

Discussion Paper-III

Chair's Summary: GP 10 Conference in Oslo, 16 - 17 October 2008

The purpose of this high level conference was to assess the accomplishments and shortcomings of the Guiding Principles on Internal Displacement over the last 10 years, and to chart a way forward for national and international decision makers, including relevant states, UN bodies, regional organizations and civil society actors. Specifically, the conference sought to generate increased political will to incorporate the GPs into national, regional and global frameworks and to encourage progress towards their practical implementation.

The conference reaffirmed the Guiding Principles as an important framework for upholding the rights of IDPs and was encouraged by reports from a number of states that the Principles had been incorporated into national laws and policies and that a variety of actors have found them useful in promoting IDP rights.

However, the conference emphasized that increased political and financial commitment is needed to ensure the full protection of IDPs. States are encouraged to develop or strengthen their policies to include: (1) preventive measures to avert displacement, (2) crisis mitigation procedures, to be activated once displacement has occurred, and (3) durable solution frameworks.

There is an urgent need for humanitarian and development actors, governments and financial institutions need to work together to ensure durable solutions to displacement. Joint approaches are also required to address the challenges resulting from the increasing scale and complexity of forced displacement, and to ensure that the standards set by the Guiding Principles are met.

Achievements of the Guiding Principles

"The day I met Roberta Cohen, Dr. Francis Deng and Christophe Beau turned my life - we received the leverage that we could use to empower men and women and promote respect of IDP views and opinions."

Julia Kharashvili, Consent IDP Women Association, Georgia

Participants in the conference emphasized that the Guiding Principles have become a key point of reference for the development of normative frameworks for the protection of IDPs in domestic laws and

policies. For example, the government of Uganda's IDP policy is based on the Guiding Principles, on International Humanitarian Law and on its national Constitution to serve as a guide for government institutions, humanitarian and development agencies while providing assistance and protection to internally displaced persons. In Georgia, the Ministry of Refugees and Accommodation has consulted international representatives to ensure that the actions of the Government are in compliance with the standards of the Guiding Principles, as outlined in the IDP State Strategy Plan of Action. In Turkey, the government has incorporated the Guiding Principles in its Strategy document and used them as a basis for its Compensation Law. With the help of the UN, the model used to develop the Van Province Plan of action for IDPs is now being expanded to cover other provinces. Examples from Mozambique and The Maldives were also given, confirming the relevance of incorporating the Guiding Principles into national legislation in situations of displacement resulting from natural disasters.

At the regional level, the Organization of American States and the Council of Europe have recommended the adoption of the Guiding Principles through national legislation to their Member States. In Africa, the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons includes a legal obligation for signatories to incorporate the Guiding Principles into domestic law.

"We didn't know where to start [in addressing issues related to forced displacement] but the Guiding Principles gave us a basis from which to commit states to come up with a legally binding instrument."

Liberata Mulamula, International Conference on the Great Lakes Region, Burundi

The essential role of the judicial system and civil society organizations in promoting the Guiding Principles and monitoring commitments and obligations of national authorities was highlighted in the context of Colombia.

The conference provided an occasion for the UNRSG on the Human Rights of IDPs, Mr. Walter Kälin, to launch a new resource: *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*. This publication, developed by an international group of legal experts, provides practical guidance for bringing relevant domestic laws in line with the Guiding Principles. Furthermore, this accessible guide promotes ownership of the Principles by the governments of states affected by displacement.

During the discussion, it became apparent that the Guiding Principles are operationally valuable for actors engaged in providing protection and assistance to IDPs. From the point of view of humanitarian agencies, the Guiding Principles have shaped humanitarian and protection operations. They also provide the primary reference from which humanitarian and protection standards and practices are developed. UNHCR affirmed that the Guiding Principles have become an extremely relevant protection instrument, in the absence of binding instruments, and

that UNHCR's operational responsibilities in relation to displaced persons have been developed based on the Guiding Principles. The Emergency Relief Coordinator highlighted the role of the Guiding Principles in helping to develop partnerships, and therefore, better preparedness and responses. ICRC expressed its conviction of the relevance of the Guiding Principles, stating that the Guiding Principles are as pertinent during and after an armed conflict as they are in situations of internal strife, complex emergencies, or natural disasters; in certain instances they provide more specific guidance than International Humanitarian Law. OHCHR noted that the Guiding Principles had proven to be useful in a variety of situations and that they had been shared with all its offices.

With respect to displacement resulting from natural disasters, the conference affirmed that the Guiding Principles provide a useful framework for disaster risk reduction, the mitigation of displacement, and ending displacement after disasters. In situations of disaster-induced displacement, protection risks are often under-estimated. In disaster prone countries, the Guiding Principles should be used to build closer partnerships between governments, aid providers and civil society, as part of the disaster prevention framework. At the onset of a disaster, IOM noted the role of the Guiding Principles in serving as a checklist to develop a response strategy which ensures that all proper planning and response are carried out.

Challenges Ahead

Despite the considerable achievements outlined above, major challenges to the realization of rights of IDPs remain. The number of people who have been forcibly displaced from their homes is estimated at one percent of the world's population. Moreover the number of IDPs continues to increase, primarily as a result of the growth in disasters-induced displacement related to climate change, but also because of protracted situations of displacement. Protracted displacement usually occurs as a result of unresolved conflicts, lack of political will amongst national governments, as well as insufficient support by international actors. In many countries, significant gaps between policies and practice are observed, especially in relation to durable solutions.

"[A failure to consult with IDPs led to the] supply of non-germinating seeds and brittle farm implements to the impoverished IDP community."

James Otto, Human Rights Focus, Uganda

The conference noted that a majority of states affected by internal displacement remain unable or unwilling to take on their responsibilities for protecting IDPs. In the worse cases, the humanitarian space required to prevent displacement or to provide protection to IDPs is limited as a result of obstruction by governments or non-state actors. In reality, the Responsibility to Protect concept has been of limited value in the protection of human rights of IDPs, as a number of states remain more committed to

the doctrine of national sovereignty when it comes to dealing with internal displacement.

It was felt that the current legal and normative protection framework needed to be re-examined in the light of the new categories of forced migrants as a result of climate change-related disasters or long-term environment degradation.

With an increasing number of IDPs residing in urban areas, states and protection agencies must seek new, appropriate means of providing them with adequate protection and assistance, as their requirements are different from those of people in camp settings or in rural areas. The appropriate durable solutions also need to be considered, as urbanization affects choices and opportunities. For example, after IDPs have adapted to urban livelihoods, return to rural homes is often no longer an option.

With respect to international protection, humanitarian reform has contributed to better predictability in humanitarian responses. The fact that UNHCR now takes the lead for protecting IDPs in situations of armed conflict has significantly improved leadership of coordination of protection. Nevertheless, as stressed by the ERC, humanitarian actors risk having their credibility undermined if greater care is not given to ensure equality of attention to different IDP populations in protracted crises.

In situations of disaster-induced displacement, protection leadership remains inadequate at the institutional level, as the responsibility for international coordination is divided between UNHCR, UNICEF and OHCHR, all of which have concerns about their capacity to take on this additional responsibility.

Recommendations

The Guiding Principles should be incorporated into national legislation so as to promote their implementation and accountability for the protection of IDPs. The publication of the Manual for Law and Policymakers on Protecting Internally Displaced Persons will be a useful resource to governments as it provides a guide for policy makers to bring relevant domestic laws in line with the Guiding Principles in a practical way. National authorities not only have a responsibility to develop legislative frameworks, but also to ensure that laws and policies are implemented.

Effective partnerships are required to meet the twin challenges of preventing displacement and of ending displacement. These partnerships should be developed amongst states; between states and civil society; between states and financial institutions; between states, civil society and international protection and assistance agencies; and between international humanitarian agencies and development agencies.

More efforts need to be made to prevent displacement, through effective disaster risk reduction and emergency preparedness, and through conflict prevention. In parallel, sustained efforts need to be made to end displacement. Both areas of action should be accompanied by coordinated

political commitment of all influential actors, as well as adequate and predictable resourcing.

Planning for durable solutions must start soon after displacement occurs so as to facilitate the transition from humanitarian assistance to development through effective early recovery strategies. Following the ongoing field-testing of the framework for durable solutions, the focus should be on implementing the framework, from an early stage in the humanitarian response.

Political dialogue, including peace negotiations, needs to ensure that IDPs' voices are represented and heard on all issues that affect them. Experience shows that early and sustained dialogue on issues relating to access to land, housing and property is essential to the identification of durable solutions.

In disaster prone countries, the Guiding Principles should be used to build closer partnerships between governments, aid providers and civil society, as part of the disaster prevention framework. At the onset of a disaster, the Guiding Principles should be used as a checklist to develop a response strategy to ensure that all proper planning and response are carried out.

With an increasing number of IDPs residing in urban centers, states and protection agencies must seek new, appropriate means of providing them with adequate protection and assistance, as their requirements are different from those of people in camp settings or in rural areas.

Finally, it is important to develop mechanisms to ensure the participation of IDPs in political processes, in decisions affecting their lives during displacement, and in developing and implementing solutions to bring an end to their displacement. Their participation is a precondition to the implementation of the Guiding Principles.