1999).

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Unlike refugees, internally displaced persons have not crossed an international border. As such, no single international legal instrument is exclusively devoted to their specific protection needs. Internally displaced persons are covered by the laws of their own country, and the State is responsible for assisting and protecting them. Under human rights law, which remains relevant in most cases of internal displacement[3], they are entitled to enjoy, in full equality, the same rights and freedoms under domestic and international law as the rest of a country's citizens.

Whenever internally displaced persons find themselves in a situation of armed conflict, they are also protected by international humanitarian law (IHL). In international armed conflicts this includes in particular the Fourth Geneva Convention and Protocol I Additional to the Geneva Conventions, and in non-international armed conflicts Article 3 common to the Geneva Conventions and Protocol II thereto. IHL provides important protection for those who have already been uprooted, and, most importantly, against arbitrary displacement.

This is done in several ways. First, the rules governing the conduct of hostilities prohibit attacks against civilians and destruction of objects indispensable to their survival, such as crops, livestock and drinking water installations. Second, humanitarian law provides that civilians be treated in a humane manner and protects them from abuses committed by the party under whose power they find themselves. Together, these rules seek to preserve a minimum of safety and a basis for subsistence, both of which are essential to allow persons to remain in their homes, and as guarantees for those who have already been displaced. In addition, humanitarian law contains express prohibitions against arbitrary displacement, and regulates the conditions under which evacuations can be carried out.

Accordingly, the implementation of IHL constitutes an important form of protection. Efforts to promote such respect include drawing the attention of the parties to existing humanitarian problems, reminding them of their legal obligations and facilitating contacts between them for the purpose of enhancing the protection of civilians.

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[3] International human rights law nonetheless allows for derogation of certain guarantees under specific circumstances, including emergency situations. See *Internally displaced persons: Compilation and Analysis of Legal Norms,* UN Doc. E/CN.4/1996/52/Add.2 (5 December 1995); *Internally displaced persons: Compilation and Analysis of Legal Norms, Part II,* UN Doc. E/CN.4/1998/53/Add.1 (11 February 1998). Conversely the Convention on the Rights of the Child includes no derogation clause thus it is applicable to all children in all situations.

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Drawing upon the relevant provisions of these standards of international law, and refugee law by analogy, the Guiding Principles on Internal Displacement, published in 1998, represent the first comprehensive attempt to articulate what protection should mean for the internally displaced. The Guiding Principles identify the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement. They outline standards for protection against arbitrary displacement, protection and assistance during displacement, and for safe return or resettlement and reintegration. Protection as elaborated in the Principles covers not only needs for physical security and safety but also the broad range of rights provided for in international law (including the right to food, to education and to employment, for instance).

The Principles, it should be noted, do not seek to create a privileged category of persons or to establish a separate legal status for the internally displaced. Rather, they are based on the assumption that internally displaced persons have the same rights and obligations as other persons living in their own state. At the same time, however, they draw attention to the importance of recognising the particular situation and needs of internally displaced persons. Although not a legally binding document as such, the Principles reflect and are consistent with international human rights and humanitarian law, and refugee law by analogy, which *are* binding.

Having gained broad consensus, the Principles provide solid guidance on how protection activities should be oriented in order to be effective. Notwithstanding the importance of basing protection on principles of national and international law, it nonetheless is true that the protection of displaced persons "frequently will depend on non-legal skills and initiatives"[4]. In other words, action is required to translate protection principles into effective protection on the ground. Action should also be focused on the search for durable solutions. For the essence of protection activities is the search for solutions which might ensure or restore rights.

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[4] Goodwin-Gill, 'The Language of Protection,' *International Journal of Refugee Law*, Vol. 1, No. 1 (1989), p.17.

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II - Strategic Areas For Protection

While there is growing recognition among humanitarian and development agencies of their responsibilities in the area of protection, including to internally displaced persons, there remains a need to give practical meaning to such commitment. Traditionally, humanitarian and development agencies lacking an explicit protection mandate have tended to conceive of protection for internally displaced persons as falling outside the scope of their work. Their protection role has been limited to the extent that the provision of assistance does in itself constitute a form of protection. As such, the traditional work of humanitarian and development agencies is, indeed, inherently rights-based and the distinction between protection and assistance is false. However, human rights protection cannot be done by halves, it involves the assurance of the whole set of rights enshrined in the Universal Declaration of Human Rights. As the High Commissioner for Human Rights has said, it means ensuring "all human rights for all". The challenge of strategic programming in situations of internal displacement is therefore to ensure that this "all" includes the internally displaced and that "all" their rights are respected.

The ICRC 1999 Workshop on Protection identified three categories under which different types of protection activities could be grouped: (i.) *Environment Building*, to include any activity aimed at creating and/or consolidating a global environment conducive to full respect for the rights of individuals; (ii.) *Responsive Action*, to include any activity undertaken in the context of an emerging or established pattern of abuse and aimed at prevention and/or alleviating its immediate effects; and (iii.) *Remedial Action*, to include any activity aimed at restoring dignified living conditions through rehabilitation, restitution, reparation.

This typology helps explain the broadly defined meaning of protection. It is also useful for a clearer identification of the roles and collaborative arrangements in a comprehensive strategy for the protection of internally displaced persons. Following this outline, a number of strategic areas relevant to protection work in situations of internal displacement have been identified.

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Environment Building

Dissemination and Promotion of the Guiding Principles: In its decision of 26 March 1998, the IASC encouraged member organisations to bring the Guiding Principles to the attention of their Executive Boards and to share them with their staff, especially those in the field. Since then, the Principles have been largely integrated into institutional policies and programmes. OCHA has published them as a booklet in various languages (English, French, Spanish, Portuguese). Translations also exist in Azerbaijani, Georgian (undertaken by local NGOs with the support of UNHCR) and Greek (undertaken by Amnesty International). In addition, a French translation of the Compilation and Analysis of Legal Norms[5] on which the Principles are based is planned.

Yet, the effectiveness of the Principles as a protection tool depends on the extent to which they are respected by the various concerned actors, including the international community. The IASC, in its above-cited decision, has encouraged its members to apply the Principles in their activities. The Principles should be used by the agencies as a benchmark against which to assess assistance and/or protection activities in their areas of responsibility. An integrated country team approach should be adopted when applying the Principles at field level, the responsibility for which would fall to the RC/HC at field level, in cooperation with the IASC-WG.

Advocacy: The main aim of advocacy is to give victims a voice and ensure that humanitarian issues and concerns are taken into account. Active and assertive advocacy for the rights of internally displaced persons can be an essential component of protection efforts. Greater awareness of the rights of internally displaced persons as well as of their condition and needs, must be promoted with national leaders, international organisations, the media, donors and parties to conflicts.

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[5] UN Doc. E/CN.4/1996/52/Add.2. Due to the length of the document, UN Conference Services could not provide translation of the document into the other official languages of the UN.

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Where violations of relevant international provisions, as spelled out in the Guiding Principles, occur, field staff of UN agencies, NGOs and international organisations should ensure that the information is communicated to officials and/or institutions that are in a position to act upon it. These include the RC/HC, the OHCHR, the ICRC or other UN Agencies with a special expertise or responsibility in this field. In turn, these mandated actors should make representations directly to the competent authorities or other parties with influence over the territory where violations are occurring, including: UN Peacekeeping Forces, UN Police monitoring units, and bilateral or regional military contingents assisting with peacekeeping.

When undertaking advocacy efforts, the situation must be carefully examined to determine what type of advocacy will be most effective and what are the possible points of entry. The safety and security of field staff must also be kept in mind. Common stands by human rights, humanitarian and development agencies can be particularly effective. At the same time they reduce the risks related to agencies acting separately or alone.

Effective advocacy has to be done locally. Nevertheless, as a matter of course, information on internally displaced persons should be brought to the attention of the officials and/or institutions, at headquarters level, who are specifically mandated to engage in advocacy for the protection of internally displaced persons. In particular, the ERC's function enables him to effectively use mechanisms such as addressing the Security Council and contributing to the Secretary-General's reports to the ECOSOC and the General Assembly to draw the attention of the international community to such protection problems. Furthermore, the ERC and the HCHR, in their function as members of the Secretary-General's Executive Committees, are in a strong position to promote an active and concerted response from within the UN system to such problems as they evolve. The regular reports of the RSG on IDPs to the Commission on Human Rights, as well as his contacts during official country visits, provide additional platforms for high-level advocacy.

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Engaging non-state actors: With internal armed conflict constituting one of the main cause of internal displacement, strategies for engaging not only Government authorities but also other parties to the conflict in the protection of the internally displaced need to be developed. It is important that efforts at engaging non-state actors be linked to the dissemination, training and advocacy activities outlined in this paper. Such efforts should be integrated in the overall coordination efforts under the leadership of the RC/HC and should take fully into account on-going activities of other international organisation to avoid ineffective duplications. Dialogue with non-state actors should retain a strictly humanitarian character.

Prevention of displacement, early warning and awareness: "*Today's human rights abuses are tomorrow's refugees and internally displaced*"[6]. Sustained attention should be given to prevention activities, so-called *preventive protection*, to diminish the risk of displacement. In particular, activities to address root causes of conflict, and the mitigation of violations and abuses are required.

A protection perspective and a displacement risk assessment should be integrated into all aspects of early warning analysis of countries and communities in crisis. Supporting early warning initiatives within the humanitarian sphere can strengthen the capacity and ability to anticipate and mitigate situations causing internal displacement. Therefore, field staff of UN agencies, NGOs and international organisations as well as local authorities should be encouraged to provide information on impending situations of internal displacement and communicate it to the RC/HC and other Agencies with a special expertise or responsibility at field level. In turn, these mandated actors, would be responsible for informing the IASC-WG, the ERC and the RSG on IDPs.

Making populations at risk aware of their rights can serve as a preventive measure. Through human rights training, awareness campaigns, and advocacy with local leaders, communities can be empowered to protect themselves and reclaim their rights. In particular, local organisations and the internally displaced persons themselves should play an active role in providing information on imminent situations of internal displacement.

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[6] UNHCR, "The World's Refugees: In Search of Solutions", Oxford University Press, 1995.

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Establishing an international humanitarian presence among internally displaced persons is often an important step towards ensuring their protection. Experience in this field suggests that in certain circumstances, the presence of expatriates "watching and listening" has, at times, been found to deter, or at least mitigate, human rights violations.

Preparedness: To be effective, early warning capacity needs to be linked to timely and decisive response mechanisms on both the national and international level. Periodic review by the IASC-WG of situations identified as possibly leading to mass displacement could make an important contribution to ensuring appropriate contingency planning including technical cooperation with the authorities. Furthermore, the Country Team should be responsible for ensuring that the emergency pipelines are capable of meeting anticipated needs. Activities such as the pre-positioning of staff, transport, shelter, material and food and medical supplies should be ensured in impending situations of internal displacement.

Strengthening local and national protection capacity: It is essential to assist the authorities in discharging their responsibility to internally displaced persons and to strengthen the national capacity, not only for emergency response but also for human rights protection. Such assistance is especially effective where the State experiencing displacement is willing but not able to discharge its protection responsibilities. The assistance may take the form of technical cooperation and advisory services programmes as well as programmes for good governance.

Training: An integrated training programme on the protection, assistance and reintegration of internally displaced persons is essential for international staff, national authorities and non-State actors, local organisations and all other relevant actors.

In line with its terms of reference, the IASC-WG has set out to develop a set of distinct yet complementary training modules on internal displacement. The primary target audience of the training modules will be middle-level management and field programme staff of UN agencies, NGOs and other international organisations. These modules, which will consist of adaptable teaching kits, can be adjusted to fit wider audiences. It is envisaged that a number of critical principles on the RC/HC's role vis-à-vis internally displaced persons will be distilled from the modules and fed into the RC/HC training program at the UN Staff College.

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Complementing the training package are other publications providing guidance on programming field activities and implementing the Guiding Principles. These include: the Manual on Field Practice in Internal Displacement, prepared by an IASC reference group under the direction of UNICEF; and a Field Handbook on the Guiding Principles, prepared by the Brookings Institution Project on Internal Displacement.

These tools will enhance the ability of actors in the field to respond to crises of internal displacement in a systematic and comprehensive manner. The IASC-WG will also need to bring the training material to the attention of UN peacekeepers and civilian police who increasingly are undertaking activities of direct relevance to internally displaced persons.

Operational Response and Remedial Action

Vulnerability Assessment: An assessment of vulnerabilities and needs should always include protection. Surveys and assessment tools should analyse the protection requirements of internally displaced persons in a specific and systematic manner.

The Guiding Principles are a valuable reference point for identifying the rights of the internally displaced, and for assessing the extent to which their protection needs are being addressed. Where these needs are particularly acute, the undertaking of specific needs assessment should be considered.

Coordinated Programming of Assistance: Country teams, in formulating their Consolidated Appeals should ensure that the protection needs of internally displaced persons are addressed in the joint programming process. Further to its Terms of Reference, the IASC-WG is to ensure that the needs of the internally displaced are systematically taken into account in resource mobilisation processes. The IASC has recommended that the activities of agencies having a more specific protection mandate, such as the UNHCR, OHCHR and UNICEF, should be highlighted in the Appeals.

To this end, the IASC-WG decided that the Sub-working group on the Consolidated Appeals Process should prepare improved guidelines aimed at helping Country Teams in drafting effective appeals. The IASC-WG should ensure that the improved guidelines include directions on how programming can systematically address the protection needs resulting from internal displacements. In addition Appeals should also embody programmes to address the need for durable solutions. On the basis of needs assessments, and where appropriate, resource mobilisation efforts should earmark funds specifically for addressing these needs.

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Promoting protection in the design of assistance programmes: While the primary responsibility to provide protection rests with the competent authorities, humanitarian agencies have responsibilities of their own to ensure that protection features are integrated in their programmes and operations. A number of agencies have devised specific guidelines in this regard (e.g. prevention of sexual exploitation in camp situations, protection against child recruitment through schooling, integrating mine-awareness in assistance programmes, linking data collection for documentation and tracing with registration for relief assistance, etc*.).*

Agencies should review their assistance programmes to avoid potential negative effects on protection as well as strengthen programme features that could positively effect protection. Agencies providing assistance should consult with other expert or mandated agencies operating in the country, to determine how their assistance programs could be strengthened to afford protection of basic rights. In setting out a programme Agencies should also take into account on-going activities of other international organizations to avoid all duplications.

Supporting community-based protection: Community structures can be an important source of protection in situations of displacement. The needs of the internally displaced should be addressed within a broader humanitarian strategy which takes into account the needs of all segments of the population and in particular those of the host-community. "*Practical protection*," UNHCR has observed, "*is provided first of all by and through the local community, through a complex social network including family, clan, village or tribe.*"[7] Local coping mechanisms are particularly important in the absence of an effective government.

Displaced communities should be involved, as the Guiding Principles affirm, in decisions taken on the design of programmes addressing their needs, and about their return or resettlement. Activities that encourage the maintenance or restoration of communal links or promote the integration of the displaced into the surrounding community can contribute to their security. In emergency situations, high priority should be given to efforts aimed at reuniting families, creating support structures for unaccompanied children, and enabling displaced persons to remain with or rejoin members of their clan, tribe or village.

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[7] UNHCR, "Protection Aspects of UNHCR Activities on Behalf of Internally Displaced Persons," EC/SCP787 (Geneva, 17 August 1994), p. 26.

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Over the longer term, activities that strengthen civil society and facilitate conflict resolution and reconciliation among different cultural, ethnic and religious groups can contribute to the protection of displaced persons. They can also lead to the identification of durable solutions, in particular through the creation of conditions for the eventual safe return and reintegration, or resettlement and integration of internally displaced persons

Protection strategies for women, children and other vulnerable groups:
Humanitarian agencies must ensure that gender and child-related aspects of displacement are considered in the planning and programming of operations. Displacement tends to alter the structure of families and households and to change gender roles. Women play a central role in reducing the vulnerability of entire communities to the effects of displacement. Their participation in the design of protection strategies is essential. The continued study of gender relations and how these have been affected by displacement must be encouraged. This could be achieved by the routine compiling of gender-specific information in assessments. With regard to the specific protection needs of children and in particular of unaccompanied minors and child soldiers, the Convention on the Rights of the Child, which outlines the non-derogable rights applicable to children should be examined as a basis for advocacy and programming on behalf of internally displaced children. More attention should also be paid to the specific needs of other vulnerable groups such as the elderly and the handicapped.

Promoting protection in the design of return/reintegration or resettlement/integration programmes: Protection activities must work towards durable solutions. For the displaced this entails a voluntary and secure return or resettlement. Internally displaced persons are particularly vulnerable to involuntary return/resettlement and to a lack of safety in the areas of return/resettlement. Additional problems often relate to the restitution of land and property rights. Humanitarian and development agencies need to work together to ensure that their programmes are designed to specifically tackle these challenges.

Operational monitoring and reporting: On-going monitoring of the protection requirements of internally displaced persons, and how these needs are being addressed is essential. Field monitoring serves an important protection function by establishing a presence among or near at-risk populations. This allows regular needs assessment and the identification of groups that are particularly at risk. If necessary the RC/HC and the Country Team will relay such information to the ERC, RSG on IDPs, OHCHR, and the IASC-WG as a whole, in order to ensure a timely and effective response.

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In this regard, following a request from the office of the Secretary-General, a note was issued by the UNDP Administrator providing initial practical guidance on communicating issues relating to human rights. More detailed and extensive guidance as well as training opportunities should be provided to field staff.

III - Responsibilities For Action

It is, first and foremost, the responsibility of national authorities to both ensure protection for and provide assistance to the displaced and those at risk of displacement.

The protection role of other actors, including international agencies and NGOs, involves reinforcing national responsibility and supporting, not substituting for, the protection responsibilities of competent authorities. In this connection, the UN Secretary-General's Programme for Reform of 1997 has underscored that human rights protection is a concern that cuts across the entire UN System, entailing commensurate responsibilities for its various organs and agencies. Thus, although some UN agencies have expressly designated mandates and possess specialised technical expertise in human rights protection, it remains incumbent upon all agencies to incorporate human rights concerns into their work. All agencies providing humanitarian assistance to internally displaced persons have a responsibility to consider how the design and implementation of their assistance activities might best contribute to promoting protection of the internally displaced. Effective fulfilment of this responsibility stands to improve the protection of the internally displaced.

The scale and the multi-faceted nature of displacement crises have led the IASC to recognise that an effective and comprehensive response to the protection and assistance needs of displaced persons necessitates a collaborative approach. Thus, the management model for assistance and protection in situations of internal displacement, rather than a single agency approach, is one that involves government officials, UN agencies, international organisations, and international and local NGOs.

Such a collaborative approach implies a significant coordination role for the ERC and the IASC-WG. It requires the RC/HC to undertake an important assessment and task coordination role within the country setting; and further means the involvement of UN agencies and other international and national organisations, based on their areas of comparative advantage.

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The principles which should underlie all interventions on behalf of internally displaced persons are: (a) a clear understanding of the respective roles of the ERC, the IASC-WG and the RC/HC, (b) an in-depth analysis of the specific country situation, and, (c) a multi-organisation coordination model based on the comparative advantages of the humanitarian organisations.

IV - Process for Implementing the Collaborative Approach

The IASC Recommendations related to the Review of the Capacity of the UN System for Humanitarian Assistance set out a number of coordination arrangements:

At headquarters level, the ERC, as chairman of the IASC, is the focal point for the inter-agency coordination of humanitarian assistance to internally displaced persons. The IASC-WG has been designated as the inter-agency forum for dealing with problems of internal displacement. An informal network of agency focal points on internal displacement has been established to promote inter-agency discussion and cooperation.

At the field level, the RC/HC is, in full consultation with the inter-agency Country Team, responsible for the strategic coordination of assistance to and protection of internally displaced persons. This mandate includes ensuring that humanitarian needs are met before, during and after an emergency. It also requires the RC/HC to serve as an advocate for assistance and protection, and recommend to the ERC a division of tasks and responsibilities among agencies. The RC/HC may also recommend to the ERC, in consultation with the Country Team, a lead sectoral agency to assume operational responsibility for internally displaced persons.

This process serves to create areas of predictability as well as systematically promote mechanisms of complementarity and cooperation among the agencies to address the needs resulting from internal displacement. A number of coordination mechanisms need to be distinguished in order to maintain flexibility with regard to the specific requirements in situations of internal displacement.

<u>Coordination mechanisms at the outset of an IDP crisis:</u>

a) **Activation:** The primary responsibility for activating the coordination process at the outset of a crisis of internal displacement lies with the field. The RC/HC will alert the ERC to an evolving situation of internal displacement. This then should set off parallel processes in the country and at headquarters level.

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b) **Strategy building:** The RC/HC will initiate consultations with the UN Country Team and other international organisation and establish in-country task forces on internally displaced persons. This should encourage agencies to share information, initiate additional common monitoring activities, and develop a joint plan for responding to the assistance and protection needs of the displaced. The RC/HC will ensure that the monitoring and planning process maintains a strategic focus on protection issues such as those suggested in Section II. As a matter of course, strategies to address situations of internal displacement should include the search for durable solutions, even while the crises are evolving. The RC/HC will also promote consultations with national and local authorities to assess the willingness and capacity of the government to respond to the crisis and to fulfil its obligations with regard to protection in situations of internal displacement.

c) **Defining institutional arrangements:** In consultation with the UN Country Team and other relevant organisations, the RC/HC will propose to the ERC an institutional arrangement among agencies to address the needs of the displaced populations in a coordinated manner. This proposal should reflect the role to be taken by national and local government agencies, as well as by international agencies and NGOs. Subject to inter-agency consultations and subsequent endorsement by the IASC-WG, the ERC may give a provisional response to the proposal. Following general consultations, in particular with agencies proposed for key roles, the ERC will propose a coordination arrangement to the IASC-WG for its endorsement. The RC/HC may also request the ERC to dispatch to the field an inter-agency mission or an individual adviser, as appropriate.

d) **The IASC-process:** The IASC-WG will undertake, in line with its terms of reference on internally displaced persons, a review of the proposed country arrangements and suggest the most appropriate division of labour for addressing them.

While the above-outlined mechanisms will help address situations of internal displacement *at their outset*, a number of steps should be taken at field level as well as at headquarters level to strengthen coordination processes in *on-going* situations of internal displacement:

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Coordination mechanisms in ongoing crises:

a) The RC/HC, or the sectoral lead agency, will encourage in-country task forces on internally displaced persons to develop the capacity and competence to maintain a strategic focus on protection issues while planning for the delivery of humanitarian assistance. These will include mechanisms for participation at sub-office level in designing and implementing strategies.

b) The RC/HC or the sectoral lead agency, with the input from the UN Country Team and other international organisations, will report to the ERC on specific information on displaced populations, and call, if necessary, particular attention to gaps in existing assistance and protection measures, as well as constraints due to lack of access or resources.

c) The IASC-WG will support the RC/HC in promoting collaborative arrangements among agencies to address protection needs. In particular, the IASC-WG will assist the RC/HC or the sectoral lead agency in their coordination efforts by undertaking a systematic review of country arrangements with regard to internally displaced persons at headquarters level.

d) The IASC-WG, in selecting countries for its consideration, should give priority to situations where internal displacement is presenting particular protection and/or assistance challenges. In keeping with its TOR on internally displaced persons, the IASC-WG should systematically monitor the follow-up to visits by the ERC or inter-agency missions to the country(s) in question. When reviewing countries on which the RSG on IDPs has reported on, the IASC-WG should examine the extent to which his recommendations are taken into account by the Governments, concerned parties and by the Country Team.

e) The RC/HC may encourage the development of *Memoranda of Understanding* or other institutional arrangements between key partners in the humanitarian response to displacement situations, the objective being for agencies to be able to rely on one another's comparative advantages and special expertise. In clarifying roles and responsibilities, such agreements can also help to identify and correct operational gaps and overlaps.

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ANNEX[8]
**Outline of the Capacities of Different Organisations
with regard to the
Protection of Internally Displaced Persons**

The Emergency Relief Coordinator
The Secretary-General, in his report *Renewing the UN: A Programme for Reform,*
emphasised that the international response to internal displacement needed to address
both protection and assistance. The report underlined the role of the Emergency Relief
Coordinator (ERC) as one of ensuring that the protection and assistance needs of
internally displaced persons (IDPs) are addressed[9]. Accordingly, the Secretary-General
designated the ERC as the focal point at headquarters level for the inter-agency
coordination of humanitarian assistance to internally displaced persons. This
responsibility includes: (a) global advocacy on both assistance and protection
requirements; (b) resource mobilisation and the identification of gaps in resources for
internally displaced persons; (c) promotion of the establishment of a database and global
information on internally displaced persons in consultation with external institutions,
including monitoring and issuance of periodic situation reports; and (d) support to the
field on related humanitarian issues, including negotiation of access to internally
displaced persons.

As chair of the Inter Agency Standing Committee (IASC), the ERC ensures that
appropriate arrangements are set up with regard to protection and assistance in specific
situations of internal displacement.

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[8] The Outline of the Capacities of Different Organizations is presented in Annex to the policy paper and
constitutes a non-endorsable part of the text.
[9] A/51/950, para. 186

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At the field level, the <u>UN Resident/Humanitarian Coordinator</u> (RC/HC) is, in full consultation with the inter-agency Country Team, responsible for the strategic coordination of assistance to internally displaced persons. This includes ensuring that humanitarian requirements before, during and after an emergency are adequately addressed, and advocating for assistance and protection. The RC/HC is responsible for recommending to the ERC the most appropriate collaborative arrangement, among agencies, for responding to the displacement crisis in a specific country. The RC/HC may also recommend to the ERC, in consultation with the in-country team and on a case-by-case basis, a lead sectoral agency to assume operational responsibility for internally displaced persons.

Through a network of IDP focal points in IASC member agencies, the ERC's <u>Office for the Coordination of Humanitarian Affairs</u> (OCHA) maintains a system-wide liaison concerning situations of internal displacement. This enables OCHA to assist the ERC and the IASC with its Working Group in developing an inter-agency consensus in IDP-matters.

OCHA is also in close contact with the <u>Representative of the Secretary-General on internally displaced persons</u> in order to keep him up to date on relevant policy developments, provide him with country specific information and proposals for his advocacy efforts on behalf of internally displaced persons.

The Representative of the Secretary-General on Internally Displaced Persons (RSG on IDPs)
In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for protection and assistance, the UN Secretary-General, at the request of the Commission on Human Rights, appointed a Representative on internally displaced persons. The RSG was requested to examine the human rights issues relating to internal displacement and to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, measures to strengthen their implementation, and additional ways of addressing protection needs.

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The mandate of the RSG since has been renewed three times and the RSG requested to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention, and specific ways to improve protection, assistance and solutions for the internally displaced. In fulfilment of these responsibilities, the Representative monitors internal displacement world-wide, undertakes country missions, establishes dialogues with governments, collaborates with intergovernmental, regional and non-governmental organisations, makes recommendations to improve international and regional institutional arrangements, assesses international legal protection, and publishes reports for action by Governments, the Commission, General Assembly, international organisations and non-governmental organisations.

In 1998, the RSG presented the first international standards on internally displaced persons to the Commission – the Guiding Principles on Internal Displacement. Their development had been preceded by an evaluation of existing human rights and humanitarian law and refugee law by analogy to determine the degree to which they provided an adequate basis for the protection of the internally displaced. On the basis of the findings, contained in a compilation and analysis of legal norms, the RSG had been requested by the Commission and General Assembly to develop an appropriate normative framework for the protection of internally displaced persons. The Guiding Principles are the first comprehensive statement of what protection should mean for the internally displaced. They set forth the rights of the internally displaced and the obligations of governments and insurgent groups toward these populations. They provide guidance to the RSG, States, all other authorities, groups and persons, and intergovernmental and non-governmental organisations when addressing internal displacement. The Commission acknowledged the Principles in 1998 and has welcomed the fact that the RSG is making use of them in his dialogue with Governments and intergovernmental and non-governmental organisations, and in particular in the framework of seminars he has held on internal displacement (in collaboration with regional organisations, UN agencies and local NGOs). The Economic and Social Council also acknowledged the Principles, as have international organisations, regional bodies and non-governmental organisations, all of which have been widely disseminating them.

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Another important aspect of the mandate is country missions which provide the means for assessing the extent to which the protection, assistance and development needs of the internally displaced are being met on the ground. Discussions are held with government officials, international organisations, non-governmental organisations and displaced populations, all of which serve to raise national and international awareness to areas that need attention.. Thus far, the RSG has undertaken fourteen such visits. The RSG submits reports on his findings to the Commission and General Assembly. He also shares the findings and recommendations of these missions with the IASC, soliciting its support in their implementation.

In its Recommendations Related to the Review of the Capacity of the United Nations System for Humanitarian Assistance, the IASC recognised the role of the RSG as focusing primarily on advocacy for protection and assistance of the internally displaced, the setting of global standards and principles for enhanced protection, and making recommendations on how the application of existing instruments and protocols can be made more effective. Since 1997, the RSG has been a standing invitee to the IASC and its subsidiary bodies, participating actively in these forums with a view to ensuring that attention to protection is integrated into the international response to situations of internal displacement. The RSG also makes recommendations for more effective institutional arrangements for internally displaced persons at the national and international levels.

The RSG reports annually to the Commission and biennially to the General Assembly. The RSG on IDPs is a voluntary position, which is serviced by the Office of the High Commissioner for Human Rights in Geneva. In 1999, UNHCR seconded a staff person to New York to support the work of the mandate.

The Office of the High Commissioner for Human Rights (OHCHR)
Protection is at the core of the mandate of the Office of the High Commissioner for Human Rights (OHCHR). In addition to servicing the mandate of the RSG on IDPs, OHCHR plays a protection role with internally displaced persons in its own right. OHCHR has a field presence in several situations of internal displacement, which in a number of cases has specific responsibilities relating to promoting and protecting the rights of internally displaced persons. Enhancing the human rights field presence in situations of internal displacement would help to ensure greater attention to human rights abuses and protection needs.

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The human rights monitoring undertaken by the thematic and country-specific Special Rapporteurs, thematic working groups and the human rights treaty bodies is also important. The Commission on Human Rights has called upon these mechanisms to seek information on situations that have already created or could create internal displacement, and to include relevant information and recommendations thereon in their reports and to make these available to the RSG.

In addition to human rights monitoring, OHCHR can contribute to addressing protection needs of internally displaced persons through technical cooperation activities such as supporting the strengthening of judiciary and the creation and effective functioning of national institutions for promoting and protecting human rights, programmes of human rights education, providing training in human rights, and capacity-building for local non-governmental organisations. The Commission on Human Rights has called upon the OHCHR to develop, in cooperation with governments, international organisations and the RSG, technical cooperation projects specifically aimed at promoting the rights of internally displaced persons.

The mandate of the High Commissioner relating to mass exoduses also is relevant, in particular for its emphasis on early warning and response to situations of displacement. The General Assembly, in its resolution on Human Rights and Mass Exoduses, has requested the United Nations High Commissioner for Human Rights, in the exercise of her mandate "to pay particular attention to situations which cause or threaten to cause mass exoduses and to contribute to efforts to address such situations effectively through protection measures, emergency preparedness and response mechanisms, including information sharing with the United Nations early-warning mechanisms, and the provision of technical advice, expertise and cooperation in countries of origin as well as host countries".

The Food and Agriculture Organisation (FAO)
Although protection per se does not fall under FAO's mandate, the Organisation recognises that all human rights are interrelated and interdependent. It has a special responsibility in protecting the right to food as a basic human right. FAO's Constitution sets "ensuring humanity's freedom from hunger" as one of its basic purposes.

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The World Food Summit (WFS), organised in Rome in 1996, reaffirmed that food should not be used as an instrument for political and economic pressure; international humanitarian law bans the deliberate starvation of civilians. The WFS also acknowledged that in many instances the lack of security and enjoyment of all human rights are the main impediments to food security. Furthermore all instances of hindrances to the right to food, such as food blockades, mining of agricultural areas and fishing zones, destruction of food production means, the uprooting of people from their lands etc. are of direct concern to the Organisation. Therefore, FAO will strive to cooperate in general protection activities in country teams, and pay special attention to protection of the right to food.

Protection of the right to food requires monitoring of household food security of internally displaced persons, understanding the specific constraints that prevent Internally displaced persons from accessing the required food and ensuring that appropriate measures are taken to facilitate this access. Discrimination on the grounds of race, ethnicity, opinion or gender is of particular concern. FAO regards assistance to return to self-sufficiency, by access to land, seed, tools, or general income-generating activities as inherent in the concept of the right to food. The right to adequate food implies that food assistance should be adequate in quality and quantity to meet the dietary needs of every individual for a healthy and active life, with due regard for cultural preferences. Special efforts should be made to ensure the participation of internally displace men and women in assistance activities.

Regarding general protection concerns, FAO believes that its visible presence in concerned regions, as such, can contribute to deterring violence and abuses, facilitating the protection of internally displaced persons, especially when complemented by sufficient awareness. FAO Representatives and field staff in countries affected by internal displacement are encouraged to be aware of the special needs of internally displaced persons, for instance by familiarising themselves with the Guiding Principles on Internal Displacement and other material being prepared under the auspices of the IASC-WG. FAO staff is encouraged to participate in inter-agency activities, including training, and to notify partners with a protection mandate of cases, events and situations requiring their intervention. More specifically FAO staff should promote and participate in monitoring, assessing and planning related to household food security of internally displaced persons.

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The World Food Programme (WFP)
In recent years, internally displaced persons have constituted a major category of beneficiaries for the World Food Programme (WFP). WFP, mandated to provide food aid to the most vulnerable and food-insecure, plays a major role in providing food aid assistance to internally displaced not only during the period of displacement, but also in support of return, resettlement, reintegration and post-conflict recovery. WFP's assistance activities, carried out in collaboration with partners, support, both directly and indirectly, the protection of internally displaced persons. These include:

Firstly, WFP engages in negotiations on access and safe passage for humanitarian supplies, including food, with governments and non-state actors in order to reach internally displaced persons and other conflict-affected persons at risk. Advocacy for continuous and unrestricted access to the internally displaced means not only access for the provision of assistance and related protection, but also unrestricted access for regular and systematic needs assessments and follow-up monitoring.

Secondly, WFP's food assistance is provided in ways that are intended to protect and promote the human rights of beneficiaries. For example,
- During programming design, food delivery schedules and commodities and quantities to be distributed are planned so as to minimise the risk of attacks, harassment, etc. In addition, WFP's food assistance in response to the essential needs and rights of displaced persons may preclude repeated displacements and further erosion of their basic rights and security of displaced persons.
- WFP ensures that its assistance programmes are designed and implemented on the basis of broad-based participation. As women constitute the majority of internally displaced people, WFP's Commitments for Women play a particular role. They are aimed at ensuring women's direct access to appropriate and adequate food; women's equal access to, and participation in, power structures and decision-making; and women's equal access to resources, employment, markets and trade.
- WFP Food-For-Work (FFW) activities can provide an incentive for activities such as reconstruction of public and private assets, community infrastructure and private housing, involving civilian populations affected by conflict. As such, FFW can aid in the process of resettlement, recovery and reconciliation.
- In the broad sense, food assistance provides protection during displacement and return phases, by reducing the burden for local communities and lessening the friction that can be caused between displaced people and resident populations.

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WFP is undertaking a review of its assistance to internally displaced persons with one objective being the identification of opportunities to strengthen linkages between protection and assistance.

The World Health Organisation (WHO)
WHO main role is to support the national authorities in strengthening health services and in improving health care for all segments of their populations. Furthermore, its constitution mandates WHO "to provide or assist in providing, upon the request of the UN, health services and facilities to special groups". Internally displaced persons represent one of these special groups: a group most vulnerable to health hazards.

WHO is fully aware that protection of health rights of internally displaced persons is an inseparable part of their full human rights. Full coordination between local authorities and external agencies, UN, NGOs, RCRC, etc. is an absolute necessity.

WHO-assistance to internally displaced persons hinges on the Organisations country office which ensures a permanent presence in the country before, during and after emergencies. The country office can be strengthened according to needs by the regional office concerned while HQ ensures the coordination with other agencies and the donor community, as well as facilitating technical backstopping from relevant WHO programmes. For instance, technical guidelines can be adapted to the needs of internally displaced persons and disseminated to all other partners.

Normally, WHO does not provide health care directly but works through other health care providers, national or international. WHO can intervene in different phases of assistance and in complementary ways:

a) during the emergency phase WHO participates in the assessment of the health situation. The internally displaced persons health needs will be identified and brought to the attention of the national authorities, other UN agencies, NGOs and the donor community.

b) this technical assessment will serve also as a basis for advocating for the protection of internally displaced persons vis-B-vis the national authorities and of the international community.

c) consistently with the above, WHO fosters and facilitates the involvement of national authorities in the provision of health care to the internally displaced persons and their coordination with other national and external agencies as may be present.

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d) when reintegration is in sight WHO, together with the other UN agencies, WHO will assist the national authorities and NGOs to ensure that internally displaced persons are reintegrated and provided the same level of health services as the rest of the population. This requires the formulation of health plans for the internally displaced persons that are integrated in long term strategies aimed at the promotion of equitable and sustainable health care systems for all citizens.

The International Organisation for Migration (IOM)
The International Organisation for Migration (IOM) provides a broad range of activities to individuals, such as providing transport and fulfilling their basic needs of food, shelter and supplies. By providing assistance and meeting the material needs of internally displaced persons, IOM is offering a form of protection to them. Indeed, protection of the human rights of internally displaced persons often consists in meeting their essential needs.

In particular, IOM's migration assistance covers activities such as organising transport, evacuations, and returns; providing temporary shelter and other material relief, providing early warning and rapid analysis of migratory flows, developing national population information systems and censuses, and providing expert advice to governments on migration policies and laws.

The Organisation also carries out projects such as reintegration and vocational training to assist these people in the long-term, in the recognition that viable alternatives are indispensable for displacement not to reoccur. Governments are also the beneficiaries of IOM programmes which build the national capacities need to manage or prevent internal displacement, in this light the Organisation has concluded bilateral cooperation agreements with many States, which specifically make provisions for IOM involvement in assisting internally displaced persons. With regard to inter-agency cooperation IOM has entered agreements with UNHCR, UNFPA and UNDP to enhance provision for migration assistance and protection to internally displaced persons.

The United Nations Development Programme (UNDP)
The United Nations Development Programme (UNDP) plays a critical role in the resettlement phase of internally displaced persons. Internally displaced persons can attract significant support while they remain a distinct target group in camps, or shanty towns, but once they are absorbed into communities, their 'targetability' erodes and delivery of emergency programme support becomes progressively more difficult. The UNDP sustainable human development role begins to grow wherever the targetability of internally displaced persons fades, primarily in:

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(a) facilitating joint planning of different interventions well beforehand, to ensure that development activities are sufficiently synchronised with relief;

(b) supporting development of the communities that the displaced have rejoined;

(c) implementing rehabilitation activities in the displaced communities of return in order to facilitate their sustainable reintegration, and;

(d) providing local capacity building support to local entities to enable them to take an active role in the reintegration and resettlement process.

Experience has shown that the conversion from the 'target group' paradigm to the 'development' paradigm is far less jarring if the planning processes for the two stages are coordinated at a very early stage. Here, both the Resident and Humanitarian Coordinator functions are key in repeatedly bringing all of the actors together. UNDP plays an important role in supporting Resident Coordinators to provide the support during the displacement phase, to link rehabilitation activities as appropriate to the emergency and humanitarian relief, and to provide support to joint planning among international and local actors, to ensure that the needs of internally displaced persons are not neglected following their return to their original communities or permanent settlement when reintegration is not option.

The United Nations High Commissioner for Refugees (UNHCR)
Although refugees flee their country and the internally displaced remain uprooted within their national borders, the two groups share many common characteristics: like refugees, many internally displaced persons have been forced to leave their homes because of fear of persecution, war and violence, and are in need of humanitarian assistance and protection. Because of the close links between refugees and internally displaced persons, UNHCR has also responded to the problem of internal displacement in many situations.

As UNHCR's mission statement puts it, 'UNHCR is mandated by the United Nations to lead and co-ordinate international action for the world-wide protection of refugees and the resolution of refugee problems.' Recognising that in many situations the plight, the needs and the causes of displacement of internally displaced persons are closely related to those of refugees or returnees and that it is not possible to resolve refugee problems without addressing simultaneously the issue of internal displacement, UNHCR has increasingly undertaken activities on behalf of the internally displaced as part of a comprehensive approach to address coerced population movements.

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While UNHCR's Statute makes no specific reference to internally displaced persons, it recognises, in article 9, that the High Commissioner may, in addition to the work with refugees, *"engage in such activities ---- as the General Assembly may determine, within the limits of the resources placed at (her) disposal"*. This article is the basis on which the General Assembly has authorised the Secretary-General to call upon UNHCR to undertake humanitarian assistance and protection activities on behalf of the internally displaced, provided certain specific conditions are met.

UNHCR has interpreted the General Assembly resolutions, and in particular resolution 48/116, as providing the Organisation with a mandate to address the challenges of internal displacement in a flexible manner. Based on these resolutions, and on its operational experience UNHCR developed internal policy directives in 1993 and 1997, defining the criteria for involvement in specific operations as follows:

a) specific request or endorsement from the Secretary General or the competent principal organs of the United Nations;

b) consent of the concerned state or other relevant entity;

c) relevance of UNHCR's expertise and experience in protection, assistance and solution-oriented activities, and;

d) availability of adequate resources, access to the affected population, ability of UNHCR to maintain 'its institutional independence as a non-political and humanitarian organisation, and to intervene directly with the Governments and parties concerned through its field presence.

The criteria and considerations outlined above do not automatically trigger UNHCR's involvement but reflect factors that need to be taken into account in deciding whether or not a situation is appropriate for UNHCR's involvement.

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By virtue of its unique mandate and its global operations on behalf of refugees, UNHCR has acquired protection and solution-oriented skills and an operational capacity that can be put to effective use in certain situations of internal displacement. While the nature of UNHCR's involvement is related generally to the organisation's expertise and experience in the area of protection and solutions, the particular activities undertaken by UNHCR vary according to the specific situation and the needs of the persons concerned, ranging from reintegration assistance in Ethiopia and Somalia, to capacity building and the promotion and monitoring of human rights in Tajikistan, to co-ordinating protection and humanitarian assistance in former Yugoslavia.

Assisting the internally displaced as part of a reintegration operation for returnees is the most frequent way in which UNHCR becomes involved with internal displacement. Because UNHCR's activities on behalf of the internally displaced in the context of a repatriation operation are usually indivisible from its mandated protection and assistance activities for returning refugees, specific authorisation would not normally be a precondition for the organisation's involvement. In contrast, where the link between an envisaged operation and refugee-related activities is weak, prior request or authorisation from the UN organs or the concerned state is a prerequisite for UNHCR's involvement with internally displaced persons.

While recognising the difficulties of protecting the internally displaced in their own country, UNHCR nevertheless believes that activities with respect to internally displaced persons should not be limited to the delivery of relief assistance, but should include a protection component. To give one example of UNHCR's protection activities for internally displaced, in the case of Sri Lanka, UNHCR initially began by assisting refugees returning from India but when renewed fighting displaced both returnees and others in the local community, UNHCR responded to the request of the Government to address the needs of both groups. Seeking to combine relief assistance with some basic protection, UNHCR established Open Relief Centres (ORCs), where the displaced population could seek temporary shelter from the fighting.

UNHCR's involvement in the former Yugoslavia has highlighted the relevance of specific expertise in the area of protection and solutions, as well as the importance of addressing the plight of all affected population, whether refugees, displaced or besieged. In November 1991, UNHCR was requested by the UN Secretary-General to act as lead agency to provide protection and assistance to internally displaced persons affected by the conflict in former Yugoslavia.

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UNHCR's protection role was implicit in the Secretary General's letter, and the Office interpreted its tasks in a broad way, not only providing material relief to the victims of conflict, but also undertaking a wide range of protection functions, such as field visits to monitor the conditions of vulnerable groups, direct intervention with the authorities to address violations, facilitating evacuation in life-threatening situations, and intervening to prevent involuntary and unsafe return of displaced persons. Although UNHCR's ability to protect was limited by the brutal nature of the war, the Office's monitoring and reporting helped to focus the attention of the international community on the plight of civilians.

The United Nations Children Fund (UNICEF)
Broadly speaking, protecting the rights of the child means ensuring the rights provided for in the Convention on the Rights of the Child. Protection of displaced children focuses, first, on shielding them from physical and psychosocial harm inflicted by others, such as violence, exploitation, sexual abuse, neglect, cruel or degrading treatment, or recruitment into military forces. Displaced status makes children especially vulnerable to each of these forms of abuse. Second, protection refers to those actions that preserve the identity and cultural, linguistic, and inheritance rights of displaced children, since children removed from their home communities are at significant risk of losing these portions of their heritage. But protection finally also entails providing or ensuring provision at the basic needs of children in terms of food, health and education.

By definition, the United Nations Children Fund (UNICEF)'s mandate demands that it act whenever and wherever women and children- families- are vulnerable, whether they be refugees, displaced, affected by conflict, by inequity or by poverty. UNICEF can bring to the displaced populations its experience in capacity development, in community participation and in development of coping skills of children, of parents, of families and of communities- required for survival, development and protection in situations of poverty and inequity, and in more extreme uses of violence and armed conflict.

Supporting the rehabilitation and recovery of displaced children, their families and communities entail actions to restore psychosocial health is not only a matter of recovery but also one of reintegration, prevention and protection. UNICEF also provides assistance in the area of maternal and child health care, schools, water supply and sanitation systems, and promotes long-lasting solutions to the problem of internal displacement through the creation and strengthening of self-help capacities at the family and community level. In order to achieve these goals, UNICEF builds its interventions around four primary components: advocacy, assessment, care and protection.

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UNICEF also play an important role in the area of providing assistance and protection measures for unaccompanied displaced children, and providing for their reunification with families. Internally displaced children are also targeted in landmine awareness programmes both in order to ensure protection during displacement, and to provide for their safe return or relocation.

In the area of preventing recruitment and demobilising children who have been recruited by the military, UNICEF focuses particularly on displaced communities to ensure that priority is given to this issue as displaced children are particularly prone to join the military.

 The Convention on the Rights of the Child gives added impetus to UNICEF's advocacy and protection roles with regard to children in the widest range of difficult circumstances, especially within national boundaries, given the CRC's emphasis on the obligations of the state of the child and family.

The International Federation of the Red Cross and Red Crescent Societies (The Federation)
The Federation works on the basis of the Principles of the Red Cross and Red Crescent Movement to inspire, facilitate and promote all humanitarian activities carried out by its member National Societies to improve the situation of the most vulnerable people. The Federation directs and co-ordinates international assistance of the Movement to victims of natural and technological disasters, to refugees and displaced people and in health emergencies. It acts as the official representative of its member Societies in the international field. It promotes co-operation between National Societies, and works to strengthen their capacity to carry out effective disaster preparedness, health and social programmes.

National Red Cross and Red Crescent Societies embody the work and principles of the International Red Cross and Red Crescent Movement in more than 175 countries. National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief, health and social programmes.

Together, the components of the International Red Cross and Red Crescent Movement (the "Movement") are guided by the same seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. In the same manner, all Red Cross and Red Crescent activities have one central purpose: to help those who suffer without discrimination and thus contribute to peace in the world.

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Protection of Internally Displaced Persons: Inter-Agency Standing Committee Policy Paper (Continued)

National Societies are already present in the local situation through their extensive branch system and with direct access to internally displaced persons and are therefore particularly suited to support international efforts locally. The Federation may complement other international efforts by making use of its unique network of locally based Red Cross and Red Crescent Societies

National societies may be able to play important roles in some or all of the following fields: contribute to an early warning system through information sharing, build a local and national standby capacity, mobilise support to emergency relief at the local, national and international level; promote respect for humanitarian principles through dissemination and training; support protection efforts of the mandate of humanitarian organizations; remain present and involved throughout the difference phases of assistance and protection to displaced persons until solutions are found.

The International Committee of the Red Cross (ICRC)
The mandate of the International Committee of the Red Cross (ICRC) is based on international humanitarian law (IHL) and on the Statutes of the Movement. The ICRC is active primarily in situations of armed conflict and internal violence. By seeking to assist all victims of armed conflict, its also works to prevent arbitrary displacement and to ensure protection of and assistance to internally displaced persons. In recent years the magnitude of the needs to be met has led the ICRC to launch large-scale operations in practically all armed conflict situations. It has therefore dealt with millions of displaced persons.

Thanks to its right of initiative and its neutral and independent status, the ICRC is often well placed to take action during hostilities. Its specific nature and virtually permanent contacts with all parties to conflict generally enable it to obtain access - whether in government territory or in areas held by armed opposition groups - to the victims it is mandated to protect and assist.

ICRC's protection and assistance cover a broad range of activities, including promoting respect for IHL, making representations to governments and non-state actors when violations occur, lending its good offices to facilitate the establishment of hospital and safety zones, evacuating civilians from situations of danger, maintaining family links through tracing activities and exchange of Red Cross messages, and providing a variety of material assistance and services (e.g. medical care, shelter, food).

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Non-Governmental Activities
The non-governmental sector is involved in a wide range of protection activities for internally displaced persons. At an operational level humanitarian NGOs regularly work with internally displaced persons in various theatres around the world, including, for example, the CIS region, former Yugoslavia and the Great Lakes region. Generally operational humanitarian NGOs do not specifically target internally displaced persons for assistance but provide assistance as part of an overall relief effort or as implementing partners for various UN agencies.

In recent years many operational NGOs have gone beyond providing "assistance" in a narrow sense and initiated internal processes, or collaborated with partners, to examine ways to better incorporate human rights programming and human rights protection into operations.

Several NGOs are involved in monitoring displacement situations. Human rights monitoring and advocacy NGOs regularly report on the state of human rights in various parts of the world and do report on the respect for the rights of internally displaced populations.

Some refugee organisations also report regularly on internally displaced populations most notably the US Committee for Refugees which includes internally displaced persons in its World Survey and occasionally does country specific studies on internal displacement such as Colombia and Sri Lanka.
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The Norwegian Refugee Council has a well-established information dissemination project on internally displaced. It is establishing a database on internally displaced persons, examining both the protection and assistance needs of the displaced. It has worked to support the work of the Secretary-General's Representative on internally displaced persons by disseminating and promoting the Guiding Principles and has more recently played a part in training national NGOs on the Principles. In collaboration with the Office of the High Commissioner for Human Rights it has developed some training modules on the Guiding Principles. NRC also served as the focal point for NGO input into UNHCR's new Field Guide for NGOs on protecting refugees, which includes a section on protection of internally displaced persons. Finally the *Forced Migration Review*, a joint NRC undertaking with the Refugee Studies Programme, have given space to protection issues as they relate to the displaced.

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Aside from activities of both humanitarian relief organisations and human rights organisations independent of each other there have also been efforts to increase information sharing between both types of organisation. In February 1996 Médecins Sans Frontières-Holland, convened an international conference in Amsterdam to seek ways that humanitarian and human rights groups might collaborate more effectively

Other international organisations have also held discussions on protection and assistance concerns which relate to internally displaced persons. The Lutheran World Federation and the World Council of Churches for example have examined humanitarian ethics with specific reference to tensions between protection and assistance. The Steering Committee on Humanitarian Response is also involved in efforts to develop a "policy framework" for protection concerns. The Save the Children Alliance has developed a set of training materials and modules as part of its Action for the Rights of Children which are relevant to internally displaced persons.

Médecins du Monde convened a major conference in Paris in June 1999, on Saving Lives in the Midst of Conflict: From Humanitarian Action towards Humanising Governmental Action. InterAction has been the venue for an ongoing series of discussion of protection and related issues among U.S. NGOs.

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What Is Protection?

"The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law, and refugee law)."

- It is important to understand that this definition encompasses civil and political rights, as well as economic, social and cultural rights.

- This definition is comprehensive in scope, both in terms of the legal framework for protection, ("full respect"), and in terms of the strategies and methods by which protection may be achieved ("all activities"). It is also comprehensive in that it recognises all bodies of law relevant to the protection of internally displaced persons.

- Although there is growing recognition among humanitarian and development agencies of their responsibilities in the area of protection, including to internally displaced persons, there remains a need to give practical meaning to such commitment.

- Traditionally, humanitarian and development agencies lacking an explicit protection mandate have tended to conceive of protection for internally displaced persons as falling outside the scope of their work. Their protection role has been limited to the extent that the provision of assistance does in itself constitute a form of protection.

- The traditional work of humanitarian and development agencies is, indeed, inherently rights-based and the distinction between protection and assistance is complex. However, human rights protection cannot be done by halves; it involves the assurance of the <u>whole</u> set of rights enshrined in the Universal Declaration of Human Rights.

- By saying that protection is an all-encompassing concept, we are not suggesting that all organisations become legal experts and start defending and visiting prisoners, or start drafting legislation on the protection of internally displaced persons. However, what we are saying is that the Country Team must have a clear vision and strategy for making sure that all areas of protection outlined in the *Guiding Principles* are addressed.

- Protection is difficult to implement, particularly where displacement is inflicted as part of a deliberate policy, and where national authorities are unwilling to discharge their responsibilities toward their displaced populace.

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What Is Protection? (Continued)

- <u>It is important to bear in mind, however, that although protection and human rights activities cannot in themselves cause the disappearance of oppression and violence, they highlight the fact that human rights abuses and violations of international humanitarian law are illegal and unacceptable, and thus play an important role in diminishing their occurrence.</u>

- The ICRC 1999 Workshop on Protection identified three categories of protection activities:

  - ➢ *Environment Building*, to include any activity aimed at creating and/or consolidating a global environment conducive to full respect for the rights of individuals;

  - ➢ *Responsive Action*, to include any activity undertaken in the context of an emerging or established pattern of abuse and aimed at prevention and/or alleviating its immediate effects; and

  - ➢ *Remedial Action*, to include any activity aimed at restoring dignified living conditions through rehabilitation, restitution, and reparation.

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Comments on the Guiding Principles Related to Protection During Displacement

Principle 10: The right to life

The right to life is obviously a primary right. If it is violated, the other human rights are left without meaning.   This does not mean that the right to life is unqualified or absolute. The prohibition applies only to "arbitrary" deprivation of life. The right to life cannot be invoked, for example, where the death penalty is imposed in accordance with law and due process. It is important to note that both the **right** to life and the **quality** of life are of concern from a protection viewpoint.

In human rights law, the right to life is a non-derogable right. This means that it cannot be departed from in situations of declared emergency.

Principle 11: The right to dignity and physical, mental and moral integrity

This principle is underpinned by the concept of human dignity - the view that all human beings share certain physical, mental, spiritual and mental attributes which, in normal circumstances should be in some sort of equilibrium. This Principle is violated by any action which threatens or upsets this equilibrium through the infliction of extreme pain, mental suffering, acute humiliation, or any other acts which may destroy an individual's will or conscience.

Two fundamental elements of this Principle are non-derogable rights under human rights law. These are the rights not to be subjected to torture or to cruel, inhuman or degrading punishment or treatment and the freedom from slavery or servitude. This Principle underscores the point that protection during displacement is as concerned with the quality of life, as it is with the preservation of life.

Principle 12: Right to liberty and security of the person

A key word in this principle – "liberty" - is used in the sense of freedom from unlawful confinement. Some see this Principle as a "movement-related right" because its underpinning objective is for internally displaced persons to be free to move around as they please. Others may prefer to conceptualise this Principle as one that protects the security of the human person from unlawful interference.

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Comments on the Guiding Principles Related to Protection During Displacement (Continued)

Principle 12 outlines three specific ways in which the liberty and security of internally displaced persons may be infringed – internment in camps, arbitrary arrest and detention, and hostage taking.

- Internment in camps: There is a presumption against the confinement of displaced persons in camps.   The use of camps should be the exception rather than the rule, and closed camps are prohibited in all circumstances. A camp may be justified, for example, where their establishment is the only way to facilitate or ensure protection and assistance for the internally displaced. Even then, a camp should never be set up for and indefinite duration: a camps' life-span should be limited to specific time frames.

- Arrest and detention: The fact that people are internally displaced should not be used as a pretext or be cited as the reason for their arrest and detention.   Internal displacement is not a crime, and those who are affected by it should not be treated as criminals.   In the event that displaced persons are detained for lawful reasons, they should not be subjected to worse treatment because of their status of being internally displaced.

- Kidnapping or abduction: There can be no justification whatsoever for treating displaced persons as hostages.

Principle 13: Recruitment and participation in hostilities

There is an absolute prohibition against the participation of children in hostilities. ("...in no circumstances..."). The rationale is that there is a collective international responsibility to secure the full and harmonious development of the children of this world, principally by ensuring that they "…grow up in a family environment, in an atmosphere of happiness, love and understanding". Participation in hostilities is the very antithesis of an atmosphere of happiness, love and understanding.

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Comments on the Guiding Principles Related to Protection During Displacement (Continued)

With regard to adults, they may of their own free will participate in hostilities. By such voluntary participation they relinquish protection under from attacks or other acts of violence, but still retain the protections of international humanitarian law relating to limits on the conduct of hostilities. Internally displaced persons should not be forced or coerced into participating in hostilities, and they should not be picked out as candidates for recruitment on account of their status as internally displaced persons. (Cross-reference to Principle 10(2)).

Principles 14 & 15: Right to liberty of movement

Principles 12, 14 and 15 are mutually reinforcing. Principle 12 prohibits unlawful confinement. Principles 14 and 15 guarantee liberty of movement and freedom of choice as to the direction and destination of movement. Two points may be highlighted:

- Internally displaced persons have the right to seek asylum. This is a key human rights principle.   The protection internally displaced persons receive may not be adequate to substitute for national protection.   Such protection cannot therefore extinguish their entitlement to seek refugee protection outside their country.

- Internally displaced persons should not be forced to go to places where they will be at placed at serious risk. This is the "in-country equivalent" of the refugee law principle of *non-refoulement*.

Principle 16: Entitlement to information about missing relatives

This Principle addresses several important and very basic human needs. One is the need to be informed about what has happened to missing relatives. If relatives or loved ones are deceased, their remains should be treated with respect and accorded an appropriate form of ceremonial disposal.   This Principle seeks to ensure that internally displaced persons are not denied the right to have these very important needs simply on account of their being displaced.

More than that, this Principle has a link to the preservation of the right to life by laying out the responsibilities of the authorities to establish the fate of missing persons, to collect and identify their mortal remains and to facilitate their return to the next of kin. In effect, this Principle imposes on the authorities a measure of accountability for those who may be have been killed or "disappeared".

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Comments on the Guiding Principles Related to Protection During Displacement (Continued)

Principle 17: The right to a family life

It is well known that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State". Given that the context of displacement is frequently accompanied by forced separation of family members, this Principle appropriately highlights the need to maintain the unity of the family. The Principle stipulates that responsible authorities are under a duty to help separated family members obtain information about each other, and to facilitate their reunification. The Principle also emphasizes that camp situations should not be a pretext for breaking up families. The integrity of the family unit should be maintained even where the family resides in a camp.

If a family member of a displaced family has been recognised as a refugee, the authorities are under a duty to facilitate family reunification outside the country. The family unity principle should not be interpreted or applied to the detriment of the family but to their benefit. If, for example, the head of family is lawfully detained for a criminal offence, the family should not be required to join him in detention.

Principles 18 & 19: The right to an adequate standard of living and the right to adequate medical care and attention
These, along with Principles 22 and 23, are the "quality of life" Principles. Protection does not merely entail preserving the lives of internally displaced. They should also be assured a certain minimum standard of healthy life on a non-discriminatory basis. Principle 18(2) calls for special efforts to ensure the participation of women in the distribution of supplies. This is an important safeguard against the diversion or misuse of supplies. In Principle 19(2) there is further emphasis on the needs of women, not least because they often constitute the overwhelming majority of displaced populations.

Principle 20: The right to recognition as persons before the law

This non-derogable right is of particular importance for displaced persons because recognition before the law entitles them to claim and enjoy the right to protection and other rights under national law. This right is concretely manifested through documents that affirm a person's identity and civil status – birth certificates, marriage certificates, passports and other documents of identity. Authorities are under a duty to facilitate access of internally displaced persons to these documents, and to renew or replace them. Personal documentation has been an area in which gender inequalities have been perpetuated. Hence the emphasis in Principle 20 (3) on the right for women to have documents issued in their own names.

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Comments on the Guiding Principles Related to Protection During Displacement (Continued)

Principle 21: The right to enjoyment of property

The importance of this right stems from the fact that the loss of property is one of the most tangible and most telling consequences of displacement. As we are concerned here with protection during displacement, it is clear that the internally displaced who are the subject of Principle 21 would already have lost some of their property and possessions. It therefore becomes an even more urgent protection concern to minimise any further loss during the period when they are displaced.

Only "arbitrary" deprivation of property is prohibited.   There may be circumstances where the loss of property is sanctioned by law, as, for example, where it is in pursuance of a valid judicial or administrative process.   E.g. Seizure of a boat caught fishing illegally.   Examples of arbitrary deprivation are provided in Principle 21(2).

The protection of property applies also to property vacated or left behind as a result of the events triggering displacement. Note that this protection is related to the context of solutions, including the principles for recovery, restitution and compensation.

Principles 22 & 23: The freedoms of thought, expression, employment, association, voting, use of language, and the right to education

This is an omnibus list of freedoms whose enjoyment contributes to the quality of life of all persons affected by internal displacement.   The essential message of this Principle is that despite the fact of displacement, freedoms that are part and parcel of normal life should be retained. The concerned authorities are under a duty to facilitate the enjoyment of these freedoms. With regard to education, there is a clear emphasis on the education of children and equal opportunities for women and girls.

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People Oriented Planning Framework

The basic concept: In order to enhance the efficiency and impact of protection and assistance activities, we should seek to obtain specific information about the internally displaced persons of concern to us. The POP framework identifies three categories of information to be obtained in three steps. It is crucial to bear in mind that these steps should be undertaken with respect to both the displaced persons and the community that plays host to them.

Step 1: Profile and context of the displaced persons and of the host community

 "Profile" includes demographic composition of the group before they were displaced and the changes that have occurred in that composition as a result of displacement. Information should also be obtained about the host community with a view to ascertaining what changes have occurred in their lives as a result of having the displaced persons within their midst.

"Context" refers to information on the causes of displacement, whether those causes continue to threaten the group, and the cultural and religious mores that prevail among the group.

Step 2: Activities analysis – who does what; and when, and where do they do it?

Relevant questions include: How does the displaced community organise itself ?. What are the social structures, authority structures and division of labour, and how does this differ from the pre-displacement situation ?.

Step 3: Resources analysis – what resources are available within the group, who has which resources, and what are the resource needs ?

Information should be obtained not only on physical possessions and resources, but also on intangible resources such as skills, knowledge, and culture.

Value of POP as a tool for protection during displacement

The POP framework can help us to determine:

- Who is at risk of protection violations, and from whom the risk emanates.   Groups at particular risk can be identified through careful study of the profile of displaced persons, the context, and activity analysis.

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People Oriented Planning Framework (Continued)

- How the internally displaced persons themselves can be partners in ensuring protection: Activities analysis and resources analysis can help to identify areas where refugees can create and maintain aspects of their own protection systems.

- How can protection and assistance activities can be designed so as to maximum effect: Activities and resource analysis can point to areas where activities and procedures employed by humanitarian staff can themselves become an impediment to protection. This may be the case, for example, with procedures for registration, food distribution, or issues of leadership and representation within the group.

Applying the POP framework to protection during displacement

For the purposes of this section, the Principles in Section III of the *Guiding Principles* are placed in four categories. It should be stressed that this demarcation is only for analytical convenience, and that the standards of protection are best approached as a seamless whole. The four categories are:

- Physical security: Principles 10, 11 & 13

- Legal security: Principle 20

- Liberty and Freedom of Movement: Principles 12, 14, and 15

- Quality of life standards: - Principles 16, 17, 18, 19, 22, & 23

<u>Physical security</u>

Profile and context analysis

Place of origin: What were the causes of displacement? Are the displaced persons under continuing threat from the same agents of displacement? Are there other threats to security from within the displaced community itself ? If so what are the means available for the displaced persons to be physically removed from the sources of danger?

Demographic profile of the displaced: Are women and children and other vulnerable groups in the majority? What documentation do they possess of have access to? Is the demographic profile related to the causes of displacement? What are the particular protection needs of women, children, men, the handicapped, the injured, and the elderly?

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People Oriented Planning Framework (Continued)

Given their profile, are any of these groups at risk of armed attack, sexual violence, sexual exploitation, domestic violence, forced recruitment, and neglect?

Demographic profile of the host community: What are the proportions of men, women, and children? What are the inter-ethnic relations between the displaced and the host community? Do these relations have any implications for protection?

Context analysis

What are the physical and legal circumstances in which the displaced persons find themselves? Is the location of their settlement vulnerable to armed attack or infiltration by armed elements? Do the displaced persons have access to functioning structures of national authority? Are these structures able and willing to respond to the protection and assistance needs of the displaced? Are the national or *de facto* authorities favourable to an international humanitarian presence?

Activities analysis

What are the principal day-to-day activities of the various groups, which make up the displaced population and the host community? Do any of these activities include illegal or criminal or military-related acts? Are these activities political in nature? Are these acts likely to prejudice the safety and security of the displaced population Do any of the activities expose the displaced persons to danger?

Resources analysis

What resources are available for use in addressing security concerns? Do the displaced have access to national authorities and are the authorities able and willing to address their protection needs? Are males, parents and families capable of playing protection roles? Does the shelter situation have protection implications?   Are the procedures for distributing relief items designed with protection objectives in view? Do the displaced have adequate and safe access to health care? Do humanitarian agencies have adequate human and material resources to address assistance and protection needs of the displaced persons?

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People Oriented Planning Framework (Continued)

<u>Legal Security</u>

Profile and Context analysis

Place of origin and causes of displacement: Were questions of nationality, citizenship or ethnicity features in the cause of displacement? Were the displaced persons stripped of their documents during their flight to safety?

Documentation: What proportion of the displaced persons possesses documents of identity, citizenship, nationality, or civil status? Are these documents considered valid by national authorities? Do the relevant authorities require documentation as a prerequisite for access to humanitarian assistance or services? If conditions are imposed for the issue or renewal of documents are those conditions compatible with protection standards? Are displaced persons fearful of being labeled as such?

Activities analysis

Is there illicit trafficking in documents? Which groups or persons are active in this trafficking? Are relevant authorities aware of or complicit in such activities? Are documents being exchanged for sexual favours or other services in kind? What are the legal procedures for obtaining, or renewing documents?

Resources analysis

What resources are available for ensuring that displaced persons obtain the documentation they need?   Are national procedures for issuing and renewing documents still operative? What leverage do humanitarian organisations have for intervening with relevant authorities on issues of documentation and certification? Do these organisations have sufficient human and material resources to help address documentation issues?

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People Oriented Planning Framework (Continued)

Liberty and Freedom of Movement

Profile and Context analysis

Did the causes of displacement include a pattern of arbitrary arrest and detention? Do the authorities pursue policies of "resettlement", "re-population", "transmigration" or other official strategies of population re-distribution? Do the displaced have friends and relations who are or have been victims of displacement? What are the relevant legal provisions governing standards for arrest and detention? Do those laws discriminate against particular groups, including displaced persons? Which national authorities are the agents of arbitrary arrest and detention?

Are their circumstances warranting the establishment of camps for displaced persons? Are there factors that restrict choice of residence for displaced persons? Do the neighbouring countries hosting significant numbers of refugees? Are the neighbouring countries asylum-friendly? Are there other factors that deny displaced persons access to seek asylum abroad? Do the displaced persons belong to an ethnic group that is in the majority in another part of the country, and are those areas safely accessible?

Activities analysis

Are the displaced persons involved in criminal or illegal activities? Are elements among the host community also involved in criminal or illegal activities? Are there groups and individuals among the displaced or host community who collude in the process of arbitrary arrest and detention? Are there groups or individuals among the displaced or host community whose actions affect freedom of movement for the displaced community? Are there cross-border movements taking place? Are these movements regarded as illegal or are they tolerated by the authorities?

Resources analysis

Are the displaced informed of their rights regarding freedom from arbitrary arrest and freedom of movement, and asylum?   Do the displaced persons have relatives who are living in other countries as refugees? Do the displaced persons possess means of transportation?

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People Oriented Planning Framework (Continued)

Principles relating to the quality of life.

Profile analysis

Are famine and/or drought among the causes of displacement? What is the health and nutrition profile of the displaced? What household types are present in the displaced population? (MHH, FHH, UNAM, and UNEL) Given the household types and the demographic profile of displaced persons, what are their particular needs in terms of food, water, shelter, clothing, health and sanitation? Are cultural or religious considerations relevant for the meeting of these needs? What kinds of property do the displaced possess? Have the displaced persons formed organisations or associations? Are these organisations or associations sanctioned by the authorities? Is the use of language circumscribed? What is the educational profile of the displaced persons? Have the authorities imposed conditions for educational programmes, and are those conditions compatible with protection standards? Are displaced persons freely allowed to seek paid employment and to pursue economic and vocational activities?   If there are any limitations in this regard, are they compatible with protection standards

Activities analysis

What measures are being undertaken by the displaced persons to address their needs for food, water, clothing, shelter, sanitation, and health, enhance the quality of their life? Are particular sections of the population (men women, children) assigned with specific tasks, and how rigid is the division of labour? To what extent is the host community involved in activities related to the quality of life of the displaced persons?. What activities are undertaken to enforce restrictions on quality of life of the displaced persons, and who undertakes these activities?

Resource analysis

What is the level and condition of infrastructure in the area where the displaced reside? What resources are immediately available to address the needs for food, water, clothing, shelter, health and sanitation? Which persons and groups possess/control the resources? Are these resources (e.g. livestock, tools, seeds, food stocks) viable for the mid- to long-term? What is the skills-profile of the displaced and host populations? In particular, are key vocations/professions well represented? Are there sufficient resources available for training programmes? Is land available as a resource? Which groups or persons among the host community have authority to make land available? Are shelter materials available locally?   Are adequate water resources locally available? Are the displaced persons aware of their rights?

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Kyrgyzstan: Civilians in Harm's Way

Scenario

It's mid-August 2000, and you are posted in Kyrgyzstan, a small, mountainous country that became an independent state following the break-up of the former Soviet Union. A few days ago, insurgents from neighboring Uzbekistan infiltrated the southwestern part of the country, provoking armed clashes in which both rebels and Kyrgyz troops were killed. Civilians are reported missing.

The conflict is taking place in mountainous terrain at the intersection of borders drawn arbitrarily when Kyrgyzstan, Tajikistan, and Uzbekistan were administrative components of the USSR and not independent countries. The Ferghana Valley, which now runs through these three countries, is an ancient center of commerce, agriculture, and Islamic learning in Central Asia. With its more numerous ethnic Uzbek population, the Valley and surrounding areas are culturally distinct from the rest of Kyrgyzstan, including the capital Bishkek, which is separated from the southwest by high mountains. Estimates vary regarding the numerical strength of the rebels, who are known to be opposed to the secular rule of the post-Soviet leadership in Central Asia. Popular support for the insurgents among certain sectors of the population is assumed but not known definitively.

Kyrgyz authorities in Bishkek view developments in the southwest with considerable concern if not outright suspicion. They fear that incursions might further destabilise the country. The prime minister's office has therefore just announced plans to relocate some 23,000 people, including many children and women, from a 25-km band along the border with Uzbekistan in order to carry out massive military operations in coordination with the armies of neighboring countries. The relocation efforts will take at least 10 days and cost less than $200,000, according to official estimates. The Kyrgyz government can cover approximately 60 percent of these costs and has requested international assistance, including from UNICEF and other UN agencies, for funding and logistical needs.

It is Sunday afternoon, and authorities plan to start relocation at daybreak tomorrow morning. In part for financial reasons but largely for political ones, the government wants an immediate commitment of support from the UN agencies, even if such a response is contingent on approval from the agencies' headquarters in New York or Geneva.

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Kyrgyzstan: Civilians in Harm's Way

Decision

An urgent meeting has been called of Bishkek-based representatives from UNICEF, UNDP, and UNHCR to discuss this request. Together, the three agencies could readily contribute $80,000 toward the costs of relocation, but it is not clear that relocating 23,000 people would take only 10 days. Your task is to evaluate this request more carefully and provide a preliminary response to the Kyrgyz government before the end of the afternoon. Unfortunately, your colleagues in New York and Geneva are unavailable for consultations until tomorrow. To help you with your decision, please consider the following questions:

1. What sorts of issues in international human rights and humanitarian law might arise in this case? What humanitarian principles should the UN agencies use in deciding whether to provide assistance to the authorities? What examples from other country situations might provide helpful guidance in this case?

2. What conditions or restrictions would it be appropriate to insist on, if the UN agencies did in fact decide to assist the government with this policy?

Together with your colleagues, please outline at least three options for responding to the government, including the various advantages (pros) and disadvantages (cons) that might arise with each. If it is possible, please reach a consensus recommendation for a joint response to the government.

At the end of this session, you will be able to

- Describe the rights of individuals, as explained in the *Guiding Principles on Internal Displacement*, during the period of displacement

- Distinguish among three categories of protection activities: (1) environment-building activities; (2) responsive action; and, (3) remedial action

- Utilize the "People Oriented Planning" (POP) framework to help design effective protection and assistance activities

- Describe critical activities during the "emergency phase" of displacement, characterized by rapid movement and high vulnerability, and when displacement occurs in militarized environments

- Draw from current field practice to design effective protection programs for the internally displaced

V-1

V-2

Definition of protection

- "The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law, and refugee law)."

Categories of protection activities

- Environment building
- Responsive action
- Remedial action

V-3

V-4

Environment building

- Dissemination and promotion of the Guiding Principles
- Advocacy
- Engaging non-state actors
- Prevention of displacement, early warning and awareness
- Preparedness
- Strengthening local and national protection capacity
- Training

Responsive action

- Monitoring and reporting
- Promoting protection in the design of assistance programmes
- Presence of humanitarian actors
- Vulnerability assessments
- Protection strategies for women, children and other vulnerable groups
- Coordinated programming of assistance

V-5

V-6

Remedial action

- Promoting protection in the design of return/reintegration or resettlement/ integration programmes
- Property restitution or the return of housing to the rightful owner following displacement
- Reuniting families separated during displacement
- Economic security

V-7

Two particularly difficult contexts

- The emergency phase of displacement
- Displacement in a militarized context

Characteristics of emergency phase

- Rapid population movement, often taking place suddenly

- Large numbers of persons on the move

- High percentage of vulnerable groups among the displaced population

- High percentage of injured or traumatised persons

- Serious threats to life and physical security

- Conditions of overall vulnerability for injured or traumatised persons, or those who have been forcibly separated from family members

V-8

Objectives during emergency phase

- Rapid and secure access
- Involving displaced persons and empowering them from the outset
- Rapid assessment of needs and available resources
- Prioritisation of tasks
- Ensure protection from forcible movement to situations of danger

V-9

Distinguishing humanitarian operations

- Clear identification of humanitarian personnel
- Assistance activities undertaken by military personnel
- Locations where displaced persons reside
- Commitment, professionalism, rules of armed personnel to protect physical security
- Armed elements do not reside in, transit through, or visit areas where displaced persons reside
- Areas where displaced persons reside are kept free of arms or weapons of any kind
- Displaced persons do not provide material aid, logistical support, the provision of rest and refreshment facilities, or other kinds of assistance to combatants

V-10

**Basic Course on Internal Displacement: Background, Program
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Module VI Return, Resettlement, and Reintegration of Internally Displaced Populations

Objectives

By the end of this session, participants should be able to:

- Describe the rights of individuals, as explained in the Guiding Principles, during return, resettlement, and reintegration

- Explain the two durable solutions -- return or resettlement -- available to internally displaced persons, and their relationship to reintegration/integration

- Discuss the roles and responsibilities of national authorities and the international community during return or resettlement, and during reintegration/integration

- Explain the importance during return/resettlement of voluntariness and participation by the displaced themselves

- Discuss the centrality of property issues during return/resettlement and explain techniques for resolving property disputes

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Content

Session	Time
Introduction to Module VI	15 minutes
Central Themes Identified in the *Guiding Principles on Internal Displacement*	20 minutes
Voluntary Return in Conditions of Safety and Dignity	5 minutes
Non-discrimination and Equality of Participation and Access	10 minutes
Reconstruction, the Role of the Government or National Authorities and International Actors	5 minutes
Participation and Communication	5 minutes
Participatory Decision-making	25 minutes
Property Issues	10 minutes
Real Experiences: The Case of Georgia	30 minutes
Humanitarian Access	5 minutes
Practical Steps That Can Be Taken by International Organizations	45 minutes
Capstone Exercise: The Tajikistan Case Study	195 minutes
Approximate Total Time	**6 hours**

Methods

- Presentation/lecture

- Plenary discussion

- Reading

- Group work

Materials

- Facilitator Guide
- Participant Guide
- PowerPoint slides or overhead transparencies 6.1 – 6.4

Preparation

- Copy the handouts for distribution to all participants.
- Prepare for the PowerPoint or overhead transparency presentation.

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Introduction to Module VI (15 minutes)

Make the following introductory points:
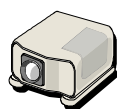
Show Slide 6-1 Module VI Objectives

- Ultimately, after either short-term or long-term internal displacement, the internally displaced will want to settle in a permanent setting that will allow them to re-establish normal lives, society, and economic activities. In most cases, the internally displaced will want to return to their original homes or "places of habitual residence."

- In certain instances, difficult circumstances in their home areas will make it difficult to return, and the internally displaced -- individually or in groups -- may attempt to settle in the location to which they were displaced or in a third setting.

- This final phase of the internal displacement process -- the search for a durable, or lasting, place to live -- requires careful analysis and program design by staff of international agencies.

- Sound interventions require:

  ➢ Thorough knowledge of the current conditions facing the internally displaced;

  ➢ Thorough knowledge of conditions in locations where they might settle;

  ➢ Logistical and other capacities on the part of national authorities and international agencies to support transit to a permanent home; and

  ➢ Knowledge of what will be required to ensure the long-term viability of the return or resettlement.

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Introduction to Module VI (Continued)

- At the same time that the international community may be contemplating an active role in support of the return or resettlement process, agencies must listen closely to the wishes of the displaced themselves, as well as the communities that will be neighbors to the displaced communities when they settle.

- This module explores all these issues, as well as the recurring issue of property disputes, which often arise when return or resettlement is undertaken.

Provide the following definitions:

Show Slide 6-2 Definitions

- As a first step in our examination of these issues, let's consider important definitions that we will refer to many times in this module. The central ones are:

  ➢ Return: In the context of internal displacement *return* is used to describe the process of going back to one's place of "habitual residence." In many cases return may be the preferred durable solution, but it is often difficult to achieve.

  ➢ Resettlement: In the context of internal displacement, *resettlement* is used to describe the process of starting a new life in any place other than the place of original residence, but still within the same country. Depending on the circumstances of displacement and root causes of conflict, resettlement may be the only reasonable option for some internally displaced.

  ➢ Reintegration: The process that makes either return or resettlement sustainable or durable is the process of reintegration or integration. In the context of internal displacement, *reintegration* is used to describe the re-entry of formerly internally displaced people back into the social, economic, cultural and political fabric of their original community.

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Introduction to Module VI (Continued)

> ➢ Integration: In the context of internal displacement, *integration* describes the same or similar process of entry into the social, economic, cultural and political fabric, but as it occurs to formerly displaced settling into a new community or deciding to stay in the community where they first found temporary settlement. In both reintegration and integration, long-term assistance and or protection may be needed by returning or resettling internally displaced.

> ➢ Voluntary decision: The concept of voluntary decisions by the internally displaced is critical to sound programming during return or resettlement, so let's discuss this for a moment. In the context of internal displacement, a voluntary decision -- to borrow some definitions from UNHCR -- is a decision that contains two elements: (1) *freedom of choice* and (2) *an informed decision*.

> *--Freedom of choice* is defined, first, by the absence of any physical, psychological or material pressure and, second, by the availability of choices.

> --Naturally, when making a decision to return or resettle an internally displaced person will be influenced to some degree by different factors including peer pressure, statements by national authorities and assistance or lack thereof by international organizations.

> --In cases where encouragement turns into pressure on the internally displaced, or where the displaced do not have a range of choice, there is obviously a lesser amount of freedom to make a decision.

> ➢ When international organizations are called upon to assess the voluntariness of a decision by internally displaced persons, it is useful to recall the distinction UNHCR makes between so called "push factors" and "pull factors."

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Introduction to Module VI (Continued)

> ➢ The pull factors are conditions in the area of return that
>   encourage a displaced person to return, whereas push factors
>   are conditions in the area of temporary settlement that
>   encourage a displaced family to leave. In the assessment of
>   freedom of choice, the pull factor is generally more indicative
>   of freedom of choice.

> ➢ One determinant of *voluntary choice* is the amount of
>   information available to displaced individuals to make a
>   decision. International organizations and national authorities
>   must make every effort to ensure that as much information as
>   possible is available to the displaced on conditions within the
>   areas of return or resettlement.

*Lead a discussion of why the displaced sometimes must resettle
elsewhere within their country.*

- Before we leave these important decisions, we should examine
  why -- when the displaced generally prefer to return home -- they
  sometimes must resettle elsewhere within their country.

Ask the following question:

?

> What are some reasons why displaced communities might not be able
> to return home?

*Solicit and record ideas on chart paper. After these are listed, relate
the reasons listed below, either connecting them to ideas volunteered
by the class or filling in gaps.*

1. Ongoing warfare in home areas

2. Communal conflict and/or resentment by those remaining in
   the home area

3. Landmines or unexploded ordnance

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Introduction to Module VI (Continued)

4. Continuing human rights abuses, violations of international humanitarian law, or lawlessness

5. Destruction of homes, or occupation of homes by hostile individuals

6. Destruction of economic infrastructure, or seizure of farmland

7. Uncertain legal stature and/or property claims upon return

8. Impossibility of securing transportation to home area

9. Route between current location and home area crosses battle lines

10. Difficulty in assessing conditions in home area

Central Themes Identified in the *Guiding Principles on Internal Displacement* (20 minutes)

Present the following central themes relating to return, resettlement, and reintegration:

Show Slide 6-3 Core Themes

- In a recent analysis of the *Guiding Principles*, the Norwegian Refugee Council (NRC) identified six core themes contained in Section V: "Principles Relating to Return, Resettlement, and Reintegration." These core themes are:

  ➢ Voluntariness and conditions of safety and dignity, describing some of the fundamental conditions necessary for return or resettlement

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Central Themes Identified in the *Guiding Principles on Internal Displacement* (Continued)

> ➤ The principle of non-discrimination, referring to treating the displaced fairly and in the same manner as those around them

> ➤ The role of national authorities and priorities for international organizations

> ➤ Participation and communication, which looks at the management of decisions and programs by the internally displaced themselves

> ➤ Property issues, which is frequently a major source of conflict, and

> ➤ Access by humanitarian organizations, when these organizations are assisting return or resettlement

Ask participants to turn to page 6-4 in their Participant Guide and tell participants the following:

- I have listed these core themes on the left-hand column of this handout. On the same handout, on the right-hand column, I have listed principles 28.1, 28.2, 29.1, 29.2, and 30 -- those *Guiding Principles* related to return, resettlement and reintegration.

- Please turn to the *Guiding Principles* themselves, and review these Principles.

- By drawing lines from the right to left columns, please indicate which *Guiding Principles* state or reinforce the core themes identified by NRC.

Ask participants the following questions:

Are there any of the NRC themes that are not supported by the *Guiding Principles*?
Are there important themes in the *Guiding Principles* that NRC did not identify?

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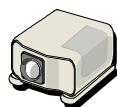**Central Themes Identified in the *Guiding Principles on Internal Displacement* (Continued)**

> *Note any responses on chart paper and discuss.*

Voluntary Return in Conditions of Safety and Dignity (5 minutes)

> *Make the following points about the first core theme: voluntary return in conditions of safety and dignity:*

- Now I would like to go into a little more detail on these core themes identified in the *Guiding Principles*, before we examine practical steps that agencies can take to support the rights of internally displaced persons during return, resettlement, and reintegration.

- Let's begin with the first theme: voluntary return in conditions of safety and dignity.

- Drawn from the refugee protection regime, the concepts of "voluntariness" and "return in safety and dignity" have been adapted to fit the needs of the internally displaced by the *Guiding Principles*.

- According to the refugee protection regime, **"***voluntariness"* follows from the principle of non-refoulement (or forced return), (article 33 of the 1951 Refugee Convention). A return that is not voluntary is considered to be "refoulement," therefore against the principles of the 1951 Convention.

- Unlike the principle of voluntariness, the concepts of safety and dignity are not drawn from the legal refugee protection regime but find their origins in the operational experience of UNHCR in return programs.

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Voluntary Return in Conditions of Safety and Dignity (Continued)

- The need for internally displaced persons to return or resettle in conditions of safety is axiomatic. However, it is important to view safety as a concept that includes much more than the element of physical safety. In fact, safety in a return context also includes legal safety and material safety.

- The concept of dignity is less self-evident than safety. According to UNHCR, in practice dignity means that: returning displaced families are "not manhandled, that they can return unconditionally and if they are doing so spontaneously they can do so at their own pace, that they are not arbitrarily separated from family members; and that they are treated with respect by the authorities and full acceptance by the national authorities, including the full restoration of their rights."

- While promoting the right to freedom of choice and informed decision-making, particular attention should be paid to women-heads of households and unaccompanied children to ensure that they have freedom of choice and their right to make a free choice are respected.

- There exists a vast array of mechanisms to supply returnees with information such as radio shows, public information campaigns, look and see visits and so on. It is worth keeping in mind though, that in many cases the displaced themselves will probably have a very well established information network of their own.

Non-discrimination and Equality of Participation and Access (10 minutes)

Make the following points about the second core theme: non-discrimination and equality of participation and access:

- Essential to the fulfillment of the needs of returning or resettling internally displaced is the need to be free from discrimination. The concepts of equality before the law, equal protection of the law and non-discrimination form a cornerstone of international human rights law.

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Non-discrimination and Equality of Participation and Access (Continued)

- Returning internally displaced persons can be even more exposed when, for example, they are treated as "enemies" by the community to which they return or with a high level of suspicion and hostility in the community in which they resettle. Promoting non-discrimination and equal access is key to supporting the (re)integration process.

- For returning or resettling the internally displaced, the principle of non-discrimination will have a profound impact on the success or failure of the reintegration or integration process.
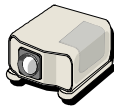
Show Slide 6-4 Areas Where Non-discriminatory Treatment Is Crucial

- There are several areas where non-discriminatory treatment is especially crucial to an integration or reintegration process:

  ➢ In addition to equal access to judicial apparatus, internally displaced also have the right to equal protection from police or public law and order forces and should expect that if they are victims of a crime that equal efforts would be made on their behalf.

  ➢ Access to *public services* such as education and health services is crucial. Internally displaced, in order to become settled in either their community of origin or community of resettlement, should have equal access to public services. Any reconstruction activities on public services such as schools or health clinics should be conditioned on equal access for all members of the community

  ➢ Equal access to public and *communal affairs* is another important area for returning or resettling internally displaced. The right to participate in communal decision-making as well as exercising political choice is an important part of creating hope and a sense of future.

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Non-discrimination and Equality of Participation and Access (Continued)

> ➢ Freedom of access and non-discrimination of *vulnerable groups* such as women within internally displaced communities is something that must always be considered. The importance of non-discrimination refers to more than the equal treatment and access of former internally displaced vis-à-vis the rest of the community. It also refers to the non discriminatory treatment of women, children and other vulnerable groups within the formerly displaced population.

- The last aspect of nondiscrimination to consider is the counterpoint to what has been discussed up to now; that is, the *host or community of return* should not be discriminated against in favor of former or resettling internally displaced, to the extent of creating disparities with the local population. National authorities and international assistance efforts, while recognizing needs and vulnerabilities, should ensure that returnees or resettled families are not granted undue benefit and privileges because of their former condition.

Reconstruction, the Role of the Government or National Authorities and International Actors (5 minutes)

Present the following information on the third core theme: the role of the government or national authorities and international actors:

- It is crucial to always keep in mind that national authorities ultimately have the legal obligation and responsibility to establish and create conditions conducive to return.

Ask participants to turn to Principle 28.

- Principle 28 of the Guiding Principles, for example, makes it clear that "competent authorities," be they government or non-state agents, have the "*primary duty and responsibility to establish conditions* and *provide the means…"*

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**Reconstruction, the Role of the Government or National Authorities
and International Actors (Continued)**

- On the one hand the language used in the *Guiding Principles* is
  quite clear and has significant implications for international
  organizations: their role is to support and complement, but not
  replace, the responsible national authorities.

- While the language used to define the responsibility of national
  authorities is quite explicit, there are also implicit qualifications in
  Principle 28 that reflect the realities and complexities of
  reintegration.

- The use of the phrase *'to endeavour to facilitate integration'* is a
  recognition that, while national authorities should do all in their
  power to promote conducive conditions, ultimately the processes
  of reintegration or integration depends on attitudes at the
  community level and other complex factors.

Participation and Communication (5 minutes)

*Present the following information on the fourth core theme:
participation and communication:*

- The concept of participatory involvement of the internally
  displaced in the decisions that affect their lives is reinforced
  throughout this training program. The involvement of the
  beneficiaries of a program in decisions that affect their lives has
  been elaborated in the operating policies of many humanitarian
  agencies.

- In the Sphere Project, a coalition of NGOs attempts to identify
  minimum standards to be applied in disaster response. The
  minimum standards include this statement, which is directly
  relevant to return and resettlement of displaced persons:

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Participation and Communication (Continued)

> *Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes.*

- Within UNHCR's *Handbook on Voluntary Repatriation: International Protection,* UNDP policy statements, and the policies of other agencies, similar conclusions can be found.

Participatory Decision-making (25 minutes)

Introduce the activity by telling participants the following:

- Because of the concept of participatory involvement by the internally displaced during decisions to return or resettle, let's take a few minutes to examine some of the practical issues that arise regarding participatory decision-making.

Conduct the activity by asking participants to do the following:

- Take a few moments to look over the list of questions in your Participant Guide on page VI-9.

- Then break out into regional groups, and see if you can agree on answers to these questions.

- Please select one member of your group to report to the whole group those questions for which you recorded answers and those on which you could not agree.

- The questions are:

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Participatory Decision-making (Continued)

1) Is it possible to involve both local/host communities and returning or resettling internally displaced in program design and management without replicating the cleavages or conflict that originally caused displacement? If so how should it be done?

2) In a return or resettlement situation, following displacement, societies and cultural values are often in a state of flux or change. In these situations should the international community be using relief and protection programs to change traditional values to promote human rights, for example in the treatment of women? How and when? Or, alternatively, should the international community be trying to reinforce traditional leadership systems, in order to maintain social stability in the displaced community?

3) How should community representatives be chosen for discussions on return or resettlement? What can be done to ensure they are truly representative?

4) What kind or mechanisms, structures or forums can be used for a promoting a participatory approach in decisions to return or resettle?

5) If return is not the only viable option, when and under what circumstances should a decision to resettle rather than return be made?

Property Issues (10 minutes)

Present the following information on the fifth core theme: property issues:

- The property of internally displaced persons is often lost or destroyed as a result of displacement.

- Destruction or theft of crops and livestock, the bombing or burning of buildings and the confiscation or forcible occupation of private property by military or paramilitary forces are among the experiences faced by returning internally displaced persons, especially following situations of armed conflict.

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Property Issues (Continued)

- These situations then frequently become obstacles to return and raise questions concerning the right to restitution for property or compensation for its loss. In addition to non-movable property, the internally displaced because of their vulnerability, also need protection for the property left to them or acquired during displacement.

- There is a certain trend in general human rights instruments, along with the progressive development of international law, to allow for restitution or compensation for property lost during displacement.

- The Inter-American Commission on Human Rights has, for example, recommended payment of just compensation to returning internally displaced persons for loss of their property including homes, crops, livestock and other belongings.

- The 1995 Dayton Peace Agreement, which led to the end of the armed conflict in former Yugoslavia, established a Commission for Real Property Claims of Displaced Persons and Refugees. In Kosovo, the UN Centre for Human Settlement established a Housing and Property Directorate and Housing and Property Claims Commission.

- The rules of the International Criminal Tribunal for the Former Yugoslavia allow the tribunal to award the restitution of property or its proceeds to victims following a conviction even when the property is in the hands of a third party.

- In 1998 the Commission on Human Rights passed a resolution on housing and property restitution in the context of the return of refugees and internally displaced. Apart from recommending that the recognition of such rights be included in peace agreements, such as it was in the Dayton Peace Accords, it also urged:

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Property Issues (Continued)

> "All States to ensure the free and fair exercise of the right to
> return to one's home and place of habitual residence by all
> refugees and internally displaced persons and to develop
> effective and expeditious legal, administrative and other
> procedures to ensure the free and fair exercise of this right,
> including fair and effective mechanisms designed to resolve
> outstanding housing and property problems."

- The recovery of lost property or restitution is given a central
  place within the *Guiding Principles*, which focus not only on
  the protection of property occupied before displacement but
  also property acquired during displacement. Principle 29(2) of
  the *Guiding Principles* also refers explicitly to both movable
  and immovable property.

- Often property issues are closely linked to sustainable return
  by directly affecting returnees' ability to create a self-
  sustainable livelihood.

- In the case of rural communities, access to farmland is crucial in
  allowing returnees to become self-sufficient and avoid aid
  dependency. In urban communities access to commercial
  premises is equally important.

- In all cases, access to one's prior property has profound
  psychological significance to returnees in the healing and
  reintegration process.

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Real Experiences: The Case of Georgia (30 minutes)

Introduce the activity by telling participants the following:

- Now let's look at an example of property issues.

Conduct the activity by asking participants to do the following:

- Turn to "Real Experiences: The Case of Georgia" on page VI-12 of your Participant Guide and read it.

- Examine the questions following the case. The questions are as follows:

  1. Is the Georgia plan workable? What is missing to make it viable?

  2. Is the Georgia approach replicable elsewhere? Why or why not?

  3. What should happen if residents "purchase" houses or other property from fleeing displaced persons at prices well below the actual value? Should the purchaser retain title to the property?

  4. Does the Georgia approach adequately address the situation of widows, daughters, or female property owners?

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Real Experiences: The Case of Georgia (Continued)

5. Would any of these other techniques assist returning
    displaced persons to regain adequate housing?

--The establishment of a Government Housing Fund that
issues housing vouchers or individual subsidies, which can
only be redeemed in relation to the construction of
residences.

--Government assistance for returnees in finding an empty
existing flat or in accessing new housing

--Tax reductions could be given returnees for a certain
period

--Returnees could be placed at the head of the official
housing waiting list

--State land plots could be allocated to the returnees

--Government bonds in a substantial sum could be provided
to returnees, or

--Returnees could be given favourable housing credits for
building materials, should they choose to build new houses
themselves.

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Humanitarian Access (5 minutes)

Present the following information on the sixth core theme: humanitarian access.

- In order to deliver humanitarian assistance, relief workers and their organizations must have unimpeded access to the internally displaced, not only in areas of temporary settlement but also in areas of return or resettlement.

- In return or resettlement situations, various General Assembly resolutions invite States to facilitate the work of international and non-governmental organizations in implementing humanitarian assistance, in particular by supplying food, medicines and health care.

- GA resolutions, of course, recognize the primary role of the State but do not consider such offers of assistance by international organizations and non-governmental organizations to constitute interference in the internal affairs of a state.

- In recent years, the United Nations Security Council has also made several key decisions relating to humanitarian assistance and protection by insisting or calling for "immediate" or "unimpeded" access by international organizations to all those in need of assistance.

- The Guiding Principles support both international humanitarian law and human rights law through a broad declaration that national authorities should grant rapid and unimpeded access to all internally displaced in a return situation.

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**Practical Steps That Can Be Taken by International Organizations (45
minutes)**

Introduce the activity by telling participants the following:

- We have examined the rights of internally displaced persons
  during return, resettlement and reintegration, as stated in the
  Guiding Principles.

- And we have examined in depth some central themes related to
  return, resettlement, and reintegration. Now we want to examine
  practical steps and strategies that international organizations can
  take to assist the displaced.

Conduct the activity by asking participants to do the following:

- Please open the *Handbook for Applying the Guiding Principles on
  Internal Displacement* and turn to page 59. There, the author has
  listed several concrete steps staffs of UN and partner agencies can
  take to facilitate return, resettlement, and reintegration.

- By groups, I want you to examine whether this list is
  comprehensive. Please list on chart paper what you think are the
  three most critical interventions, based on experience in your
  region. Please add three more steps you might take to assist
  displaced communities that are not contained in the present list.

*Debrief the activity by asking groups to report their findings to the
large group.*

Continue with the activity by asking participants to do the following:

- Remaining in your regional groups, I also want you to pick up the
  M*anual on Field Practice in Internal Displacement* and turn to
  the examples related to return, resettlement, and reintegration,
  numbers 56 to 68, beginning on page 67.

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**Practical Steps That Can Be Taken by International Organizations
(Continued)**

- Recalling the six main themes we discussed during this session, I
  want you to read over the examples and decide as a group which
  you think is the best, most useful, field practice -- the one most
  applicable to displacement crises you are familiar with.

- And then decide which is the worst, least useful field practice
  example.

- In both cases, please be prepared to report why you decided the
  examples were good or bad.

- I want you to pay special attention to example 58, because it is a
  bit unusual, and because it illustrates the principle that sometimes
  it is best to "do no harm." In example 58, a UN agency decided
  that the best action on behalf of internally displaced persons was
  to take no action.

*Debrief the activity by asking each group to report its findings to the
large group.*

Tell participants the following:

- Before we end this session, I want to direct your attention to two
  documents: "Developing a Return/Resettlement Profile" and "A
  Checklist for Reintegration Program Design and Implementation"
  in your Participant Guide. These handouts provide useful
  planning tools when you are designing your own interventions on
  behalf of the internally displaced during return, resettlement, and
  reintegration.

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Capstone Exercise: The Tajikistan Case Study (195 minutes)

Assign the participants, in groups of two, to represent the following agencies (with no participants representing their actual agencies): Office of the Resident/Humanitarian Coordinator; Office for the Coordination of Humanitarian Affairs; High Commissioner for Human Rights; High Commissioner for Refugees; World Food Programme; United Nations Development Programme; United Nations Children Fund; Food and Agriculture Organization; World Health Organization; International Committee of the Red Cross; International Organization for Migration; the "Tajikistan NGO Consortium" (representing international NGOs). Assume the role yourself of the Government of Tajikistan.

Introduce the case study by telling participants the following:

- Now, let's look at a country case study that is distilled from the Report prepared by the Representative of the Secretary-General on Internally Displaced Persons.

Conduct the activity by asking participants to do the following:

- Turn to "Country Case Study 1: Tajikistan, 1992-96" beginning on page VI-20 in your Participant Guide.

- Read the case study. It is now 1994, in the middle of the Tajikistan displacement crisis, and you have just been assigned to represent your agency in Dushanbe, the capital of Tajikistan, where most international agencies maintain their offices.

- You have received a memorandum indicating that the office of the Resident/Humanitarian Coordinator will soon convene a meeting to discuss the ongoing displacement crisis and to begin drafting a Country Team strategy paper, of about five pages in length, to guide the UN and partner agencies to improve performance on behalf of internally displaced persons in Tajikistan.

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Capstone Exercise: The Tajikistan Case Study (Continued)

- From the perspective of the agency you have been assigned to play -- drawing upon that agency's capabilities as summarized in the paper *Protection of Internally Displaced Persons*, and what you know about the agency from your own work -- consider the issues raised at the end of the Tajikistan case study.

- In consultation with your colleagues, and drawing upon the following considerations, prepare your agency's recommendations to the RC/HC for steps that should be taken to improve conditions of the internally displaced. Prepare the recommendations in the form of a memo to the RC/HC. You will have one hour to prepare your recommendations.

  - The planning suggestions contained in Module IV
  - Data or assessment requirements
  - Circumstances related to prevention, protection during displacement, and return/resettlement
  - Assistance and protection needs
  - The role of the international community vis-à-vis the Government of Tajikistan
  - Incorporating the views of the internally displaced in program design
  - The appropriate structure for UN management of the displacement situation
  - Assistance from resources outside the Country Team that will be required

- When the Office of the RC/HC has received all recommendations, s/he will convene a meeting of all agencies to draft a consolidated plan to address internal displacement. The RC/HC may assign the drafting of sections of the plan to various agencies or draft the plan in a group meeting. At a minimum the plan should include:

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Capstone Exercise: The Tajikistan Case Study (Continued)

> ➢ A summary of the conditions facing the internally displaced
> ➢ Assumptions about conditions likely to face the internally
>   displaced in the future
> ➢ Relationship to activities of the Government of Tajikistan
> ➢ A decision on the UN management structure for the crisis
> ➢ Action steps to be taken, and assignment of the action steps
> ➢ Resource requirements

- The Country Team will have 90 minutes to draft the "Displaced
  Persons Plan." When the plan is completed, the Office of the
  RC/HC will seek the signature of all agencies represented on the
  Country Team, as well as partner organizations, before
  forwarding the plan to the Emergency Relief Coordinator.

Debrief the activity by asking the "Office of the RC/HC" to present
the Country Team plan. Critique the plan by measuring the product
against the following questions: Did the plan
  - *Address structural issues within the UN system?*
  - *Discuss the condition of the internally displaced and threats*
    they face?
  - *Address groups with special vulnerabilities?*
  - *Reference the Guiding Principles and other relevant*
    instruments of international law or principles?
  - *Discuss local capacity building?*
  - *Reflect involvement by the internally displaced?*
  - *Address all phases of displacement?*
  - *Consider resource requirements?*
  - *Engage international actors outside the Country Team, for*
    example at UN headquarters or donors?
  - *Incorporate gender considerations?*
  - *Address both assistance and protection issues?*
  - *Build on core competencies of participating agencies?*

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Capstone Exercise: The Tajikistan Case Study (Continued)

> *Close the activity as follows:*
>
> - Completion of this Capstone Exercise concludes this training course.
>
> *Congratulate the participants for completing the Basic Course on Internal Displacement.*

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Module VI: Return, Resettlement, and Reintegration of Internally Displaced Populations

Objectives

By the end of this session, participants should be able to:

- Describe the rights of individuals, as explained in the Guiding Principles, during return, resettlement, and reintegration
- Explain the two durable solutions -- return or resettlement -- available to internally displaced persons, and their relationship to reintegration/integration
- Discuss the roles and responsibilities of national authorities and the international community during return or resettlement, and during reintegration/integration
- Explain the importance during return/resettlement of voluntariness and participation by the displaced themselves
- Discuss the centrality of property issues during return/resettlement and explain techniques for resolving property disputes

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Definitions

Return

In the context of internal displacement *return* is used to describe the process of going back to one's place of "habitual residence." In many cases return may be the preferred durable solution, but it is often difficult to achieve.

Resettlement

In the context of internal displacement, *resettlement* is used to describe the process of starting a new life in any place other than the place of original residence, but still within the same country. Depending on the circumstances of displacement and root causes of conflict, resettlement may be the only reasonable option for some internally displaced.

Reintegration

The process that makes either return or resettlement sustainable or durable is the process of reintegration or integration. In the context of internal displacement, *reintegration* is used to describe the re-entry of formerly internally displaced people back into the social, economic, cultural and political fabric of their original community.

Integration

In the context of internal displacement, *integration* describes the same or similar process of entry into the social, economic, cultural and political fabric, but as it occurs to formerly displaced settling into a new community or deciding to stay in the community where they first found temporary settlement. In both reintegration and integration, long-term assistance and or protection may be needed by returning or resettling internally displaced.

Voluntary decision

The concept of voluntary decisions by the internally displaced is critical to sound programming during return or resettlement, so let's discuss this for a moment. In the context of internal displacement, a voluntary decision -- to borrow some definitions from UNHCR -- is a decision that contains two elements: (1) *freedom of choice* and (2) *an informed decision*.

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**Central Themes Identified in the *Guiding Principles on Internal
Displacement***

- Voluntariness and conditions of safety and dignity, describing some of the
  fundamental conditions necessary for return or resettlement

- The principle of non-discrimination, referring to the treatment of the displaced fairly
  and in the same manner as those around them

- The role of national authorities and priorities for international organizations

- Participation and communication, which looks at the management of decisions and
  programs by the internally displaced themselves

- Property issues, which is frequently a major source of conflict, and

- Access by humanitarian organizations, when these organizations are assisting return
  or resettlement

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Matching Core Themes and Guiding Principles

Voluntariness and conditions of safety and dignity	**Guiding Principle 28.1**
The principle of non-discrimination	**Guiding Principle 28.2**
The role of national authorities and priorities for international organizations	**Guiding Principle 29.1**
Participation and communication	**Guiding Principle 29.2**
Property issues	**Guiding Principle 30**
Access by humanitarian organizations	

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Voluntariness and Conditions of Safety and Dignity

- Drawn from the refugee protection regime, the concepts of "voluntariness" and "return in safety and dignity" have been adapted to fit the needs of the internally displaced by the UN *Guiding Principles*.

- According to the refugee protection regime, **"*voluntariness"*** follows from the principle of non-refoulement (or forced return), (article 33 of the 1951 Refugee Convention). A return that is not voluntary is considered to be "refoulement," therefore against the principles of the 1951 Convention.

- Unlike the principle of voluntariness, the concepts of safety and dignity are not drawn from the legal refugee protection regime but find their origins in the operational experience of UNHCR in return programs.

- The need for internally displaced persons to return or resettle in conditions of safety is axiomatic. However, it is important to view safety as a concept that includes much more than the element of physical safety. In fact, safety in a return context also includes legal safety and material safety.

- The concept of dignity is less self-evident than safety. According to UNHCR, in practice dignity means that: returning displaced families are "not manhandled, that they can return unconditionally and if they are doing so spontaneously they can do so at their own pace, that they are not arbitrarily separated from family members; and that they are treated with respect by the authorities and full acceptance by the national authorities, including the full restoration of their rights."

- While promoting the right to freedom of choice and informed decision-making, particular attention should be paid to women-heads of households and unaccompanied children to ensure that they have freedom of choice and their right to make a free choice are respected.

- There exists a vast array of mechanisms to supply returnees with information such as radio shows, public information campaigns, look and see visits and so on. It is worth keeping in mind though, that in many cases the displaced themselves will probably have a very well established information network of their own.

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Non-discrimination and Equality of Participation and Access

- Essential to the fulfillment of the needs of returning or resettling internally displaced is the need to be free from discrimination. The concepts of equality before the law, equal protection of the law and non-discrimination form a cornerstone of international human rights law.

- Returning internally displaced persons can be even more exposed when, for example, they are treated as "enemies" by the community to which they return or with a high level of suspicion and hostility in the community in which they resettle. Promoting non-discrimination and equal access is key to supporting the (re)integration process.

- For returning or resettling the internally displaced, the principle of non-discrimination will have a profound impact on the success or failure of the reintegration or integration process.

- There are several areas where non-discriminatory treatment is especially crucial to an integration or reintegration process:
  - ➢ In addition to equal access to judicial apparatus, internally displaced also have the right to equal protection from police or public law and order forces and should expect that if they are victims of a crime that equal efforts would be made on their behalf.

  - ➢ Access to *public services* such as education, health services is crucial. Internally displaced in order to become settled in either their community of origin or community of resettlement should have equal access to public services. Any reconstruction activities on public services such as schools or health clinics should be conditioned on equal access for all members of the community

  - ➢ Equal to access to public and *communal affairs* is another important area for returning or resettling internally displaced. The right to participate in communal decision-making as well as exercising political choice is an important part of creating hope and a sense of future.

  - ➢ Freedom of access and non-discrimination of *vulnerable groups* such as women within internally displaced communities is something that must always be considered. The importance of non-discrimination refers to more than the equal treatment and access of former internally displaced vis-à-vis the rest of the community it also refers the non discriminatory treatment of women, children and other vulnerable groups within the formerly displaced population.

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Reconstruction, the Role of the Government or National Authorities and International Actors

- It is crucial to always keep in mind that national authorities ultimately have the legal obligation and responsibility to establish and create conditions conducive to return.

- On the one hand the language used in the Guiding Principles is quite clear and has significant implications for international organizations: their role is to support and complement but not replace the responsibility of national authorities.

- While the language used to define the responsibility of national authorities is quite explicit, there are also implicit qualifications in Principle 28 that reflect the realities and complexities of reintegration.

- The use of the phrase *'to endeavour to facilitate integration'* is a recognition that, while national authorities should do all in their power to promote conducive conditions, ultimately the processes of reintegration or integration depends on attitudes at the community level and other complex factors.

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Participation and Communication

- The concept of participatory involvement of the internally displaced in the decisions that affect their lives is reinforced throughout this training program. The involvement of the beneficiaries of a program in decisions that affect their lives has been elaborated in the operating policies of many humanitarian agencies.

- In the Sphere Project, a coalition of NGOs attempts to identify minimum standards to be applied in disaster response. The minimum standards include this statement, which is directly relevant to return and resettlement of displaced persons:

"Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes."

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Participatory Decisionmaking

1) Is it possible to involve both local/host communities and returning or resettling internally displaced in program design and management without replicating the cleavages or conflict that originally caused displacement? If so how should it be done?

2) In a return or resettlement situation, following displacement, societies and cultural values are often in a state of flux or change. In these situations should the international community be using relief and protection programs to change traditional values to promote human rights, for example in the treatment of women? How and when? Or, alternatively, should the international community be trying to reinforce traditional leadership systems, in order to maintain social stability in the displaced community?

3) How should community representatives be chosen for discussions on return or resettlement? What can be done to ensure they are truly representative?

4) What kind or mechanisms, structures or forums can be used for a promoting a participatory approach in decisions to return or resettle?

5) If return is not the only viable option, when and under what circumstances should a decision to resettle rather than return be made?

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Property Issues

- The property of internally displaced persons is often lost or destroyed as a result of displacement.

- Destruction or theft of crops and livestock, the bombing or burning of buildings and the confiscation or forcible occupation of private property by military or paramilitary forces are among the experiences faced by returning internally displaced persons, especially following situations of armed conflict.

- These situations then frequently become obstacles to return and raise questions concerning the right to restitution for property or compensation for its loss. In addition to non-movable property, the internally displaced because of their vulnerability, also need protection for the property left to them or acquired during displacement.

- There is a certain trend in general human rights instruments, along with the progressive development of international law, to allow for restitution or compensation for property lost during displacement.

- The Inter-American Commission on Human Rights has, for example, recommended payment of just compensation to returning internally displaced persons for loss of their property including homes, crops, livestock and other belongings.

- The 1995 Dayton Peace Agreement, which led to the end of the armed conflict in former Yugoslavia, established a Commission for Real Property Claims of Displaced Persona and Refugees. In Kosovo, the UN Centre for Human Settlement established a Housing and Property Directorate and Housing and Property Claims Commission.

- The rules of the International Criminal Tribunal for the Former Yugoslavia allow the tribunal to award the restitution of property or its proceeds to victims following a conviction even when the property is in the hands of a third party.

- In 1998 the Commission on Human Rights passed a resolution on housing and property restitution in the context of the return of refugees and internally displaced. Apart from recommending that the recognition of such rights be included in peace agreements such as it was in the Dayton Peace Accords, it also urged:

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Property Issues (Continued)

 "All States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms designed to resolve outstanding housing and property problems."

The recovery of lost property or restitution is given a central place within the Guiding Principles, which focus not only on the protection of property occupied before displacement but also property acquired during displacement. Principle 29(2) of the Guiding Principles also refer explicitly to both movable and immovable property.

- Often property issues are closely linked to sustainable return by directly affecting returnees' ability to create a self-sustainable livelihood.

- In the case of rural communities, access to farmland is crucial in allowing returnees to become self-sufficient and avoid aid dependency. In urban communities access to commercial premises is equally important.

- In all cases access to one's prior property has profound psychological significance to returnees in the healing and reintegration process.

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Real Experiences: The Case of Georgia

At the request of the Government of Georgia, UNHCR in July 1998 undertook to provide guidelines for resolving outstanding property and housing issues which were seen as the principle impediment to large-scale return of IDPs and refugees displaced by the 1990-1992 Georgia-South Ossetian conflict.

Housing and Property Restitution Issues in the Context of Return to and within Georgia: An International Legal Perspective*

Following the Georgian-Ossetion conflict much of the housing in Georgia originally registered to refugees and IDPs particularly in urban areas was occupied, as in Bosnia, Tajikistan, Rwanda and other post-conflict societies, by secondary occupants who were unwilling to voluntarily vacate. As such the original residences of IDPs wishing to return home remained inaccessible.

While this is an increasingly common feature of ethnic conflict, the Georgia-Ossetian situation presented added complications in that tenancy rights once held by the original inhabitants were not lost in a purely arbitrarily manner. Often, subsequent occupation was judicially sanctioned through biased applications of a 'six- month vacancy rule' under the 1983 Housing Code. The rule stipulated that a tenant could lose his or her right to reside in a given apartment if they were absent for a period of over six-months without 'a valid reason'. The courts frequently mis-applied this provision, arguing that the flight of a refugee or IDP "was not a valid reason to vacate their home."

The study by UNHCR recommended a multi-pronged strategy. It emphasized that both the rights of refugees and IDPs and the rights of the secondary occupants should be fully secured throughout the process of return and that the housing rights of all affected persons should be guaranteed such that no person becomes homeless in the process.

Several key measures were recommended to redress past injustices, increase confidence and build a basis for national reconstruction and reconciliation. The measures included:

A **Presidential Decree** was to officially proclaim the right of refugees and IDPs to voluntarily return to their original homes, in an environment of equality, with full protection of human rights and clear guarantees of safety and security. The Decree was to form the first part of the return process.

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The second element of the return package envisaged the adoption of a **Housing and
Property Restitution Law** clearly outlining the legal position of affected refugees, IDPs
and secondary occupants with respect to all aspects of their housing and property rights.
The study recommended that new legislation should ensure the right of refugees and
IDPs to the restitution of their original homes should they wish to reclaim them.

In cases where returnees did not wish to return to their original homes, the law was to
oblige the State to secure adequate housing for them in such manner that "no detriment is
suffered vis-a-vis their original housing situation," and which ensured the right of
refugees and IDPs (should they choose to invoke it) to ownership of a dwelling.

Finally, the report recommended, within the framework of the housing and property
restitution law, the establishment of an independent and impartial, three-person **Housing
and Property Claims Commission** (HPCC) to examine any housing or property claims
by refugees, IDPs or secondary occupants. The HPCC was to be vested with the powers
required to determine the housing and property rights of the claimants and thus guarantee
every returnee the right to an effective remedy and the right to have his or her case heard
on an individual basis.

*[Study Prepared by Scott Leckie, Director COHRE (Centre on Housing Rights and
Evictions) for UNHCR July 1998]*

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Real Experiences: The Case of Georgia—Questions

1. Is the Georgia plan workable? What is missing to make it viable?

2. Is the Georgia approach replicable elsewhere? Why or why not?

3. What should happen if residents "purchase" houses or other property from fleeing displaced persons at prices well below the actual value? Should the purchaser retain title to the property?

4. Does the Georgia approach adequately address the situation of widows, daughters, or female property owners?

5. Would any of these other techniques assist returning displaced persons to regain adequate housing?

    •   The establishment of a Government Housing Fund that issues housing vouchers or individual subsidies which can only be redeemed in relation to the construction of residences.

    •   Government assistance for returnees in finding an empty existing flat or in accessing new housing

    •   Tax reductions could be given returnees for a given period

    •   Returnees could be placed at the head of the official housing waiting list

    •   State land plots could be allocated to the returnees

    •   Government bonds in a substantial sum could be provided to returnees, or

    •   Returnees could be given favourable housing credits for building materials should they choose to build new houses themselves.

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Humanitarian Access

- In order to deliver humanitarian assistance, relief workers and their organizations
  must have unimpeded access to the internally displaced, not only in areas of
  temporary settlement but also in areas of return or resettlement.

- In return or resettlement situations, various General Assembly resolutions invite
  States to facilitate the work of international and non-governmental organizations in
  implementing humanitarian assistance, in particular by supplying food, medicines and
  health care.

- GA resolutions of course recognize the primary role of the State but do not consider
  such offers of assistance by international organizations and non-governmental
  organizations to constitute interference in the internal affairs of a state.

- In recent years, the United Nations Security Council has also made several key
  decisions relating to humanitarian assistance and protection by insisting or calling for
  "immediate" or "unimpeded" access by international organizations to all those in
  need of assistance.

- The Guiding Principles support both international humanitarian law and human rights
  law through a broad declaration that national authorities should grant rapid and
  unimpeded access to all internally displaced in a return situation.

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Developing a Return/Resettlement Profile

Focusing on the situation within your country or region, identify and discuss possible durable solutions for the internally displaced. While in some cases it may be premature to implement a plan, it should still be possible to identify the elements of realistic and plausible solution-scenarios. Where necessary refer directly to the 'profiles' developed in Module I for explanations of causes and locations.

In the process of discussion, the following questions are provided for general guidance. The questions are not exhaustive but are supposed to be an indication of some of the issues you may wish to consider in identifying solutions.

Voluntary return/resettlement in conditions of safety and dignity
- How are you going ensure freedom of choice?
- What information dissemination techniques are you going to use to encourage informed decision making on behalf of returning or resettling IDPs?
- What can authorities do to establish conditions of safety and dignity?

_____
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_____
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_____

Durable Solutions
- Is return the only viable option?
- Is the 'expectation' or 'hope' of return undermining other resettlement options?

_____
_____
_____
_____

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Developing a Return/Resettlement Profile (Continued)

Participation and management of return/resettlement by IDPs

- How are you going to encourage participation and management by IDPs?
- How are you going to ensure the participation of women?

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_____
_____
_____

Non Discrimination

In what sectors or issues is the principle of non-discrimination going to be most important? What can be done to eliminate discrimination in those areas? For example, if access to education or political participation pose the greatest challenges, what can be done?

_____
_____
_____
_____
_____

Recovery of property or compensation

- What, if any are the property issues locally?
- Are there local methods of conflict resolution? How can they be supported?
- What should local authorities be doing?

_____
_____
_____
_____

Access and Monitoring by Humanitarian Organizations

- Do humanitarian organizations have unlimited access? If not, what are the constraints on access: security, distance, terrain? What can be done to overcome the constraints? If access is restricted, who is restricting access and are the reasons valid?
- How is monitoring return going to be achieved? Who will be doing what?

_____
_____
_____

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A Check List For Reintegration Program Design And Implementation

❑   Support the collection and documentation of reliable information/data on IDPs from the early stages and share information among government, bilateral/multilateral donors and NGOs as an essential element for a more integrated response;

❑   Assess the conditions and needs of displaced women and female-headed households and ensure that priority support is given to improve their livelihoods and access to political and economic power;

❑   Consider other important factors in needs assessments of IDPs, namely: sex and age differentiation, family situation, length of displacement, spontaneous return vis-a-avis organised/forced return due to hardship conditions at destination, rural or urban origin/destination, in order to ensure later the appropriate tailoring of reintegration programs;

❑   Address the reintegration needs of displaced populations, while supporting broader community development and participation through area or community-based approaches;

❑   Ensure greater support and strengthen the local NGO community in their efforts to assist the internally displaced;

❑   Consider other partners and their comparative strengths at both the policy and operational level, and prior to responding to particular needs of IDPs agree on an appropriate division of labour;

❑   Explore IDP programme harmonization with an agreed sequence and a plan among various organizations to focus on the real needs of displaced populations and avoid overemphsis on mandates;

❑   Aim to go beyond service delivery and production activities (physical aspects of rehabilitation, income generation activities, small enterprise development, etc), as means of reintegration of IDPs by, for example, providing assistance to the re-establishment of local administrative structures or other communty-generated ideas;

❑   Explore an entire range of implementation modalities from national mechanisms to local NGOs and ensure flexible technical backstopping for quick project delivery in response to IDP needs;

❑   Design reintegration programs as much as possible on the National Strategic Framework, which identifies the political and humanitarian priorities in the country;

Basic Course on Internal Displacement: Background, Program
Foundations and Program Approaches for International Agency Staff

> ❑ Seek lasting solutions to the problem of IDPs by looking at root causes of displacement;
>
> ❑ Take into account and address property issues, particularly lasting alterations of land occupancy and ownership patterns.
>
> ❑ Consider and develop an exit strategy for reintegration programs by developing and implementing sustainable approaches from the early stages of project design.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Country Case Study: Tajikistan, 1992-96[1]

Causes of Displacement: The main cause of displacement in Tajikistan is the civil war that started during the second half of 1992 and early 1993. More than 20,000 persons were killed out of a population of about five and a half million. The fighting led to the exile of approximately 100,000 into neighboring countries and the internal displacement of some 600,000.

Tajikistan has a large part of its territory covered by high mountains, frequently creating problems of movement between different parts of the country, and causing the relative isolation of communities. With the collapse of the Union of Soviet Socialist Republics, which created a power vacuum, latent conflicts erupted among different ethnic groups within the artificial borders of states. In Tajikistan, antagonism quickly emerged between those wanting to preserve the existing system and power structures and those challenging the regime by advocating reforms. The conflict was compounded by regional differences, with ethnic and political affiliations. It gradually degenerated into widespread violence, and escalated into civil war.

It can be said that, as a national entity, Tajikistan was artificially created in the sense that an external power united regions and peoples that had only a limited sense of common identity. According to the 1989 USSR census, the population (then 5.1 million) consisted of three major ethnic groups: Tajiks (61%), Uzbeks (23.5%), and Russians (7.6%). The Tajik majority can be further subdivided according to places of origin and local cultural and linguistic variations, with Garmis and Pamiris prominent among subgroups.

Beyond these ethnic distinctions, both aspirations for regional autonomy and competition between proponents of an Islamic society, on one hand, and those who upheld a secular state system, on the other, contributed to the conflict. All of these tensions were exacerbated by the political uncertainty, declining economy and general scarcity of resources following the breakup of the Soviet Union.

Nature of Displacement: A unique aspect of Tajikistan, which affects the nature of displacement, was the Stalin-era alteration of the demographics of southwestern Tajikistan – a center of conflict and displacement – as part of the Soviet Union's efforts to increase cotton production. Under Stalin, many Garmis and Pamiris from the mountainous areas of the country were forcibly transferred to the southwest to provide labor. These groups integrated only partially with local communities, usually living in separate villages and retaining a sense of ethnic separateness.

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[1] The following case study is distilled from the Report prepared by the Representative of the Secretary-General on Internally Displaced Persons, *UN document A/51/483/Add.1*, of 24 October 1996.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Country Case Study: Tajikistan, 1992-96 (Continued)

In this regard, the term "regionalism" and the related "two homes" concept are key to understanding the lines along with the conflict developed and the routes fleeing civilians decided to take. Persons who found themselves in a minority position in their areas of residence sought refuge in their regions of ethnic origin. In the southwest, for example, despite migration for economic reasons five decades ago, many of the displaced had historical and family links with their ancestral homelands in other regions of Tajikistan. The internally displaced, therefore, can be said to have had two homes: the one being the region where they had ties through their ethnic origins, but where possibilities for sustaining themselves were limited; the other being where they had their houses and lands, but where they had integrated only to a limited extent.

Fighting between regular and irregular forces spawned attacks on civilians, often based on ethnic origin. By June 1992, many citizens of Tajikistan chose to flee. A predominant feature of the fighting was that houses and sometimes entire villages belonging to displaced civilians were systematically looted, with roofing material, windows and doors removed, or simply destroyed by fire. Many villages were either totally destroyed or completely unharmed, in accordance with the ethnic origin of their inhabitants.

Another unique aspect of the displacement concerned the disposition of property by IDPs. The homes of some displaced were looted or occupied by others, as IDPs departed. Sometimes, however, those fleeing managed to sell their property first. The conditions under which the sales were concluded – in haste, out of fear of destruction, with little prospect of return – often led to a very low sales price.

Eventually, approximately 600,000 fled to other parts of Tajikistan. Because of the traditional kinship patterns noted above, IDPs tended to concentrate in certain regions, increasing demands on poorer, mountainous regions of the country. For example, Gorno-Badakhshan, with a population below 200,000, received at least 100,000 displaced.

Situation during Displacement: The civil war in Tajikistan was relatively brief, with heavy fighting ending by Spring of 1993. Many internally displaced have not yet received international assistance. Notable exceptions are the work of the International Committee of the Red Cross (ICRC), which mobilized food and medical assistance during the 1992 conflict, and the Aga Khan Foundation, which has taken an active role in meeting needs of the primarily Ismaili Muslim residents of Gorno-Badakhshan.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Country Case Study: Tajikistan, 1992-96 (Continued)

Many displaced have received food, clothing and shelter from extended families. Given the kinship ties during the period of displacement, and the relative poverty of areas where IDPs fled, the ICRC has chosen to assist the entire population in areas where it works, without distinguishing between the internally displaced and local populations. The government role in providing assistance has been limited, although some IDPs have been provided shelter in public buildings.

Partial Return and Reintegration: The internally displaced have started returning on their own initiative, without receiving assistance, beginning in the first few months after the conflict subsided. However, the trip to their places of habitual residence has been difficult for many IDPs, characterized by severe weather, inadequate transport and, most significantly, insecure conditions – including attacks by irregular bands – during the return trip.

Public transportation for returning internally displaced has been provided by the Government, when transport was available. But, early attempts by the Government to assist this process also included attempts at forcible return. Some returnees were provided with neither food nor water for the transport, and no preparations have been made at the places of destination for their reception. Moreover, local communities, hostile to the returnees, have blocked the rails in at least one case, and refused to permit passengers to disembark. Now, Government authorities seem more open to accepting the participation of international agencies.

While some individual returnees have been able to return to their own homes, and others found occupied or destroyed structures, all returnee communities require assistance with safe water supplies, food, medical supplies, shelter, education, and reconstruction of economic activities, including seeds for planting.

With regard to <u>food assistance</u>, needs are great. In many cases, international organizations—aware that IDPs in a region tended to represent one ethnic group, and sensitive to public perceptions that certain ethnic groups were responsible for the conflict – are providing food assistance to all needy target groups within areas of return, without distinction as to former displacement, in order to avoid resentment. Observers have noted, unfortunately, that food assistance appears to induce a degree of passivity and dependency on the part of returnee communities, perhaps a legacy of the former Soviet system.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Country Case Study: Tajikistan, 1992-96 (Continued)

In the area of health care and sanitation, international organizations have provided some medicines to health care units and, in some cases, "food for work" to medical personnel, but the assistance has not met even basic needs.

With regard to shelter, there is a requirement for the reconstruction of houses in 170 villages in returnee areas.

In the education sector, some efforts have been made by the international community to repair damaged school buildings and heat them in the winter, provide food for work as an incentive for teachers, and distribute food to children to encourage school attendance. School attendance nevertheless takes place in two or three daily shifts, and is seriously affected by the need for returnee children to work to earn money.

Economic reconstruction in returnee communities is stifled by destruction, lack of access to critical inputs (credit, supplies, seed), disruption of trade by armed bands and other factors.

In addition to meeting basic material needs of returnees, the international community faces serious protection issues.   Although some communities welcome returnees, there has often been considerable hostility among the local population. The problem of insecurity was particularly difficult during the early post-war period, when the lack of law and order allowed uncontrolled armed bands to take justice into their own hands. This period was characterized by numerous disappearances, killings, beatings and other forms of harassment of the returnees.

The Government of Tajikistan has generally placed a high priority on return, and made attempts – within its means – to facilitate return and reintegration. For example, the government recently adopted a law "on forced migrants." The law regulates registration procedures and provides for assistance to and protection for the internally displaced. During the displacement phase, the law grantes IDPs the right to accommodation, help to find work or unemployment allowances, and free food. Further, the law provides for the return of their property, or for compensation, and protection against forcible return. When resettling, IDPs are legally entitled to free return transport, the right to repossess property, a lump sum allowance, temporary shelter, free food, medical services, and work equivalent to their previous experience.

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Country Case Study: Tajikistan, 1992-96 (Continued)

General insecurity, ill-prepared officials, pressure by local groups, extra-legal harassment, a weak court system, mistrust of officials by returnees, and other difficult issues has made protection for returnees in Tajikistan a complex and resource-intensive undertaking.

Issues related to Internal Displacement in Tajikistan:
Management model: There is uncertainty about the best management model to meet IDP needs. Despite the isolation of the country and international organizations' relative unfamiliarity with the republics of the former Soviet Union, how can the UN system be best organized to focus on IDP problems in Tajikistan?

Participation of Displaced Communities: Several observers have noted the seeming passivity of IDPs in Tajikistan, when groups receive international assistance. How can more attention be paid, through research and analysis, to ways to engage displaced communities in planning relief and return efforts?

Prevention Activities: Clearly, the conflict and resulting displacement in Tajikistan are related to deep and long-standing cleavages in society. How is it possible to establish an early warning system to alert local and international organizations to pending disruption, or to design prevention activities? Given ongoing instability in Tajikistan, would such techniques be beneficial now?

Supporting Local Capacity: Despite its transitional nature and instability, the Government of Tajikistan – as illustrated by its law on migrants – has shown some inclination to assist the internally displaced. How can the international community do more to support Government institutions to assume responsibility for assistance to and protection of IDPs?

Targeting of Assistance to IDPs: Both for those displaced still living with relatives, and for those who have begun to return to their places of residence, international organizations in Tajikistan have tended to engage in wholesale distribution of assistance, in order to avoid jealousy and tamp down antagonism to IDPs. How can these realities be balanced with the need to target benefits to those who had been displaced?

Alerting Government to the Role of International Organizations: Reports indicate that many Tajik Government officials, even at high levels, have little understanding of the role of international organizations proffering aid to IDPs. This has led to confusion, delayed decisions and even suspicion. How can international organizations, including UN agencies, better publicize their roles, and the non-partisan nature of their work?

Module VI: Return, Resettlement, and Reintegration   Page VI-24
of Internally Displaced Persons
Participant Guide

Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff

Country Case Study: Tajikistan, 1992-96 (Continued)

Making Protection More Effective: What more can the international community to do extend protection of basic rights to the internally displaced?

Linking Relief to Development: How can relief programs be implemented in a timely fashion, but with long-term potential?

Addressing Underlying Problems Affecting Internal Displacement: As instability continues in Tajikistan, deep seated issues of ethnicity, religious orientation, regionalism, fairness and capacity of government institutions, and full political participation continue to threaten fragile social harmony, and threaten future displacement. How can the international community do more to address these large, underlying issues as a method of avoiding internal displacement in the future?

At the end of the module you will be able to

- Describe the rights of individuals, as explained in the Guiding Principles, during return, resettlement, and reintegration

- Explain the two durable solutions -- return or resettlement -- available to internally displaced persons, and their relationship to reintegration/integration

- Discuss the roles and responsibilities of national authorities and the international community during return or resettlement, and during reintegration/integration

- Explain the importance during return/resettlement of voluntariness and participation by the displaced themselves

- Discuss the centrality of property issues during return/resettlement and explain techniques for resolving property disputes

VI-1

Definition of terms

- Return: Process of going back to one's place of "habitual residence"

- Resettlement: Process of starting a new life in any place other than the place of original residence but still within the same country

- Reintegration: Re-entry of formerly internally displaced people back into the social, economic, cultural and political fabric of their original community

- Integration: Same or similar process as it occurs to formerly displaced settling into a new community or in the community where they found temporary settlement

VI-2

VI-3

Core themes

- Voluntariness and conditions of safety and dignity
- The principle of non-discrimination
- The role of national authorities and priorities for international organizations
- Participation and communication
- Property issues
- Access by humanitarian organizations

Critical areas of non-discrimination

- Equal protection from police or public law and order forces
- Access to *public services* such as education, health services
- Equal access to public and communal affairs
- Freedom of access and non-discrimination of vulnerable groups
- Host or community of return should not be discriminated against in favor of former or resettling internally displaced to the extent of creating disparities with the local population

VI-4

Guiding Principles on Internal Displacement

Sri Lanka Programme Syllabi

By Danesh Jayatilaka, Project Coordinating Officer - Consortium of Humanitarian Agencies (CHA)

Introduction

Notwithstanding the two decades of civil conflict in Sri Lanka, and the continuing presence of internally displaced persons, a normative framework does not exist in the country to measure protection nor to articulate best practices in assistance.

With the advent of the **Guiding Principles on Internal Displacement,** the development of training modules, legal explanations through annotated publications and the mainstreaming of the Principles by lead humanitarian agencies, an opportunity has arisen in Sri Lanka to utilize fully such developments.

In 2001 the Consortium of Humanitarian Agencies (CHA) in collaboration with Brookings Institute Project on Internal Displacement and UNHCR undertook an ambitious endeavor to begin operationalizing the 30 Principles to Sri Lankas IDP related framework through a toolkit/toolbox project. The objective was to enhance the protection and assistance conditions for the reportedly 800,000 registered displaced war victims concentrated in the North and East of the island.

A two part programme was hence developed and implemented

- Dissemination of English, Sinhala and Tamil **Guiding Principles Toolkit 'What you Can Do' field handbooks** among policy makers, programme staff, field persons, internally displaced persons and the general public (funded by Brookings Institute Project on Internal Displacement)

- Implementation of the 5 part Guiding Principles **Toolbox field programme** in districts (funded by UNHCR)

Toolbox programme:

Sector 1

Interactive training workshops utilizing numerous teaching tools to familiarize and instill the GPs among audience. The mix was an elaborate collection of cross referencing instruments of varying information parting methodologies, able to create powerful synergy during usage (tools catered to all 4 project target groups with audience specific, impact specific and time interval specific 'tool set' mixes formulated). The training component also included methods for outdoor communication and mass electronic advocacy and dissemination of the GPs.

Sector 2

'Listening to the displaced' sessions to gather data on IDP grievances and deficits in the prevailing national / district/ local assistance and protection framework. Selection of participants strictly on proportional representation from Welfare camps and discussions to occur upon structured subject outline using the GPs as a framework. Presence of Camp Mangers to confirm and clarify information.

Sector 3

District Consultations with NGO / INGO / Government personnel to cross check earlier findings with emphasis on mitigating grievances and drawing up remedial actions. Presences of representative IDPs and Camp Mangers from previous session for cross checking, clarifications and transparency.

Sector 4

Field inspection visits to Welfare Centers. Clarification and confirmation of previously collected information with further 'in situ' data collection and documentation.

Sector 5

Formation of NGO / INGO / Government working groups in districts. Monthly all inclusive IDP situation and assessment reports routed to CHA for monitoring and analysis.

Educational Workshop Training Tools — Sector 1 Toolbox

Rationale

The box has an assortment of 'tools' developed for the educational workshops, targets collaborative programs with interested agencies and stakeholders within and outside government as well as effected persons. The aim, to strengthen the promotion and protection of the internally displaced persons in Sri Lanka and to enhance and to focus better activities at central and regional levels towards this end.

Learning Objectives

- Understand Internal Displacement
- Familiarize one self with principles and best practices for protecting and assisting IDPs
- Realize professional techniques and methods of IDP protection and assistance approach
- Be aware of displacement environment and support / protection mechanisms in place

Program Description

The specialized trainer program is intended for individuals working in the area of protection and assistance of IDP's. It has been designed after considerable research and thought, and had taken into consideration capacities of various audiences and their requirements. The educational tools therefore are a product 'best' combination of, requirement to, material effort to, objective.

A fundamental characteristic of the box is getting the audience to 'think', 'understand' and make up their own 'conclusions'. This in place of the rules and coercion used at traditional workshops. Hence, it is very friendly, highly interactive, transparent, educational, reflective and thoroughly appealing.

The box has an array of tools with varying objectives and levels. As there are four target audiences, only a carefully selected handful of tools would be utilized at any given time. Further, the structure of the tool combo syllabi is such that *there is sufficient flexibility for variation at field workshops.*

Finally, all recommendations on conduct via the Guiding principles on Internal Displacement are supported with logical rationalizing in the form of events, figures and data to further complement the reasoning nature of the toolbox programme.

The Target Audience

Policy Makers:

Government, Military, Donor Agencies, International Non-Governmental Organizations, and Local Non-Governmental Organizations

Programme Staff:

Government Agents, International Non-Governmental Agencies and Local Non-Governmental Agencies

Field:

Government, Security Forces, Liberation Tigers of Tamil Eelam (LTTE), International Non-Governmental Organizations and Local Non-Governmental Organizations
and
Internally Displaced Persons and the General Public

General Guidelines for Facilitators

The role of the facilitator at workshops is to:

1. Introduce the programme, explaining the objectives and how everything fits
2. Work through the designed tools adhering to the usage instructions
3. Describe, clarify, and explain matters wherever necessary
4. Encourage the active participation of all members
5. Draw on the range of knowledge and experience of the group
6. Encourage critical questions and problem posing

Some basic fundamentals

- Use all of the traditional facilitation skills and techniques
- Be familiar with all of the tools
- Focus on end results and out come, therefore carryout delivery of tool with such in mind

- While adhering to the designed program schedule, improvise and be flexible and creative where necessary
- Co facilitate
- Aim at stimulating thinking rather than memory retention
- Appeal to the audience sensibilities, rationales, intelligence and sense of personal responsibility
- Education is best via understanding, reflection, believing and practice

Participatory Training Approach

Underlying beliefs
People learn more effectively when:

- Their own capacity and knowledge is valued
- They are able to share and analyze their experiences in a safe and collective environment
- They are active participants in the learning process
- Thinking is stimulated in place of retention

### Some assumptions about ourselves as trainers and educators
- We know less than the participants in our programs, about their particular social context
- Who we are, has been shaped by our particular knowledge, experience and perspectives
- We bring knowledge of theory and practice of participatory education and will contribute it as appropriate

What we understand about training and education is reflected in how we carry out our work. The 'design', which we used in planning our programs, incorporates what we know about effective training and education.

Toolbox — Item List (Physical hard copies, slides and disk form)

Power point (or OHP) presentation tools

Subject	No. of slides	Time
Main GP presentation (inclusive of GPs and all supportive / additional data, figures, mechanisms, programme information) — 5 parts	113	3 hrs
Mini GP presentation (GPs only)	30	1 hr
Chronology of events leading to the war in Sri Lanka	10	20 min
History of human rights in the World	5	10 min
History of human rights in Sri Lanka	5	10 min
Human rights and law	5	10 min
Protection and assistance for IDP's	6	15 min
Protection for IDP women	6	15 min
Protection for IDP children	7	20 min
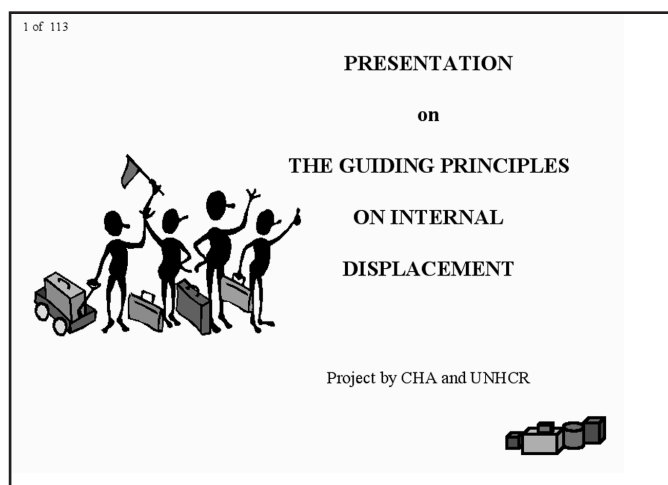
Guiding Principles main presentation

Analysis component tools

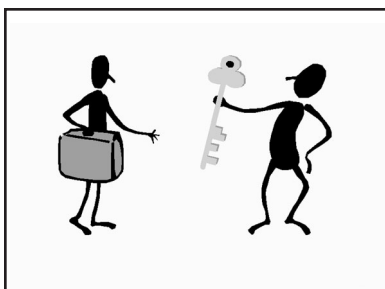| Subject / Tool	Number	Time
Case Study and analysis questionnaire — included factual cases for analysis in case book format (between 2 -3 appropriate cases in workshop)	22 cases	20 min per each case
Key IDP Protection and Assistance concepts and themes discussion questionnaire	1	1 hr
Working groups discussions questionnaire for strategically applying community-based perspective to programme response	1	1 1/2 hr
Animal Storybook and analysis questionnaire (illustrations in slide form included for presentation)	1	1 1/2 hr
Discussion Check List for Minimizing Adverse Effects of Displacement	1	40 min
GP Reinforcing Guide Stick Figure image presentation (picture figures in slide form)	40 slides	30 min

Analysis of Animal Story — for adults

(Answer clearly in blank paper provided and give examples if where possible)

1. What are the sequence of events that happened in the story, step by step?

2. What are the KEY THEME messages that you can pick out of this story?

3. What events in the story can you relate to the present IDP situation in the N and E OF Sri Lanka?

4. What are the tiny messages related to the Principles that you could see in the story?

5. Why could not the animals deal with their predicament at the early stages of the elephant fight?

6. How did the Eagle win the animals trust and convince them to stand up for their rights?

7. What did the animals do that are important steps, after the eagle left, to deal with the problem?

8. What are the problems they faced at this stage?

9. What are the salient things (IMPORTANT) that you see when the elephants and animals jointly started reconstruction?

10. Why do you think (IMPORTANT) the elephants suddenly decided to listen to the animals?

Animal Story slide

The Brookings-SAIS Project on Internal Displacement

Stick figure GP presentation
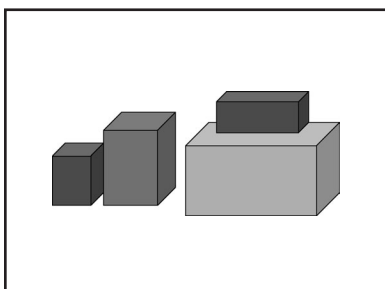
Wooden block game
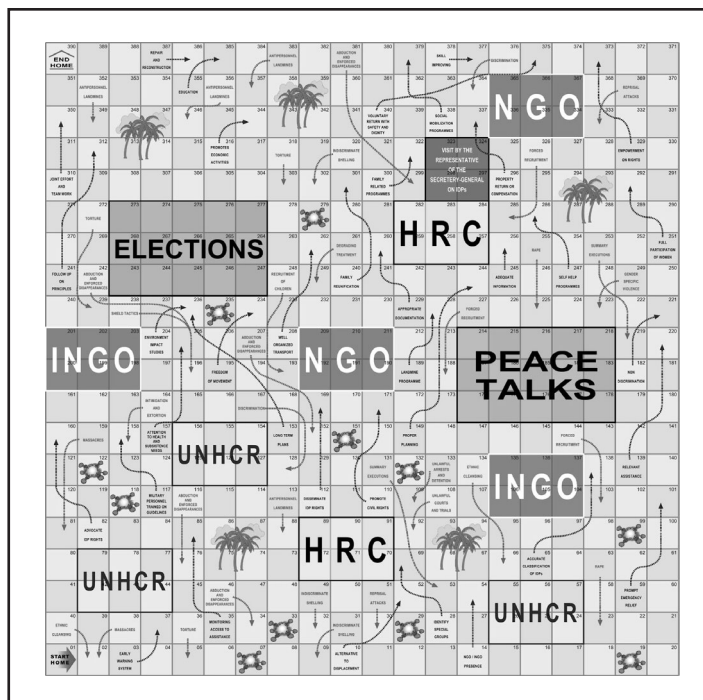
GP Board game

Conditioning and reinforcing / game tools

Item / Tool	Number	Time
Building blocks (participants were presented the concept of approaching the GPs as simple wooden block being built on top of one another — structure to portray a sound society free of human rights violations)	15 colored blocks	10 min
GP Board (game with rules of the game along with internal displacement, Guiding Principles, assisting entities and ground dynamics that come about at wartime situations.	1	1 hr and15 min

Electronic discussion supporting tools

Medium / Tool	Number	Time
Photo slide presentation of displacement conditions parallel to GP discussion to enhance and clarify subject understanding	60 picture slides	1 hr
Video of IDP camps and conditions to set backdrop for subject discussion	1 video	30 min

Outdoor communication tools
(Posters / handouts / leaflets)

Subject	Number of variations (all units in 3 national languages)
'What about them' poster	1
'Hope and trust' poster	1
'Do's and don'ts' poster 1 and 2	1
'Things you can do' poster	1
All above 4 items in leaflet and handout form with supportive text	4
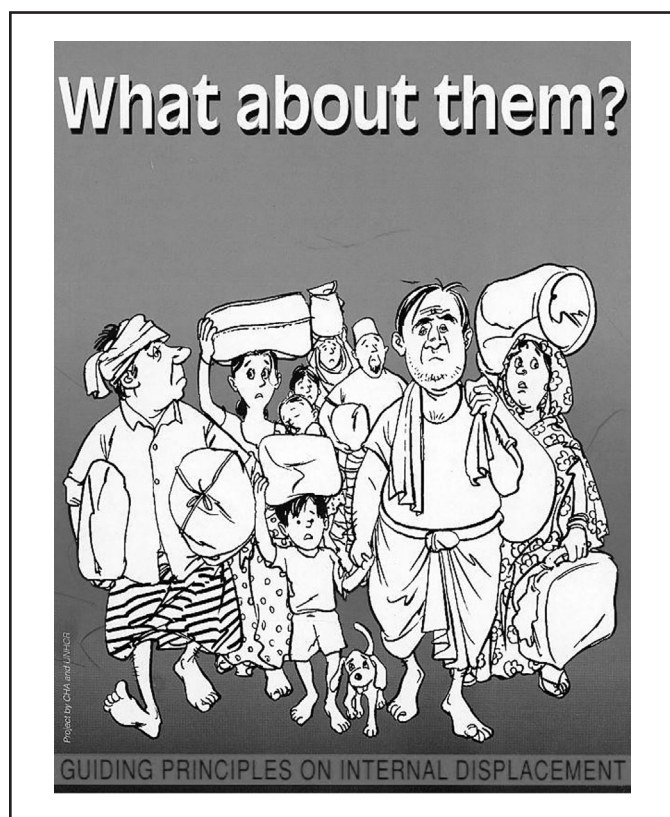
What About Them poster

Sample of GP Workshop Module with Tool Utilization

Workshop Tools	30 min	2hr	4 hr	1 day	1 1/2 day	2 day
Facilitator Lecture						
Mini Introduction and Background	■	■				
Indepth Introduction and Background			■	■	■	■
Mini Background on IDP's		■				
Indepth Background on IDP's			■	■	■	■
Block Game/session		■	■	■	■	■
Video PRSTN and open Discussion					■	■
Photo slide PRSTN				■	■	■
OHP or PP						
Mini GP PRSTN	■					
Advanced GP PRSTN (either)		■	■	■	■	■
Stick Figure Game and Discussion					■	■
OHP or PP						
Chronology of Events to War						
History of Human Rights				■	■	■
History of Human Rights in SL				■	■	■
HR and Law				■	■	■
Protection and Assistance for IDP's				■	■	■
Protection for IDP Women					■	■
Protection for IDP Children					■	■
Analysis Tools						
Case Study and Analysis				■	■	■
Key concepts questionnaire					■	■
Working group discussion quest.				■	■	■
Discussion Checklist for Minimizing					■	■
Adverse Effects of Displacement						
Story Book Presentation and Analysis				■	■	■
Games						
GP Board Game				■	■	■
Question and Answer discussion			■	■	■	■

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Module developed by the Norwegian Refugee Council (Greta Zeender) in Goma, DRC, April 2003

Mécanismes institutionnels: mise en oeuvre des Principes Directeurs au niveau national

Introduction

Ce module examine différentes initiatives en Afrique permettant d'améliorer la mise en œuvre des Principes Directeurs au niveau national, que ce soit par la création d'institutions spécifiques et/ou de législations nationales sur la question. Ce module met l'accent sur les mécanismes développés au Burundi, mais décrit également brièvement d'autres initiatives en Angola, Ouganda et au Soudan.

1) Le cas du Burundi

Institutions gouvernementales: Ministère à la Réinsertion et à la Réinstallation des Déplacés et des Répatriés & Commission

En 1994, il a été créé un Ministère devant s'occuper de la réinsertion des personnes déplacées et rapatriées. Ce ministère concentre ses interventions autour de quatre axes, à savoir l'assistance humanitaire, le rapatriement volontaire, la réinstallation et la réinsertion. Ce travail se fait en collaborations avec des partenaires, tels que le HCR et le PNUD.

La Commission Nationale pour la Réinsertion des Sinistrés (CNRS) prévue par les Accords d'Arusha de 1994 et créée en 2002 par le Parlement burundais permet la mise en oeuvre de cette politique.

Mécanismes pour la protection des déplacés au Burundi

En 2000, le Représentant du Secrétaire Général des Nations Unies pour les Déplacés Internes, Francis Deng, ainsi que le réseau inter-agences des Nations Unies ont émis une série de recommandations visant à améliorer la protection des déplacés internes au Burundi.

Suite à leurs recommandations, le Ministre burundais des droits de l'homme et le Coordinateur humanitaire des Nations Unies ont établi en février 2001 un **Cadre Permanent de Concertation pour la Protection des Personnes Déplacées**. Ce cadre permanent est composé d'un **Comité sur la Protection des Déplacés** et d'un **Groupe Technique de Suivi (GTS)**. Le Préambule du Protocole créant ces institutions reconnaît que « le gouvernement du Burundi et la communauté internationale sont liés par les Principes Directeurs sur le Déplacement interne développé par l'ONU ».

    a) Comité sur la Protection des Déplacés
- Réunion mensuelle des Ministres Burundais des droits de l'Homme, de la Défense, de l'Intérieur, pour la Réinstallation et la Réintégration des déplacés et des rapatriés, du Coordinateur Humanitaire des Nations Unies, du chef d'OCHA, du représentant du HCR et du OHCDH, de deux

représentants de plateformes d'ONGs locales, et d'un représentant des ONGs internationales.

- Rôle: forum de discussion et de collaboration sur les questions liées à la protection des déplacés, y compris les questions d'accès et de suivi de violations spécifiques.

b) **Groupe Technique de Suivi (GTS)**

- Réunion hebdomadaire de représentants du gouvernement burundais, d'agences de l'ONU, d'ONGs nationales et internationales

- Rôle: exécute les recommandations du Comité. Le GTS est habilité à recevoir des plaintes ou des rapports sur la protection des déplacés et d'activer des structures gouvernementales existantes pour s'occuper de tels cas.

- Réalisations du GTS (2001-2002)
  - o Conduite de visites régulières dans les provinces affectées par le déplacement interne et préparation de rapports;
  - o Promotion de la diffusion des Principes Directeurs et sensibilisation des besoins de protection des déplacés auprès des autorités civiles et militaires;
  - o Amélioration de l'accès auprès des déplacés et de leur protection, particulièrement dans la Province de Bujumbura Rural, où ont lieu de fréquents déplacements.

  Illustration du travail du GTS: en mars et avril 2001, le GTS a conduit des visites chaque jour dans les quartiers de la capitale affectés par la crise de déplacement. Il a interviewé de nombreux déplacés et discuté de questions clefs avec les autorités locales. Les visites fréquentes du GTS ont contribué à rassurer les déplacés et à les encourager à retourner chez eux. De plus, le dialogue quotidien avec les autorités locales a permis de minimiser les conséquences de la perte des papiers d'identité des déplacés, de dénoncer certaines expropriation ayant lieu dans la capitale et de rapporter le besoin urgent de distribution de vivres pour les déplacés les plus vulnérables lors de leur retour. Il a également facilité l'identification de cas d'extorsion par des soldats ou des autorités locales, et permis d'obtenir le remplacement du bataillon responsable.

2) Autres mécanismes institutionnels pour s'occuper des déplacés internes en Afrique
Certains pays, tels que l'Angola, l'Ouganda et le Soudan, ont créé des lois prévoyant l'assistance et la protection des déplacés.

Angola
En Octobre 2002, le Conseil des Ministres Angolais a utilisé les Principes Directeurs comme guide pour formuler ses « **Normes sur la réinstallation des déplacés internes** ». Ces normes donnent en premier lieu aux autorités provinciales la charge

de mettre en œuvre la réinstallation et le retour des déplacés. Les normes prévoient la création d'un groupe sur les déplacés et les réfugiés, comprenant le gouvernement, les organisations humanitaires et les ONGs. De manière concrète, les normes prévoient que le retour soit volontaire (PD 28), que les autorités s'assurent de la réunification des familles (PD 17), que les déplacés soient réinstallés en sûreté et en dignité (PD 11), et que les déplacés reçoivent une assistance adéquate (PD 18). Enfin, ces normes prévoient que les déplacés reçoivent un champ à cultiver et des outils, que les lieux de réinstallation n'aient pas de mines et qu'ils aient des installations sanitaires, et que les autorités maintiennent un présence dans les lieux de réinstallation pour y suivre les progrès.

Ouganda

Le gouvernement ougandais a développé une politique nationale sur le déplacement interne en 2002. Ce programme prévoit la création d'un **Comité inter-ministériel** présidé par le bureau du Premier Ministre, et d'un **groupe de travail sur les déplacés** comprenant différents ministères, le coordinateur humanitaire de l'ONU, un représentant des ONGs et des donateurs. Cette politique a été développée conjointement par OCHA et certaines agences des Nations-Unies. Elle n'est cependant pas encore mise en œuvre.

Soudan

En septembre 2002, le Mouvement de Libération du Peuple Soudanais (SPLM/A) a développé une loi sur les déplacés. C'est la première fois qu'un groupe non-étatique prend de tels engagements. La loi prévoit la création d'un **Comité sur les Déplacés Internes**, composé du SPLM/A et du SRRA/RASS (Association humanitaire au Sud Soudan). Le Comité va aussi inviter comme membres les membres de l'Opération "Lifeline Sudan (OLS)", ainsi que des organisations internationales et nationales non gouvernementales. Ce comité sera chargé de mettre en œuvre la loi et d'assurer un suivi régulier des autres questions liées à la protection et à l'assistance des déplacés.

Exercice

Les participants discutent en groupes répartis selon leur profession (institutions gouvernementales et militaires, ONG internationales et agences des Nations Unies, ONGs locales et représentants des déplacés). Ils ont une heure pour recommander l'établissement d'une structure chargée de protéger les déplacés au niveau national et/ou provincial. Ils doivent également déterminer le rôle de leur organisation dans une telle structure. Les propositions sont ensuite débattues par tous, puis la meilleure proposition est adoptée par consensus.

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The Humanitarian Challenge:

Refugees and Internally Displaced Persons

Course C-04

COURSE OVERVIEW

Introduction

The principal victims of contemporary conflicts and civil wars are civilians. Forced migration, including the large-scale movement of people, has become one of the defining characteristics of the post-Cold War world. The refugee and internally displaced phenomenon poses both practical challenges and ethical dilemmas. The global community is challenged to develop new strategies for assistance and containment. The task of preventing humanitarian crisis and confronting the forces which create them is a priority in order to establish a more peaceful and secure world where people do not have to abandon their homes and escape from their own country in order to feel secure. There is an urgent need for members of organizations engaged in multi-disciplinary peace operations to understand all the dimensions of mass population displacement.

Aim

The aim of this course is to provide participants with an in-depth understanding of issues and dynamics affecting refugees and internally displaced persons within the context of modern peace operations. Participants will develop their operational effectiveness through the practice of coordination, cooperation and planning skills.

Participants

The course is designed particularly for intermediate and senior level managers, and their equivalents, from all organizations engaged in multi-disciplinary peace operations. The participants come from all parts of the world. A course profile has been developed to provide a balance of participation the full range of peace operations organisations. The course is conducted in English as this is often the language common to most people within the international atmosphere of a mission. Field operations are often, of necessity, conducted in English so this course offers the opportunity to develop confidence in using these skills within a supportive environment. For this reason, a strong command of English is essential, not just for

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one's own learning but, in a highly interactive learning environment, for that of one's colleagues.

Methodology

The course takes a dynamic, participatory approach based on adult learning methodology. The focus is on development of practical skills in coordination and emergency planning and is structured around an overall case study and a series of discussions and exercises. Linked to each day's practice, conceptual material on related topics and issues is presented by a member of faculty or a visiting subject specialist. Plenary and small group structured discussions reinforce the learning. The discussion groups are sufficiently small to provide all participants with the opportunity to contribute, and the multi-disciplinary composition encourages the expression of a wide range of viewpoints and experiences relating to the topic. Each discussion group is chaired and facilitated by a member of the Pearson Peacekeeping Centre faculty. The exercises are debriefed and outcomes analysed in plenary or small group sessions.

General Scope

The course is based on a series of analysis, coordination and planning exercises. The exercise practice is informed and supported by presentations on topics which cover concepts, organizations, issues and skills.

Course Elements

Exercises

An overall Case Study provides the background context for the exercises which pose several practical dilemmas and problems of increasing difficulty and complexity. The final exercise of the course involves a complete day of emergency response coordination and planning around one particular humanitarian crisis. These exercises are designed to provide a practice framework for the subjects covered. The Case study and exercise set is based on a real life situation, adapted to meet the learning objectives of the course.

Concepts

The course begins with an examination of the context of modern Peace Operations and of the worldwide phenomenon of mass population displacement caused by armed conflict. The impacts of refugees on the host country and the factors leading to the growing problem of internal displacement are analysed.

Organisations

Several presentations focus on the roles, mandates, tasks and capabilities of the principal players within the context of modern peacekeeping: the UN agencies, the NGOs, the military, the civil police and the media. Particular attention is paid to the roles of the *United Nations*, with particular reference to the *High Commissioner for Refugees*, and the *International Committee of the Red Cross* in addressing the crucial problems of mass population displacement.

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Issues

More complex issues such as the protection and needs of groups at particular risk, such as women, children, and the elderly are some of the subjects covered. We explore the complexities of building consensus in multi-organisational and multi-cultural environments and examine the ethical issues frequently encountered in humanitarian emergencies. The presentations also include discussion of durable solutions, safe areas, as well as strategic tools for refugee camp management and security. A module also includes a study and analysis of the legal protection of refugees and internally displaced persons and the various legal instruments designed to protect persons forced to flee their homes.

Skills

Emergency planning and coordination are critical in a humanitarian crisis. The success in these activities depends heavily on the skill and experience of the people involved. Here we discuss and practice the core skills. Some of the basic techniques of verbal and non-verbal communication are presented. Negotiation amongst the coordinating organizations, as well as with refugees, militia and local government bodies, can occur daily. The Interest-based Negotiation process is used as the basic framework for the introduction of negotiation skills. Good communication skills go together with effective negotiation. In the multi-lingual environment of peace operations it is often necessary to communicate through an interpreter. The skills and issues of working with interpreters are covered.

Experiences from the Field

In each course we also include a module known as *Experiences from the Field.* This activity provides participants the opportunity to share their own real life negotiation experiences with other course members and faculty.

Faculty

The course is conducted by a faculty team, which includes the Course Manager, three or more Facilitators, and guest specialists. The number of Facilitators varies to maintain an optimum ratio of 1 facilitator for every 10 participants. All members of the faculty team are subject specialists with experience working in the international environment, as well as practical experience as educators. Facilitators are typically drawn from different organizations engaged in peace operations. The Course Manager is responsible for the overall conduct of the course. The principal role of the Facilitators is to monitor and coach exercise practice, present conceptual material and facilitate the plenary and group discussions. In addition to the full time faculty, the course may be supported by visiting subject specialists who will make presentations and lead discussions on their particular areas of specialization. Distinguished speakers with international reputations may be invited to deliver an opening keynote address or a closing address.

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Schedule

The latest Course Activity Forecast and dates are available on the PPC website. The course will be conducted over a ten-day period. The course begins on a Monday morning and ends at noon on the second Friday. There is no formal course work scheduled during the mid-course weekend. Participants should plan to arrive at the Cornwallis Park campus on Sunday, the day before the scheduled start of the course. Participants travelling over very long distances are requested to arrive on Saturday, two days before the scheduled start, in order to adjust to the time difference.

Contact

Registration and further information is available through:

The Registrar
Pearson Peacekeeping Centre
Cornwallis Park
PO Box 100
Clementsport,
Nova Scotia Canada
B0S 1E0
Telephone: 902-638-8611
Fax: 902-638-3310
Email: registar@ppc.cdnpeacekeeping.ns.ca

C-04 SUMMARY OF TOPICS AND EXERCISES

DAY 1- April 22nd

Concepts: Conceptual Framework
                World on the Move

Exercises:

DAY 2

Concepts: UN Response to Humanitarian Crises
                UNHCR Response to Humanitarian Crises
                Kosovo Case Study Overview

Exercises:

DAY 3

Concepts: Coordinating Mechanisms
                Emergency Planning
                People Oriented Planning

Exercises:

DAY 4

Concepts: The NGO Response to Humanitarian Crises
                Red Cross Response to Humanitarian Crises
                IHL, HR and Refugee Law

Exercises:

DAY 5

Concepts: The CIVPOL Response to Humanitarian Crises
                The Media Response to Humanitarian Crises

Exercises: Sudan Case Study

DAY 6- 29 April

Concepts: Displacement: Impacts on Women
                Camp Management and Security

Exercises:

DAY 7

Concepts: Working with Interpreters
              Negotiation for Peacekeepers

Exercises: Return of Refugees

DAY 8

Concepts: Ethical Issues in Humanitarian Crises
              Refugee Visit

DAY 9

Concepts: All day exercise
              Far Horizons

Diane DeGuzman   Emergency Planning & POP
                                  Ethical Issues
                                  Sudan Case Study
                                  Displacement: Impacts on Women

Ann Howarth-Wiles   World on the Move
                                  UNHCR Response
                                  Kosovo Case Study
                                  Camp Management/Security

John Tyynela   United Nations Response
                                  Working with Interpreters
                                  Coordinating Mechanisms
                                  Refugee Visit

Guest Speakers   Anna Maria Tremonti- The Media Response
                                  David Gairdner- Framework
                                  Judith Lavoie- IHL, Red Cross
                                  Lyndell Findlay- Negotiation
                                  Luc Racine- Military
                                  Martin Girard

Degree Program in Internal Displacement

Presentación General

Desde mediados del año 2001, el Instituto CISALVA, la Universidad del Valle, la Organización Internacional para las Migraciones OIM y la Secretaria Departamental de Salud del Valle vienen consolidando la idea de ofrecer un programa *de formación, capacitación y sensibilización formal,* y en la actual coyuntura, el peso del desplazamiento forzoso entre las diversas dinámicas migratorias es cada vez mayor, constituyéndose en la principal problemática de orden social, producto del recrudecimiento del conflicto político armado.

Previamente el análisis de las diversa situaciones que llevan a consolidar esta propuesta como, el agravante de que el Estado y la Sociedad en sus niveles locales, regionales y nacional no han asimilado las lecciones de la historia en el manejo de éste tipo de "desastres".

Igualmente las autoridades municipales, las organizaciones de la sociedad civil y los líderes comunitarios han tenido que ensayar respuestas en la marcha, sin que se haya logrado articular una *política pública* para el manejo integral del desplazamiento forzoso, en la perspectiva del desarrollo humano sostenible en los espacios locales.

Por lo menos hasta el año 1999, sobresalió la falta de incentivos financieros y técnicos por parte del nivel internacional y nacional para que los actores locales en el Valle del Cauca asumieran el tema; la descoordinación inter e intra sectorial y la falta de continuidad de las iniciativas generadas han sido la norma general.

Se destaca también un marcado asistencialismo, que en vez de empoderar a las comunidades desplazadas las paraliza; y lo mas importante, una focalización de los proyectos en la población desplazada desarticulada de los proyectos de desarrollo social y territorial de las comunidades receptoras, expulsoras y del resto de migrantes, que tiende a crear guettos antes que comunidades integradas, afectando negativamente la sostenibilidad y el impacto de las iniciativas.

Todo lo anterior se enmarca en un marco legal y normativo detallado para el tratamiento de los llamados "eventos catastróficos", especialmente en lo referente al desplazamiento forzoso (Ley 387 de 1997 y sus desarrollos).

Sin embargo, es notoria, la que es nombrado por algunos como "catástrofe institucional", consistente en una marcada desobediencia de los actores responsables del Estado para cumplir con sus responsabilidades en el tema, ya sea por falta de voluntad política o por falta de capacitación entre los anteriores para la elaboración de Planes, programas y proyectos técnicamente bien elaborados, y desde la perspectiva de desarrollo sostenible y gobernabilidad democrática.
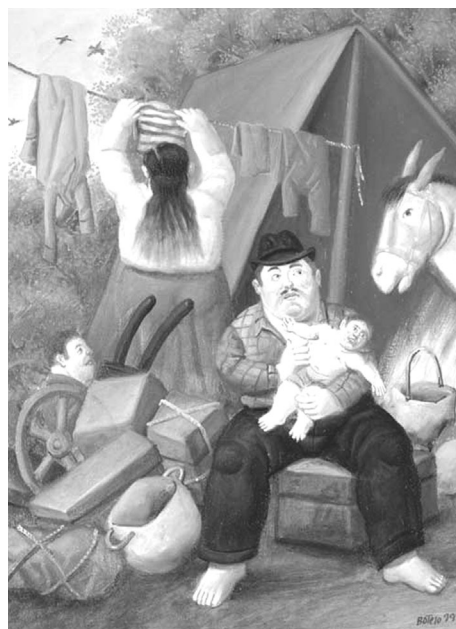
Superar esta situación, en particular la descoordinación, el acento sobre lo asistencial, la desobediencia institucional y la focalización de los proyectos para ciudadanos desplazados, desarticulados de los contextos locales, permite, entre otras, consolidar el presente programa.

La propuesta de hacer un programa de formación que asumen las entidades organizadoras del presente Diplomado, y la compilación de las memorias, buscan crear espacios de reflexión, que permitan a los participantes del programa dar mayor claridad sobre los procedimientos de atención, construir e implementar políticas públicas y a lograr unidad y coordinación entre las acciones que adelanta cada una de las entidades y organizaciones comprometidas en la atención de compatriotas afectados por el desplazamiento forzoso.

La compilación de los documentos, ponencias y experiencias presentadas en el diplomado y recopilados en la presente memoria, obedecen a la estructura del Diplomado:

Modulo 1:   Expresiones de la movilidad humana en Colombia; enfoques teóricos y conceptuales.

Modulo 2:   Estrategias y herramientas prácticas para la gestión integral de las dinámicas migratorias.

Modulo 3:   Experiencias y casos en el tratamiento integral del desplazamiento.

Las entidades organizadoras esperan que la difusión y apropiación del presente material, permita construir un conocimiento común y publico sobre las diferentes temáticas abordadas durante las sesiones y paneles y que sirviera, tanto a los planificadores de proyectos de desarrollo como las instituciones y personas que asisten a los damnificados por tragedias. Así como difundir la información existente sobre políticas y programas que finalmente orienten la formulación y gestión de *políticas locales de atención integral* a ciudadanos en situación de desplazamiento forzado.

Finalmente, las entidades organizadoras agradecen los aportes y comentarios de invitados, docentes, panelistas y participantes que, de una u otra manera, inspiraron y apoyaron la realización de esta gran tarea.

Instituto CISALVA
Universidad del Valle

Organización Internacional para las Migraciones, OIM

Secretaría Departamental de Salud del Valle

PLAN CURRICULAR
Diplomado: POLITICAS PUBLICAS PARA EL MANEJO DE MIGRACIONES:
"El Desplazamiento Forzoso, un reto para la gestión Local"
Buga (Valle), Mayo 31 – Julio 5 de 2002

Modulo 1: EXPRESIONES DE LA MOVILIDAD HUMANA EN COLOMBIA; ENFOQUES TEÓRICOS Y CONCEPTUALES

OBJETIVOS: Brindar elementos conceptuales para la elaboración de miradas analíticas sobre la violencia como expresión de los conflictos. Sensibilizar a los participantes sobre la realidad y el contexto general del desplazamiento forzoso y de la situación actual del país y la región.

FECHA/HORA	CONTENIDOS	METODOLOGIA	RECURSOS	DOCENTES/ RESPONSABLE
Mayo 31: Viernes 8:00 – 10:00 AM	Presentación del curso y elaboración de acuerdos	Presentación	Programa Plan Curricular	Grupo CISALVA OIM SEC. SALUD DEPTAL
Mayo 31: Viernes 10:30 – 1:00 PM	-Lecciones, aprendizajes, retos y desafíos del proceso de paz en Colombia. -Tipos y formas de migración: económica, emigración-inmigración, exilio, refugio, desplazamiento forzoso y forzado, retorno, deportación, migración por desastres naturales	Conferencia	Memorias	Jorge Rojas CODHES
Mayo 31: Viernes 2:30-6:00 PM	Definición y análisis del derecho internacional público relacionado con el desplazamiento -Derecho Internacional Humanitario. -Derecho Internacional de los Refugiados. -Principios rectores (DENG)	Presentación y taller	Folletos: Principios rectores, DIH, entre otros.	Josep Zapater ACNUR
Junio 1: Sábado 8:00 – 9:30 AM	Diagnóstico del desplazamiento en el Valle del Cauca	Presentación	Memorias	Juan Manuel Luna OIM
Junio 1: Sábado 10:00-1:00 PM	-Teoría socio-económica, perdida de propiedad, desarraigo -Enfoques y aproximaciones para la interpretación del desplazamiento: manifestaciones, actores, factores causales e impactos en el sur-occidente Colombiano	Presentación y taller	Memorias	Álvaro Guzmán Martha Domínguez Monitores UNIVERSIDAD DEL VALLE
Junio 7: Viernes 8:00 – 9:00 AM	Antecedentes históricos del desplazamiento forzoso en Colombia y en el Valle.	Presentación y taller	Memorias	Marta Domínguez UNIVALLE

Junio 7: Viernes 9:00 – 12:30 PM	Enfoques y aproximaciones para la interpretación del desplazamiento: manifestaciones, actores, factores causales e impactos a nivel nacional • Cultura de la información. • Sistema de Información.	Presentación y taller	Folletos, boletines, video.	Harvey Suarez CODHES
Junio 7: Viernes 2:00 – 5:30 PM	El Sistema Único de Registro (SUR) • Metodología • Principales resultados para el Valle del Cauca	Presentación y taller	Memorias	Robin Hissong Unidad Técnica Conjunta RED DE SOLIDARIDAD SOCIAL

Modulo 2: ESTRATEGIAS Y HERRAMIENTAS PRÁCTICAS PARA LA GESTIÓN INTEGRAL E INTEGRADORA DE LAS DINÁMICAS MIGRATORIAS

OBJETIVO: Propiciar la construcción de políticas públicas (en sus fases de diseño, concertación, ejecución, seguimiento y evaluación) para el manejo integral, integrador y sostenible del desplazamiento forzoso. Diseñar e Implementar modelos de intervención en la atención a las victimas de la violencia en las realidades locales.

Junio 8: Sábado 8:00 – 10:00 AM	Diseño y Gestión de Planes, Programas y Proyectos Cooperación internacional	Presentación Trabajo en grupos	Memorias Bibliografía Recomendada	Adolfo Álvarez UNIVERSIDAD DEL VALLE
Junio 8: Sábado 10:00- 1:00 PM	Conceptos Básicos: • Políticas Públicas y gobernabilidad democrática. • Gestión local. • Integralidad, integración social, intersectorialidad.	Taller y plenaria.	Memorias	Fabio Velásquez FORO POR COLOMBIA
Junio 14: Viernes 8:00 –10:00 AM	Descripción y análisis del marco legal y políticas para el manejo del desplazamiento. • Espíritu de aplicación de la norma • Tensión entre los conceptos legal y social de "victima".	Taller y plenaria	Documentos legales (Plan Estratégico, Defensoría-ACNUR)	Camila Moreno. DEFENSORÍA DEL PUEBLO
Junio 14: Viernes 10:30–12:00 AM	Sistemas de Alertas Tempranas como Estrategias de Prevención y Protección.	Ponencia	Memorias	Camila Moreno. DEFENSORÍA DEL PUEBLO

Junio 14:: Viernes
 	
1:30 – 5:30 PM
	Estrategias para la prevención del desplazamiento y la protección de la población desplazada.
	• Manejo y alternativas de solución de conflictos
	• Instrumentos y mecanismos jurídicos de la defensa de personas desplazadas
	• Gestión del riesgo
	• Rol de los Comités Municipales y Departamentales.
	• Propuesta de construcción de Acuerdos humanitarios.
	• Experiencias reales de prevención del desplazamiento y de resistencia.
		Panel	Memorias	Panelistas:
				- Luis Fernando Munera S.J.
				  PROGRAMA POR LA PAZ
				- Anatolio Quirá, CRIC
				- Heriberto Dajones, ONG MATIA
				  MULUMBA, B/VENTURA
				
				Relator – Moderador: Hernando Llano, PUJ

Junio 15: Sábado 8:00 –10:00 PM	Conceptos, lineamientos y enfoques de la atención psicosocial	Presentación	Lineamientos	Rocio Gutierrez, MINSALUD

Junio 15:
Sábado
10:20 –1:00 PM
	La atención psicosocial en la prevención y protección, la atención humanitaria de emergencia y el restablecimiento	Panel	Memorias
			Bibliografía
			Recomendada
				Panelistas:
				- Pola Buenaventura, SOL IVIDA
				- Leticia Oviedo, Proyecto SSD-
				   CRUZ ROJA VALLE
				- Diego Abonía, CRUZ ROJA
				   FRANCESA
				- Rocio Venegas, OPS
				Relatora-Moderadora:
				Mercedes Paredes, CISALVA

Junio 21: Viernes 8:00 – 12: 30 PM	Estrategias para la Atención Humanitaria de Emergencia • Análisis de la acción humanitaria. • Protocolos para la atención humanitaria. • Análisis diferenciales (genero, generación, etnia) • Del concepto de "victima" al de "actor social". • Trabajo en redes	Presentación y taller.	Memorias Boletines	Moises Medrano CODHES
Junio 21: Viernes 2:00 – 6:00 PM	Consolidación de estrategias para la Atención Humanitaria de Emergencia, de las personas desplazadas	Panel	Memorias	Panelistas: - Martín Vergara, SOLYVIDA - Francisco J. Gutierrez, CRUZ ROJA VALLE - Moises Medrano, CODHES - Desplazado Relator-Moderador: Fernando Arteaga, SSD
Junio 22: Sábado 8:00 – 10:00 AM	Lecciones y aprendizajes de las emergencias producto de desastres naturales para el manejo de planes de contingencia en contextos de desplazamientos forzosos.	Taller y plenaria	Memorias	Rocío Venegas OPS-OMS
Junio 22: Sábado 10:00 – 1:00 PM	MESAS DE TRABAJO Y PROGRAMACIÓN DE TRABAJOS DE CAMPO	Lluvia de ideas Trabajos grupales Plenarias	Propuestas grupos	Monitores Participantes

Junio 27: Viernes 8:00- 10:00 AM	El Restablecimiento y estrategias para la Estabilización y consolidación socioeconómica de la población desplazada contemplado en la política de atención. El restablecimiento: soluciones duraderas en el desarrollo local	Presentación Trabajo en grupos	Memorias Bibliografía Recomendada	Ivone Alvarez, RSS Valle
Junio 27: Viernes 10:20- 12:30 AM	Modelos de gestión municipal y planificación Regional post-desastre	Presentación	Memorias	Francisco Londoño Arquitecto Consultor
Junio 27: Viernes 2:00 – 6:00 PM	Consolidación de estrategias para la estabilización y consolidación socioeconómica: - Retornos, reubicaciones. - Los planes Integrales Municipales	Panel	Memorias	Panelistas: - Fabio Cardozo, GESTION DE PAZ VALLE - Francisco Ayala, INCORA - Francisco Javier Patiño, SEC. GOBIERNO NARIÑO Relator-Moderador: Francisco Londoño
Junio 28: Sábado 8:00 – 10: 00 AM	MESAS DE TRABAJO Y PROGRAMACION DE TRABAJOS DE CAMPO	Lluvia de ideas Trabajos grupales Plenarias	Propuestas grupos	Monitores Participantes

Modulo 3: EXPERIENCIAS Y CASOS EN EL TRATAMIENTO INTEGRAL E INTEGRADOR DEL DESPLAZAMIENTO

OBJETIVO: Propiciar intercambios de experiencias con el nivel internacional, nacional, regional y local en la gestión integral e integradora del desplazamiento forzoso, que contribuya a la implementación de las herramientas, lecciones y aprendizajes exitosos en los contextos locales de los participantes.

Junio 28: Sábado 10:30- 1:00 PM	Experiencias nacionales: - La experiencia de Usme - La experiencia de Sevilla - La resistencia Civil, Concejos Comunitarios del Litoral Pacífico	Panel	Memorias	-Heidy Duque,Taller de Vida -Lider de Sevilla - Leyla Arroyo, RSS Buenav. - Silvano Caicedo, CONSEJO MAYOR DE ANCHICAYA Relator- moderador: Participante
Julio 5: Viernes 8:00 – 12:00 PM	Herramientas para el seguimiento y evaluación de proyectos Indicadores en proyectos sociales.	Plenaria	Memorias	Victor Manuel Quintero UNI. SAN BUENAVENTURA
Julio 5: Viernes 2:00 – 4:30 PM	MESAS DE TRABAJO Y PROGRAMACION DE TRABAJOS DE CAMPO	Lluvia de ideas Trabajos grupales Plenarias	Propuestas grupos	Monitores Participantes
Julio 5: Viernes 4:30 – 5:00 PM	Evaluación		Formato de Evaluación	Grupo CISALVA
Julio 26 Viernes 8:00 – 4:00 PM	FORO Entrega de trabajos de campo	Foro	Programa	Grupo CISALVA

Junio 27: Viernes 8:00- 10:00 AM	El Restablecimiento y estrategias para la Estabilización y consolidación socioeconómica de la población desplazada contemplado en la política de atención. • El restablecimiento: soluciones duraderas en el desarrollo local	Presentación Trabajo en grupos	Memorias Bibliografía Recomendada	Ivone Alvarez, RSS Valle
Junio 27: Viernes 10:20- 12:30 AM	Modelos de gestión municipal y planificación Regional post-desastre	Presentación	Memorias	Francisco Londoño Arquitecto Consultor
Junio 27: Viernes 2:00 – 6:00 PM	Consolidación de estrategias para la estabilización y consolidación socioeconómica: • Retornos, reubicaciones. • Los planes Integrales Municipales	Panel	Memorias	Panelistas: - Fabio Cardozo, GESTION DE PAZ VALLE - Francisco Ayala, INCORA - Francisco Javier Patiño, SEC. GOBIERNO NARIÑO Relator-Moderador: Francisco Londoño
Junio 28: Sábado 8:00 – 10: 00 AM	MESAS DE TRABAJO Y PROGRAMACION DE TRABAJOS DE CAMPO	Lluvia de ideas Trabajos grupales Plenarias	Propuestas grupos	Monitores Participantes
Modulo 3: EXPERIENCIAS Y CASOS EN EL TRATAMIENTO INTEGRAL E INTEGRADOR DEL DESPLAZAMIENTO **OBJETIVO:** Propiciar intercambios de experiencias con el nivel internacional, nacional, regional y local en la gestión integral e integradora del desplazamiento forzoso, que contribuya a la implementación de las herramientas, lecciones y aprendizajes exitosos en los contextos locales de los participantes.				
Junio 28: Sábado 10:30- 1:00 PM	Experiencias nacionales: • La experiencia de Usme • La experiencia de Sevilla • La resistencia Civil, Concejos Comunitarios del Litoral Pacífico	Panel	Memorias	-Heidy Duque,Taller de Vida -Lider de Sevilla - Leyla Arroyo, RSS Buenav. - Silvano Caicedo, CONSEJO MAYOR DE ANCHICAYA Relator- moderador: Participante
Julio 5: Viernes 8:00 – 12:00 PM	Herramientas para el seguimiento y evaluación de proyectos Indicadores en proyectos sociales.	Plenaria	Memorias	Victor Manuel Quintero UNI. SAN BUENAVENTURA
Julio 5: Viernes 2:00 – 4:30 PM	MESAS DE TRABAJO Y PROGRAMACION DE TRABAJOS DE CAMPO	Lluvia de ideas Trabajos grupales Plenarias	Propuestas grupos	Monitores Participantes
Julio 5: Viernes 4:30 – 5:00 PM	Evaluación		Formato de Evaluación	Grupo CISALVA
Julio 26 Viernes 8:00 – 4:00 PM	FORO Entrega de trabajos de campo	Foro	Programa	Grupo CISALVA

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