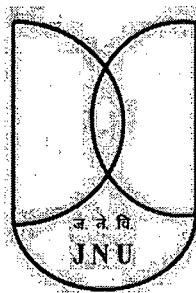


International Organizations and the Issue of Internally Displaced Persons

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of the degree of*

MASTER OF PHILOSOPHY

SAVITA



International Organization
Centre for International Politics, Organization and Disarmament
School of International Studies
JAWAHARLAL NEHRU UNIVERSITY
New Delhi - 110067
INDIA

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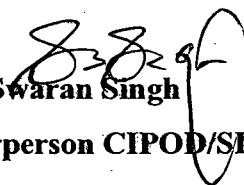
DECLARATION


I declare that the dissertation entitled “**International Organizations and the Issue of Internally Displaced Persons**” submitted by me for the award of the degree of **MASTER OF PHILOSOPHY** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other University.


SAVITA

CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.


Prof. Swaran Singh
(Chairperson CIPOD/SIS)


Dr Moushumi Basu
(Supervisor)

Dedicated

to

My Parents

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Savita

List of Abbreviations:

ADB	African Development Bank
CAP	Consolidated Appeal Process
CD-WGE	Communicable Diseases Working Group on Emergencies
CERF	Central Emergency Response Fund
CHF	Common Humanitarian Fund
DCE	Control in Humanitarian Emergencies
DDR	Disarmament, Demobilization and Reinsertion
DHA	Department for Humanitarian Affairs
DRC	Democratic Republic of Congo
ECHO	Commission's European Community Humanitarian Office
ECOSOC	Economic and Social Council
EFSNA	Emergency Food Security and Nutrition Assessment
ERC	Emergency Relief Coordinator
ERF	Emergency Response Fund
EXCOM	UNHCR's Executive Committee
FAO	Food and Agriculture Organization
FDLR	Democratic Liberation Forces of Rwanda
GHA	Global Humanitarian Assistance
GoSL	Government of Sri Lanka
GPIDP	Guiding Principles for Internally Displaced Persons
HCRFF	High Commission for the Reintegration of Ex-Combatants
HNTS	Health and Nutrition Tracking Service
IASC	Inter-Agency Standing Committee

ICRC	The International Committee of the Red Cross
IDD	Internal Displacement Division
IDMC	Internally Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority of Development
IMF	International Monetary Fund
IOM	International Organization for Migration
LTTE	Liberation Tigers of Tamil Eelam
MINUSTAH	Mission des Nations Unies pour la Stabilisation en Haiti
MoDM	Iraqi Ministry of Displacement and Migration
MoHN	Ministry of Healthcare and Nutrition
MONUC	The United Nations Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MoU	Memorandum of Understanding
MPCS	Multi Purpose Cooperative Societies
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
PAC	Protection and Assistance Centre
PCWG	Protection Cluster Working Group
PHC	Primary Health Care
PTF	Presidential Task force
QIPs	Quick Impact Projects
RC/HC	Resident Coordinator / Humanitarian Coordinator
RICCs	Return, Integration and Community Centers
RTE	Real Time Evaluation

SNID	Senior Network on Internal Displacement
SMSG	Special Representative of the Secretary General
Three R	Return, Resettlement and Reintegration
UN	United Nations
UNAIDS	United Nations Programme on HIV/AIDS
UNAMI	United Nations Assistance Mission for Iraq
UNDAC	UN Disaster Assessment and Coordination -
UNDP	United Nations Development Programme
UNDRO	United Nations Disaster Relief Coordinator
UNESCO	United Nations Educational Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UN-HABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Commission
UNICEF	United Nations Children Fund
UNOPS	UN Office for Project Services
UNSC	United Nations Security Council
USCR	United States Committee for Refugees
WASH	Water, Sanitation and Hygiene
WFP	World Food Programme
WHO	World Health Organization

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Chapter I

Introduction

The history of humankind has also been a history of population movements and displacements over time. There have been many different kinds of situations that have caused people to move from their homelands. Such movements can be categorized into two main types: one involving the crossover of international boundaries and the other, those taking place internally within the domestic jurisdiction of nation states. Internally displaced persons (hereafter referred to as IDPs) come in the second category. The UN *Guiding Principles on Internal Displacement* (1998) define IDPs as 'persons or group of persons who have been forced or obliged to flee or to leave their home or place 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 disaster and who have not crossed an international recognized state border' (Economic and Social Council, 1998:5).

In contemporary international relations, the line between the domestic and the international is often a debatable one. In the absence of an overarching global authority, the question as to who will decide whether the matter is one of domestic jurisdiction or international becomes important. There are many matters of domestic jurisdiction which fall within the realm of the international. The issue of IDPs is one such subject. The issue of IDPs constitutes a politically sensitive matter, where international agencies often have to rely on the consent of the national authority to undertake any sort of relief or rehabilitation programme. Traditionally since the nature of displacement is primarily internal, the responsibility to protect IDPs has primarily been seen as lying with national governments. However, when states are unwilling or incapable of offering protection to such persons, the onus falls on international organizations to do so.

Although internal displacement is not a new issue for national or international authorities; issues relating to IDPs became a concern for the international community only in the last decade of twentieth century. When first counted in 1982, there were approximately 1.2 million IDPs in 11 different countries. By the 1990s, the number had increased to 20-25 million in more than 40 countries (Cohen 2008:41). At the end of 2009, there were about 27 million IDPs around the world with the United Nations High Commissioner for Refugees (UNHCR) assisting about 15.6 million in 22 countries (UNHCR 2010).

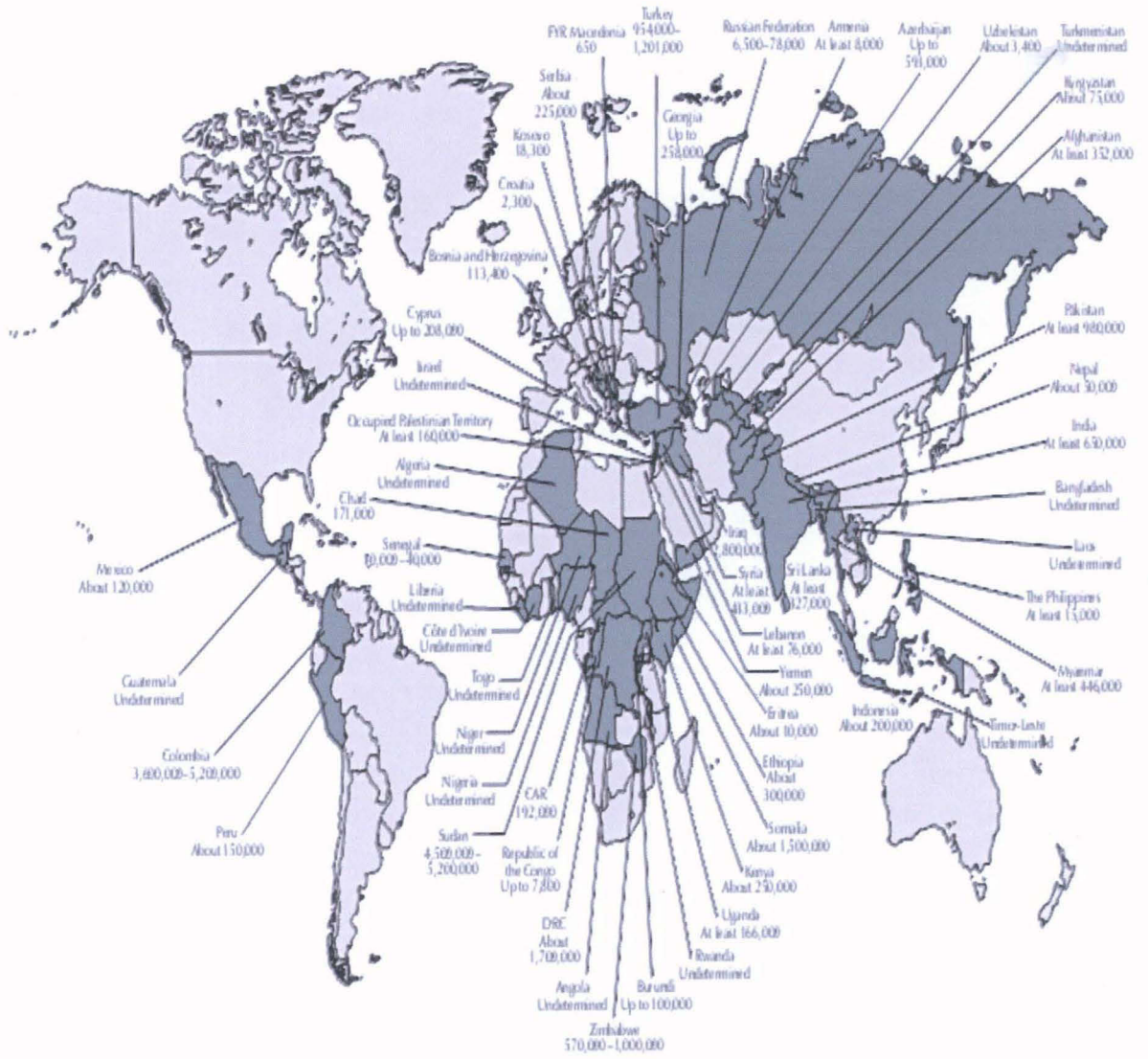
According to UNHCR's own estimates there were approximately 43.7 million people worldwide who were forcibly displaced due to conflict and persecution, the highest number in more than 15 years by the end of 2010. This included 15.4 million refugees, 27.5 million IDPs and more than 8 lakhs asylum seekers. (UNHCR 2010). Figure 1 on the next page provides a glimpse of the global trends relating to internal displacement across the world. The figures relating to internal displacement as per the accepted definition of IDPs, includes those displaced both on account of natural disasters and human-made catastrophes.

In terms of numbers, as per the data available for 2010, Africa is considered the most affected region with 11.1 million IDPs in 21 countries, 40 percent of the world's IDPs. The American sub-continent has approximately 5.4 million of such persons, with almost 3.7 million from Colombia alone. In South and South-East Asia, there are 4.6 million IDPs with new displacements having been recorded in Afghanistan, India, Indonesia, Myanmar, Pakistan and Philippines. In Middle East there are reportedly 3.9 million IDPs with some countries like Yemen having recorded fresh cases of displacements. In Europe and Central Asia there are 2.5 million IDPs, with Kyrgyzstan being the only country in the region to have reported cases of new displacements (Internal Displacement Monitoring Centre 2010: 9). In terms of individual countries, Colombia has one of the world's largest internally displaced population, with estimates of about 3.8 million. Iraq had approximately 2.3 million internally displaced in 2011, while Sudan had about 2.2 million IDPs, of which more than 1.9 million were those from the Darfur region alone. Renewed armed conflict in the Eastern Democratic Republic of the Congo and in Somalia in 2010 have increased the total displacement in each 1.7 million and 1.5 million respectively (Internal Displacement Monitoring Centre, Global Statistic, 2011).

There are many reasons for internal displacement such as civil war, political disturbance, civil strife, natural disasters, displacement related to development projects etc. Of all these factors, civil war has been the most frequent cause of displacement. In countries such as Mozambique, Angola, Afghanistan, Cambodia, El Salvador, about one-third to one-half of the population has been uprooted as a result of civil war. Global data available on forced displacements caused by civil strife, available for the years 2001-2010, record increasing numbers of internally displaced people (Figure 2).

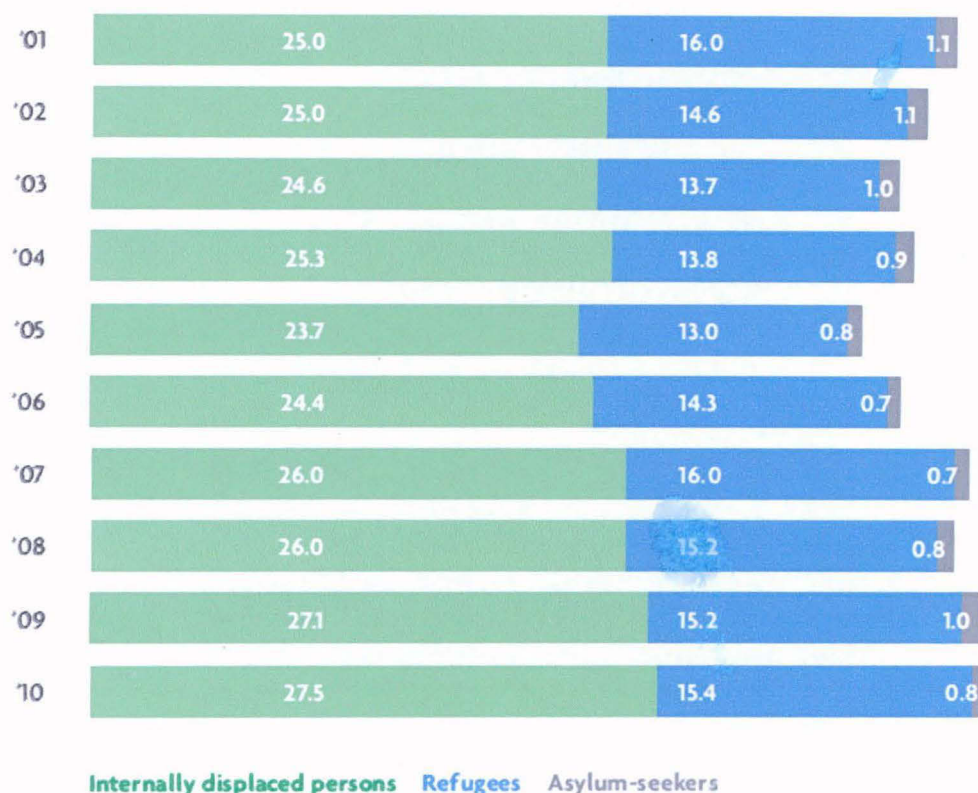
Figure 1. Total Global Trends in Internal Displacement Across the World

Internally displaced people worldwide December 2010



(Source: Internal Displacement Monitoring Centre and Norwegian Refugee Council, 2010)

Figure 2. Global Forced Displacement Caused by Civil Strife 2001-2010, (end year in millions)



(Source: UNHCR Statistical Yearbook 2010)

Comparative data on internal displacement caused by natural disasters is also available for different years. In 2010 alone, for which data is available, there was a high recording of displacements caused on account of earthquakes and floods almost all over the globe. The earthquake in Haiti in January 2010, displaced over 1.5 million people; Pakistan and Columbia also faced floods the same year which led to massive displacements (Internally Displacement Monitoring Centre, 2010: 96). Approximately 17 million people were displaced in 2009, when compared to over 42 million people in 2010. Table 1 provides a small glimpse of the population displacement caused on account of natural disasters alone.

Table 1. Displacements Due to Natural Disasters (2008 to 2010)

Number of People Displaced (Millions)			
Cause of Displacement	2008	2009	2010
Climate - Related Disasters	20.3	15.2	38.3
Geophysical Disasters	15.8	1.5	4.0
Total	36.1	16.7	42.3

Climate Related Disaster - Floods and Storms

Geophysical Disaster - Volcanic eruptions, Earthquakes & Tsunamis

(Source: Prevention Web 2011)

The proposed study aims to look into the ways in which issues concerning IDPs have come to be dealt within the broader framework of international organizations. The protection of IDPs is a complex task, which requires cooperation and coordination between both national and international authorities. While it is true that there is no single agency to look into issues facing IDPs but at the same time, one can state that there are UN agencies such as UN Office for the Coordination of Humanitarian Affairs (OCHA) and Inter-Agency Standing Committee (IASC), that have expanded their activities to cover the emergency needs of IDPs. The United Nations General Assembly Resolution 43/116 of 8 December, 1988 specifically calls for establishment of such mechanisms within the UN system for addressing the problem of IDPs (Bolesta 2003:80).

Survey of Literature

The existing literature on IDPs may broadly be divided into three specific themes :(i) those focussing on definitions of IDPs, causes of internal displacement such as civil war, natural disasters, development induced displacement etc., (ii) work relating particularly to the task taken up by international organizations with regard to the issues facing IDPs and (iii) specific instances and experiences with provision of emergency relief and permanent solutions, in the field of IDPs.

Definitions of Internally Displaced Persons (IDPs)

The definitions offered for internally displaced have been very controversial. The High Commissioner for Refugees for example defines internally displaced as persons in a

refugee-like situation who have not crossed the borders of their country. However, there are scholars such as Lee (1996) who have argued that refugee and internally displaced persons should be merged into a single entity. According to them, the issues confronting internally displaced persons are quite similar to that of refugees. The reasons for flight are often identical, the only difference being that the displaced persons have not crossed an international boundary in their quest for aid and security (Stein, 1991:1). However there are other scholars like Phuong (1998) who recognise IDPs as distinct category meriting separate consideration. When the Economic and Social Council of the United Nations considered the issue of IDPs for the first time in 1992, it considered them to be 'persons 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' (Deng, 1995:47).

Humanitarian organizations, states and donors define 'IDPs' to denote categories of persons confronted with different situations. But who are they talking about? Persons recently displaced as the result of a conflict? Persons displaced, regrouped or resettled by force? Displaced persons who have been resettled or have become more or less integrated into the suburbs of a city? Economic migrants or persons displaced as the result of a natural disaster? The use of a simplistic catch-all term IDPs - not to mention its dehumanizing nature - is bound to give rise to unreliable estimates and exaggerated figures, and to a humanitarian response that is inappropriate, poorly coordinated, or even dangerous as far as protection is concerned. In terms of the target group: in focusing on people internally displaced as a result of conflict there is an obvious risk that protection will be limited to that specific category of person, to the detriment of the rest of the population (Hickel, 2001:708).

There has also been a strong case for the inclusion of persons displaced on account of natural disasters in the overall definition adopted of IDPs. Population displacements occur due to both natural and human-engineered catastrophes. However, as Gen Olusegun Obasanjo has argued giving the example of famines that very often natural disasters are in reality man-made. According to him, as long as a disaster, natural or man-made, causes a "fear," which in turn causes displacement, it should be included in the definition of IDPs (Deng, 1995:49). Majority of experts have been in favour of a broader definition of IDPs.

The major reason being that persons displaced by natural disasters also have human rights and need protection requiring international attention (Cohen, 2006:87). It is significant that the UN *Guiding Principles on Internal Displacement* include both situations of natural and man-made disasters in its definition. As per the UN Guiding Principles (1998), IDPs 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 an in order to avoid the effects of armed conflict, situation of generalized violence, violations of human rights or natural or human-made disaster, and who have not crossed an international recognized state border’ (E/CN.4/1998/53, 11 February 1998). This particular definition provided by the UN is the most widely accepted definition of IDPs.

Reasons for Internal Displacement

There are many reasons for internal displacement. As per the UN Guiding Principles 1998, where IDPs are persons who are ‘obliged to flee or to leave their homes or places of habitual residence, in particular as a result of’, the key word in the definition is ‘in particular’, which makes clear that the four causes of displacement listed, i.e. armed conflict, situation of generalised violence, violations of human rights and natural of human-made disasters, are the four main reasons for internal displacement. However, these categories are neither definitive nor exhaustive but are merely indicative examples of reasons for flight (Kalin, 2000:87).

Some scholars (Cohen & Deng 1998, Shukla 2007) believe that the main causes of displacement lie in individual societies and policies of government. For example, Myanmar government forces have been responsible for widespread persecution, torture, extrajudicial executions, forcible conscription of children, rape, demolition of places of worship and forced labour. The role of the government is in such cases is problematic, in the sense that while their own government are supposed to protect them, these very governments are often the persecutors causing them to flee (Lee, 2001: 457). The causes for unrest are fuelled by deep structural problems, often rooted in acute racial, ethnic, religious and/or cultural cleavages as well as gross inequities within a country (Brun 2004-05: 4). Cases of regime-induced displacement – situations in which the government or government-sponsored actors deliberately use coercive tactics to directly or indirectly

cause large numbers of their own citizens to flee a area – that can easily shape into cases of ethnic cleansing, genocide, are also factors contributing to internal displacement (Orchard, 2010:102).

Another cause for displacements are natural disasters such as floods, droughts, earthquakes etc. that are potentially on the face of it less controversial than civil strife. Scholars like Mann, Gaull, Lucas and Burnham (1998) have divided natural disaster into three sub-categories: sudden-impact disasters (floods, earthquakes, volcanic eruptions, tidal waves, etc.); slow-onset disasters (droughts, famines, environmental degradation, deforestation, etc.); and epidemic diseases (cholera, malaria, respiratory infections, etc.) which leads to displacement. Displacements on account of development projects have also been another cause for concern. In India for example, those displaced by development projects include persons displaced by large scale dams as in the case of the Sardar Sarovar project on the River Narmada, Tuli Paper Mills in Nagaland, the Loktak Hydel Project in Manipur and the Siang project in Arunachal Pradesh (Banerjee, 2011:107). Displacement leads to ‘massive loss not only of commodities such as the home, income, land or other forms of property, but also of less touchable symbolic, such as cultural heritage, friendship and a sense of belonging to a particular place.’(Refugee Survey Quarterly, 2005:15). IDPs are forced to live in camps in their own countries, often as second tier citizens, which calls for them to be recognised as a distinct group of persons requiring special attention and care.

International Organizations and Issues Concerning Internally Displaced persons

The most important reason for international organizations to be involved with issues of IDP protection and relief are the fact that states are unwilling and sometimes unable to assist IDPs. Most of the UN agencies have a political commitment to solve the problems. However, the ability of international organizations to assist displaced persons is rendered problematic as the rules of sovereignty hamper international access to displaced persons even when they are in areas not controlled by their government. The Guiding Principles laid down by the UN provide a broad framework for work among the IDPs. The UN advocates a cluster approach that calls for close coordination between with UN agencies and non-governmental organizations.

The activities undertaken by the UN towards IDPs may be divided into broadly two main spheres; the normative and the operational. On the normative front, the UN Representative on Internally Displaced Persons, Francis Deng, has used soft law - the non-binding guiding principles – as a mechanism to reframe the IDP issue (Orchard, 2010:4). The UN Guiding Principles have been incorporated by some countries as part of their national legislation. Angola was the first in 2001 and several countries have followed since then and have incorporated the Guiding Principles into their cooperation agreements with UN agencies. However, the Guiding Principles for Internally Displaced Persons (GPIDP) are not binding on states. They are directives that are meant for guiding states in ensuring protection, provision of humanitarian assistance and the facilitation of return, resettlement and reintegration of IDPs.

On the operational front, through the UN General Assembly Resolution 48/116 of 1993, the UNHCR has been encouraged to become involved with the issue of IDPs at the request of UN Secretary-General (Bwakira 2001:281). UNHCR's first ever experience with internally displaced persons was in 1972 when the General Assembly approved aid to repatriating Sudanese and to the local population who had fled to the interior (Stein, 1991:2). In terms of field operations, agencies working on IDPs related issues operate at different levels. The IASC chaired by the Emergency Relief Coordinator and composed of the heads of the UN humanitarian and development agencies, and other major international organisations both inter-governmental and non-governmental ensure that appropriate arrangements are established with regard to protection and assistance in specific situations of internal displacement. In 2002 an Internal Displacement Unit was created within OCHA to encourage and support a collaborative approach in the delivery of services pertaining to IDPs.

In reality, however, the extent of operations is dependent on the actual cooperation extended by the state government to the UN agencies in the field. It has been seen that the consent of states remains an important factor in determining the level of success achieved in each case. Ideally, the parameters for involvement should be clearly spelt out in each IDP situation to ensure a more predictable division of labour within the collaborative response (UNHCR, 2005:52).

Emergency Relief, Rehabilitation and Resettlement in the Field of IDPs

A lot of gaps have been identified at both the international and national policy frameworks relating to the delivery of emergency relief, rehabilitation and resettlement of IDPs. The role of humanitarian agencies is to support and strengthen to local authorities to protect the rights of IDPs. IDPs may find solutions to their displacement in three ways: through returning to their place of origin, integrating in the place to which they have been displaced, or settling in a third location (Birkeland, 2009:504). However, the absence of common norms, constraints of international human rights law and the discrepancy between national and international interests contribute to thwarting meaningful engagement with internal population displacement (Assal, 2006:32).

The absence of databases on IDPs and lack of knowledge about their national governments' attitudes towards such persons represent one major policy challenge. For example, as per the Sudanese law there are not specific laws for IDPs. A few positive steps has been taken by Sudanese government in Round Table Meeting *Review of The National Policy Document on Internal Displacement* (19 November 2002) and the comprehensive peace agreement reached in 2005 between the Sudanese Government and the Sudan People's Liberation Movement. The latter document provided a framework for dealing with root causes and discussed the possibilities of guaranteeing the rights of IDPs, including the right to choose whether to repatriate or not (Assal, 2006:32).

The question of repatriation is another area of concern. When repatriations have returned refugees to their homes in rural areas, the UN High Commissioner for Refugees (UNHCR) provides food and tools - farm implements, seeds, basic household equipment to the returnees; it may also rebuild infrastructure, secure sources of water, prepare agricultural land - ploughing, removing rocks, setting up irrigation, and install income generation projects. Repatriates remain of concern until UNHCR considers them able to lead stable and secure lives (UNHCR, 2011). The long-term answer rests in the promotion of peace and stability, but the evidence of human history indicates that specific protections will continue to be needed.

Based on the above review of literature, it is important to emphasize upon the need to delve deeper into the specific question of IDPs. There is a serious gap in literature relating to coordination and cooperation among UN agencies and local governments. The present study in attempting to trace the developments relating to IDP protection, in terms of both

norms and operations, seeks to fill some of these gaps by focusing on the institutional mechanisms and frameworks established at the international level for IDPs in general.

Rationale and Scope of Study

There are many matters of domestic jurisdiction which are also matters of international concern; IDPs are one such matter. It was not until the 1980s that the international community began to actively take an interest in the issue of IDPs. However, although there are now normative and operational guidelines in place for dealing with issues, the decision to intervene in situations with relation to IDPs is still unclear. At what point in time do states and international organizations make decisions about involvement with IDPs? If they do get involved, what is the nature and extent of the involvement? These are some of the points which are unclear in the UN related literature. With regard to IDPs, there is still a big gap between policies of government and UN agencies. The role of humanitarian agencies is to support and strengthen to local authorities to protect the rights of IDPs. IDPs may find solutions to their displacement in three ways: through returning to their place of origin, integrating in the place to which they have been displaced, or settling in a third location (Birkeland, 2009:504) How do national authorities address issues relating to the protection of rights of IDPs? Has the situation improved or same? Although the rate of returnees – Refugee as well as IDPs is rising, the lack of facilities, high unemployment rate, insecurity and lack of funding are some of the problems.

Research Questions

In taking up the research on international organizations and IDPs, the study chose to focus on the following sets of questions:

- How did the internal displacement become an issue of international concern?
- Why and what were the reasons for increase in internal displacement in 1980s and after?
- Why and how did the United Nations Humanitarian Agencies expand its functions in the areas of IDPs protection and how have their participation improved the situation of the IDPs?
- What are the operational challenges that International organizations face in the

delivery of services to IDPs?

- What are the international efforts being made to find solutions for issues confronting IDPs?

Research Methodology

The study will be based on primary and secondary data, which will include an examination of the relevant UN documents, reports (governmental and non-governmental), official records, books, periodicals, journals, etc.

Tentative Chapterisation

The first chapter seeks to explain the scope and objectives of the study, by providing an introductory note to the background, review of literature, research questions and methodology. The second chapter, titled, 'International Organizations and Issues of Internally Displaced Persons' examines as to how the issue of IDPs has come to be accepted as a matter of international concern. It also seeks to look into the framework that exists for the protection of IDPs. The chapter also traces how as to how the UN and other humanitarian agencies have helped raise issues connected with IDPs.

The third chapter takes a look at the emergency relief programmes which some of the important international organizations are providing in cases of IDPs. It specifically takes up the case of the Democratic Republic of Congo and Haiti to look at the nature of activities undertaken. Chapter four focuses on the long-term rehabilitation programmes undertaken for IDPs and the efforts made by international organizations in this regard. This chapter focuses on the experience in Sri Lanka in the aftermath of the war. The fifth chapter, the last in the series summarizes the main findings and the implications of international organizations involvement in case of IDPs.

Chapter II

International Organizations and Issues of Internally Displaced Persons

While the issue of internal displacement concerns primarily developments in the territory of a national state, internal displacement today is not only a matter of domestic concern but one that concerns the larger international community. This chapter seeks to examine as to how the issues relating to Internally Displaced Persons (IDPs) and their treatment came to be adopted by the international community as an active subject of concern? How were the principles of humanitarian assistance applied to the situation of IDPs? What were the organizational arrangements that were made for securing their protection? The chapter takes examines some of these related questions in order to understand better the evolution of concerns within different agencies making up the international community.

The fact that the issue of internally displaced has been identified as a threat to the larger peace of the world, has given tremendous leverage to international agencies for stepping up efforts in dealing with the subject of IDPs. The chapter focuses on a large extent on the efforts made by the UN to create a global consensus on the issue of IDPs. The UN Charter gives the Organization the power to liberally interpret threats and breaches of peace while fulfilling its mandate of maintaining international peace and security, which has been responsible to large extent for the expanding UN mandate with regard to IDP protection.

Historical Overview of the International Concern Regarding IDPs

Initially, the concern for IDPs was essentially a national one. For example, the United States Committee for Refugees (USCR) conducted a worldwide survey in 1982 that estimated about 1.2 million persons living in refugee-like situation within states (Cohen and Deng 1998, 3). This was the first survey of its kind on IDPs. At the international level, however, the first initiative regarding IDPs was taken by the International Conference on the 'Plight of Refugees, Returnees and Displaced Persons in Southern Africa' (SARRED), held at Oslo in August 1988. This conference sought to address the gaps in the UN system, it requested the Secretary General to expand and set up new mechanisms within the Secretariat. It called upon humanitarian agencies to cooperate towards ameliorating the plight of refugees, returnees and displaced persons. This was followed by another meeting in 1989, the International Conference on Central American

Refugees (CIREFCA) in Guatemala. This conference also focused attention on the plight of the internally displaced. In this, the emphasis was on governments taking up the responsibility to protect and assist those internally displaced. The issue of IDPs was also taken by non-state actors in 1989 such as World Council for Churches and groups.

Evolution of the Debate within the United Nations

The debate at the UN may be divided along two broad lines. One, the discussion at the normative level, in placing the subject on the agenda of the international community and building a consensus around the normative framework to be adopted, and the second at the practical level concerning the operational aspects of UN involvement in IDP protection. Functionally, the concern for IDPs is dispersed among many agencies operating within the UN. While the principal organs of the United Nations such as the General Assembly, the economic and Social Council, Security Council have aided the development of a normative framework governing the protection of IDPs, there have been certain amount of specialisation that has emerged over time within the UN in dealing with matters related to IDPs. Figure 3, provides a glimpse of the organisational structure of the UN and the related agencies working on the subject of IDPs in particular.

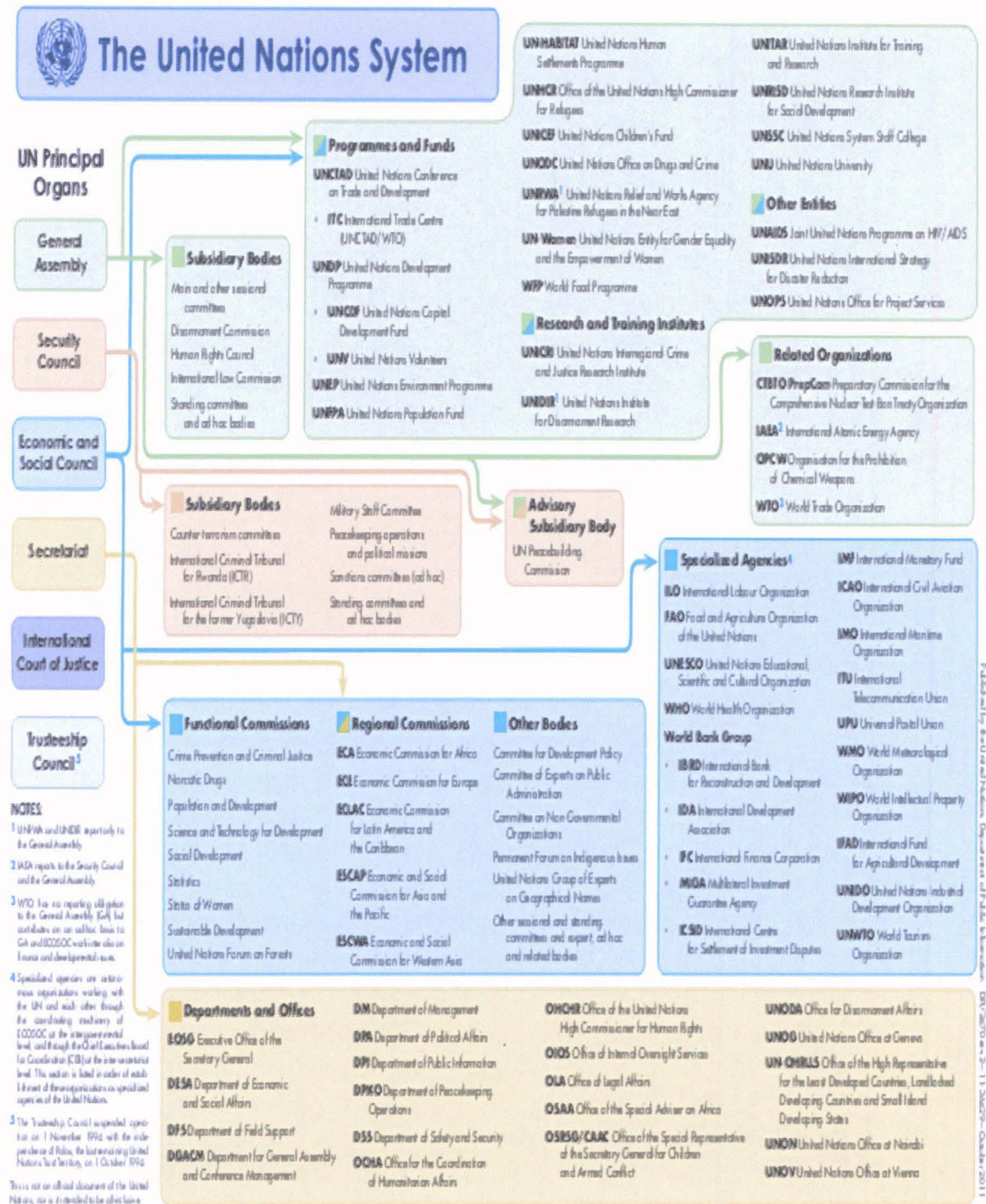
The General Assembly

The Charter of UN provides the General Assembly the powers to make recommendations regarding issues concerning Member states. Article 10 of the Charter states:

The General Assembly may discuss any questions or any matter within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter may make recommendations to the Members of the United Nations or to the Security Council or to both any such questions or matters (Charter of the United Nations Chapter IV Article 10).

Initially, the matter of internal displacement was taken up indirectly and it was only in 1990 that the General Assembly passed a resolution calling for humanitarian assistance to victims of natural disasters. The resolution (45/100) specified the responsibility of the state to take care of victims of natural disasters, and the primary role of the sovereign to coordinate humanitarian assistance within its territory. GA resolution (45/100) expressed its concern for persons displaced within their countries due to natural disasters and other similar emergencies. The Resolution strongly called for the involvement of the

Figure 3. The United Nations System



(Source: United Nations, 2012)

international community to undertake emergency humanitarian assistance such as supply of food, medicine and health care for those displaced.

However, it must be noted that the resolution did not establish any mechanism for the delivery of such assistance. The 'big question' therefore was 'how to assist them.' In 1991, there was some breakthrough made with the United Nations General Assembly (UNGA) Resolution 46/182 stating the principles on which such assistance was to be provided. Humanitarian assistance according to the Resolution was to be provided in accordance with the principles of humanity, neutrality, and impartiality.' The UNGA resolution 46/182 of 19 December, 1991 also strengthened the coordination of humanitarian emergency assistance of the United Nations, with the establishment of a specific Department of Humanitarian Affairs to mobilize and coordinate the collective efforts of the international community. The UNGA considered the implications of sovereignty in relation to its work of providing humanitarian assistance to victims. It resolved that 'humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country' (Resolution 46/182 Para 3).

As a response some organizations were set up to assist displaced people. The Inter Agency Standing Committee (IASC) was established in 1992 in response to United Nations General Assembly Resolution 46/182. Its members are the executive heads of the United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), Food and Agricultural Organization (FAO), World Health Organization (WHO), World Food Programme (WFP); United Nations Population Fund (UNFPA); United Nations Office for the Coordination of Humanitarian Affairs (OCHA); and United Nations Children Fund (UNICEF). Standing invitees (other agencies and NGO consortia) also form part of the IASC. IASC looks after coordination, policy development and decision making involving UN and non-UN humanitarian partners to strengthen assistance delivery.

In 1992, the General Assembly appointed a representative to study human rights issues related to IDPs. Francis Deng in 1992 was appointed as the Special Representative of UN Secretary-General on Internally Displaced Persons. Deng was the Minister of State for Foreign Affairs of Sudan, where internal displacement was a big problem. The job was

not easy for the Representative because the issue was basically one concerning domestic jurisdiction. Deng travelled around the world in twenty five countries from 1992 to 2002, to prepare his report on internal displacement. He addressed the protection and assistance needs of IDPs and recommended the creation of three alternative institutional arrangements: a) the creation of a new agency for IDPs. b) the assignation of responsibility of IDPs to an existing agency (a lead agency) and c) the development of a collaborative approach among different agencies to be coordinated by a central mechanism. Resolution 52/130 of 26th February 1998 dealing with IDP protection and assistance urged the Representative to pay special attention to the needs of women and children.

Resolutions 54/167 and 56/164 of 2002 further noted the growing awareness of the international community to issues of IDPs worldwide and sought to find durable solutions to the problem such as voluntary return and local integration. Resolution A/RES/58/177 of 12 March, 2004 noted the importance of human rights protection for IDPs during peace, integration and rehabilitation processes. It welcomed the decisions taken by regional organizations like the African Union, Organization of American States, Organizations for Security and Cooperation in Europe, Inter-governmental Authority on Development, Council of Europe, Commonwealth and the Economic Community of West African States to address the protection, assistance and development needs and cooperation with the Representative of the Secretary General.

Table 2, below provides a chronological timeline charting out the main developments relating to the evolution of norms and mechanism for dealing with the question of IDPs at the international level.

Economic and Social Council

The issue of IDPs was raised in the Economic and Social Council with the adoption of Resolution 1990/79 of July 1990. The resolution requested the Secretary- General to initiate a system wide review to assess the experience and capacity of various organizations in the coordination of assistance to all refugees, displaced persons and returnees and the full spectrum of their needs and on the basis of such a review to recommend ways of maximizing cooperation and coordination among the various organizations of the United Nations system.

Table 2: Institutional Milestones Relating to the Issue of Internal Displacement

YEAR	DEVELOPMENTS
1971	<ul style="list-style-type: none"> • General Assembly Resolution 2816 established the Office of the United Nations Disaster Relief Coordinator in Geneva
1972	<ul style="list-style-type: none"> • UNHCR first major experience with IDP, when General Assembly approved aid to repatriating Sudanese
1982	<ul style="list-style-type: none"> • United States Commission for Refugee conducted first survey on internal displaced – 1.2 Million IDPs
1988	<ul style="list-style-type: none"> • International Conference held on Oslo on 'Plight of Refugees, Returnees and Displaced Persons in Southern Africa (SARRED)
1989	<ul style="list-style-type: none"> • International Seminar on Central American Refugee held in Guatemala focused on Plight of IDPs • The numbers of IDPs were counted at 30 to 49 million by World Council for Churches and groups
1990	<ul style="list-style-type: none"> • The Economic and Social Council adopted resolution 1990/79
1991	<ul style="list-style-type: none"> • United Nations Commission on Human Rights passed resolution 1991/25 on 'Internally Displaced Persons' • General Assembly passed the resolution 46/182 • Safe Zones created for IDPs Kurd in Iraq • The Refugee Policy Group called a conference on "Human Rights Protection for Internally Displaced Persons" on internal displacement
1992	<ul style="list-style-type: none"> • Commission on Human Rights resolution 1992/73 • Francis Deng Appointed as Special Representative of UN Secretary General on Internal Displacement • Inter-Agency Standing Committee Established • Department for Humanitarian Affairs (DHA) established • United Nations Emergency Relief Coordinator established
1993	<ul style="list-style-type: none"> • Francis Deng Submitted his first annual report • Commission of Human Rights adopted resolution 1993/95
1998	<ul style="list-style-type: none"> • Internal Displacement Monitoring Centre established • Workshop on Internal Displacement in Africa, Addis Ababa – Ethiopia, cosponsored by Brookings Institution, UNHCR, Organization of African Unity • DHA was reformed with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) • UN Guiding Principles on Internal Displacement
2000	<ul style="list-style-type: none"> • Senior Inter –Agency Network on Internal Displacement established
2002	<ul style="list-style-type: none"> • First Representative of the Secretary- General on the Human Rights of IDPs assigned • Internal Displacement Unit created with OCHA to encourage and support collaborative approach
2004	<ul style="list-style-type: none"> • Second representative of the Secretary-General on IDP'S Walter Kalin
2006	<ul style="list-style-type: none"> • OCHA introduced cluster approach
2009	<ul style="list-style-type: none"> • First regional instrument in the World- Convention of the protection and assistance of IDP'S in Africa by the African Union

This was followed by Resolution 1995/56 that noted the differences and the limitations in the capacity of the agencies, organizations and funds of the UN system to address effectively and in a comprehensive and coordinated manner the need for preparedness and humanitarian response as well as prevention, rehabilitation, recovery and development in accordance with the UN mandates (1995/56:3). Since the UN system was ill equipped to organise humanitarian assistance, the ECOSOC requested the Secretary-General to prepare an analytical report, providing new options for strengthening the UN system.

In 1998, the ECOSOC for further promotion and encouragement of human rights and fundamental freedoms including the question of programmes and methods of work presented a report on internal displacement. As mentioned earlier, this was the report in which Francis Deng, the Special Representative, presented the Guiding Principles on Internal Displacement. The report was very much concerned about the problems of internal displacement and appreciated the awareness of international community on the plight of internal displacement population. The Representative of Secretary General (RSG) had focused on development appropriate for the protection and assistance of the displaced population. The Special Representative developed a normative framework relating to all aspects of internal displacement. The purpose of the Guiding Principles was to address the specific needs of IDPs. The next section looks at the way the debate evolved in particular within the Human Rights Commission, the principal body within the ECOSOC looking at internal displacement from the point of view of human rights violations and protection.

Human Rights Commission

As per its mandate concerning the protection of human rights, the UN Commission on Human Rights took an important step to address the rights and humanitarian issues of IDPs in March 1991. The Commission passed the resolution E/CN.4/RES/1991/25 titled, 'Internally Displaced Persons'. The resolution expressed that internal displacement was a humanitarian and human rights issue within United Nations. It invited all governments and international organizations to cooperate and assist in addressing the problems of internal displacement. The resolution requested the Secretary General to draw attention to the human rights aspect of the issue of internal displacement.

The next resolution E/CN.4/RES/1992/73 recognized the need for relief assistance and of protection of IDPs. The resolution noted the analytical report of the Secretary-General on internally displaced persons (E/CN.4/1992/23). It requested Secretary-General to designate a representative to address the human rights aspect of IDPs. It invited the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the International Committee of the Red Cross to contribute to the preparation of this study. It was one of the milestones in the history of the UN because it encouraged the UN system to institutionally focus on matters of internally displaced persons. Francis Deng, as already mentioned before was appointed as a Special Representative of the Secretary-General on Internal Displacement.

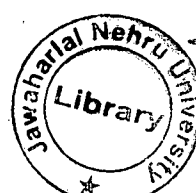
In 1993, Special Representative, Deng brought out his first annual report on internal displacement at the Commission. The commission in its resolution E/CN.4/1993/35 on 21 January 1993 adopted, the recommendations made by Deng. In his report, he analysed and evaluated international legal instruments and mechanisms with a view to developing a strategy to deal with the problem of internally displaced persons. His emphasis was on making the international mechanism stronger to solve the existing problems of the internally displaced. The resolution was one of the very important resolutions adopted by the Commission on the subject of IDPs. It expressed concern over the increasing numbers and recognized the special need for relief and protection of IDPs.

In this regard, Resolution E/CN.4/1996/52 recalled Resolution E/CN.4/1995/56 of 28 July, 1995 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations. It noted the findings of the Special Representative that a focal point must emerge within the UN system to take on the specific responsibilities of IDPs. It welcomed the establishment of the Task Force on IDPs within the Inter-Agency Standing Committee. Resolution E/CN.4/1998/50 appreciated the progress for developing a framework by the Special Representative. It noted the suggestion of the Special Representative (E/CN.4/1998/53) to include a study of the legal aspects relating to internal displacement. The resolution called upon humanitarian organizations working through the IASC to provide protection and assistance for IDPs.

Resolution E/CN.4/RES1999/47 recalled the Economic and Social Council's decision of 17 July 1998 on the designation of an Emergency Relief Coordinator as a focal point for

Inter -agency coordination of humanitarian assistance for IDPs and the adoption by the Inter Agency Standing Committee of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add2). In another Resolution 2000/53 and 2002/56 the Commission noted the development of Guiding Principles on Internal Displaced with UN agencies and governments. Although, in the resolution E/CN.4/2001/54 it recalled the statement by the President of the Security Council of 13 January 200 (S/PRST/2001/1) which emphasized that national authorities had the primary responsibility of providing protection and assistance to IDP within their jurisdiction, it also focussed upon the need to address the root causes of displacement by governments in appropriate cooperation with the international community. The E/CN.4/2001/54 resolution welcomed the decision to establish a global IDP database and the responsibility undertaken by the UNHCR to provide advisory services and technical assistance to governments and other relevant international organizations.

Initially, the Commission focused on the causes of displacement and related human rights violations, but later as in Resolution E/CN.4/2003/51 it stressed upon the need of finding durable solutions for IDPs assisting them to either voluntary return to their homes in safety, or resettle in another part of the country, and reintegrate into the existing structure/society. The same resolution also noted that the Rome Statute of the International Criminal Court (A/CONF.183/9) added the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population as well as ordering the displacement of the civilian population as war crimes (A/CONF.183/9/Para 7). It welcomed the decision to establish an Unit on Internal Displacement within OCHA, strengthen cooperation with the Representative of Secretary-General (RSG) in line with memorandum of understanding between RSG and ERC of 17th April 2002. Resolution E/CN.4/2004/55 also requested the Secretary General to ensure that the mechanism submitted annual reports on its activities to the Commission and to the General Assembly, making suggestions and recommendations regarding the human rights of internally displaced persons and engaging in an interactive dialogue thereon. Resolution A/HRC/RES/6/32 also recalled relevant IDP related resolutions adopted by the General Assembly and the Commission of Human Rights, including Resolution 5/1 on institution-building of the UN Human Right Council and 5/2 on the code of conduct for Special Procedures Mandate-holders of the Human Rights



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Council, of 18 June 2007, stressing the fact that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto.

Security Council

The issue of protection of civilians in armed conflict was introduced in the United Nations Security Council (UNSC) in 1999. Displacement and armed conflict are two sides of a coin. The Security Council resolution from 1999 to 2010 adopted 747 resolutions, of which at least 142 referenced internal displacement. Of these 142 resolutions, 11 pertained to thematic issues: four on Children and Armed Conflict, four on the Protection of Civilians in Armed Conflict and three on Women and Peace and Security. The remaining addressed security in more than 20 countries, including such as Georgia, the Democratic Republic of Congo, Sudan, Bosnia and Herzegovina and Côte d'Ivoire (Weerasinghe & Ferris, 2010: 8).

Resolution S/RES/1265 of 1999 noted that civilians are the victims of the armed conflict and act of violence against women, children and other vulnerable groups including refugees and IDPs. It recognized special rights and needs of children in situations of armed conflict, and while maintaining that refugees and IDPs were the primary responsibility of states, it requested the Secretary General to ensure that United Nations personnel involved in peacemaking, peacekeeping and peace-building activities have appropriate training in international humanitarian, human rights and refugee law.

Resolution S/RES/1325 of 2000 was also very important as it explicitly called for the special protection of the rights of women in conflict situations. It stressed upon the need to implement fully international humanitarian and human rights law that protect the rights of women and girls during and after conflicts. It recognized the need for a gender perspective to peace keeping operations and recommended a special training for all peace keeping personnel on the protection of and special needs and human rights of women and children in conflict situations. It also called upon the Secretary-General to appoint more women as special representatives and envoys to increase the participation of women at decision making levels in conflict resolution and the peace process.

S/RES/1379 (2001) adopted emphasised on the delivery of humanitarian assistance to all children affected by armed conflicts. It specifically called for protection of children in peace agreements and the process of disarmament, demobilization, reintegration and rehabilitation. Resolution S/RES/1460 of 2003 emphasized the initial responsibility of state to bring an end to genocide, crimes against humanity, war crimes and other crimes against children. It noted the fact that the conscription or enlistment of children under the age of 15 into the national armed forces or using them to participate actively in hostilities is classified as a war crime by the Rome Statute of the International Criminal Court (S/RES/1460 Para. 8). The resolution S/RES/1460 encouraged agencies, funds and programmes of the United Nations to strengthen their cooperation for the protection of children in armed conflict. Resolution S/RES/1674 of 2006 recognized the contribution and importance of education in supporting efforts to halt abuses in situations of armed conflict. It called upon states that had not already done so to consider ratifying the instruments of international humanitarian, human rights and refugee law, and to take appropriate legislative, judicial and administrative measures to implement their obligations under these instruments (S/RES/1674 Para 9).

United Nations High Commissioner for Refugees (UNHCR)

UNHCR is one such agency within the UN system that has had a history of working with uprooted populations who are not 'refugee' but 'refugee-like'. Though its major work is related to refugee protection, since the mid 1970s UNHCR has also worked to protect and assist IDPs. Sadruddin Aga Khan, who was the High Commissioner for Refugees in 1970s expressed his support for helping internally displaced persons in South Vietnam. In 1972, the General Assembly as already mentioned authorised the UNHCR to provide assistance to 'refugees and other displaced persons', in Sudan. In 1972, UNHCR expanded its mandate to the protection of Internally Displaced Persons as per the General Assembly Resolution 2956 that provided with the legal basis for undertaking work in southern Sudan.

UNHCR's original mandate was to aid refugees who had crossed international borders but IDPs were officially added to UNHCR's mandate in 1992. UNHCR provides aid *only* to those IDPs whose governments have requested assistance to them through the UN, or in rare cases where the UN Security Council decides to provide aid to IDPs .UNHCR

statistics count only those IDPs on whose behalf the Secretary General has requested UNHCR aid. Although the agency is not be able to protect all internal displaced, at the end of 2004, 5.4 million internally displaced persons were “of concern” to UNHCR, which assisted and protected 19 million persons in total (UNHCR 2005). In 2008, The agency was engaged in some 28 IDP operations, of which 18 operate within the parameters of the the Inter-Agency Cluster approach (UNHCR, 2008) .

When and how the agency involve in the internal displacement? Article 9 provides the liberty to UNHCR to engage in such additional activities as the General Assembly may determine. Sadako Ogata the High Commissioner for Refugees addressed the needs of IDPs through ad hoc operations and mechanisms. UNHCR's Executive Committee (EXCOM) had evolved certain criteria for involvement. EXCOM for example had supported the agency’s involvement with internally displaced persons provided that there are a specific request, consent of the parties involved, availability of funds, possibility of full access, security of the staff, political support. Attention was also be paid to whether other UN agencies were already operating in the country (UNHCR, 2007). The United Nations General Assembly could also address the issue with the special request of Secretary General or other UN organs and the consent of the state concerned. In 1993, the agency issued its first internal guideline of its involvement. The agency adopted a more detailed guideline for involvement in 1997.

The idea of engagement of UNHCR in the matters of IDPs was a point of dispute with some of the European countries. Some countries opposed the creation of a new agency or the formal extension of UNHCR’s mandate to cover the internally displaced because internal displacement was seen as primarily the responsibility of states. However, the functional uniqueness of the UNHCR within UN system helped it to assert a position of moral legitimacy on the question of assistance to IDPs. The agency has close working relations with state governments, international, regional and non-governmental organizations. The Office contributes through budget, training, staff and management in taking up the cause of IDPs.

In 2005, the United Nations introduced a programme of humanitarian reforms and in December 2005 the Inter-Agency Standing Committee (IASC) endorsed a ‘cluster’-based mechanism to address gaps in humanitarian response to IDP and refugee situations,

which came into force on 1 January 2006. In this framework, each agency has to play a lead role for IDPs in their areas of expertise. It strengthens the humanitarian operations to respond to humanitarian emergencies like complex emergencies involving situations of civil war and disasters. The UNHCR stands in front in the clusters approach. The agency provides protection, camp coordination and camp management, and emergency shelter. UNHCR leads the protection cluster for all types of response and co-leads the emergency shelters and the camp coordination and camp management clusters for conflict-related IDPs. At the institutional level, establishment of an interdepartmental IDP Support Group and the appointment of a Senior Coordinator for IDP Operations, backed by an IDP support Team has come into force.

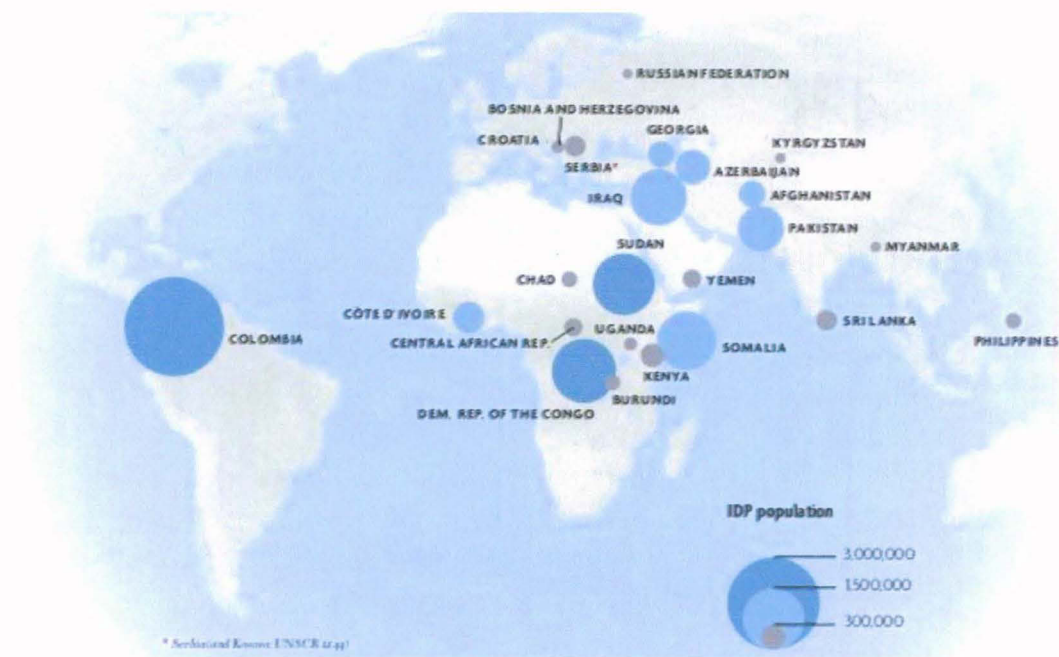
In 2007, the cluster approach was applied in the Democratic Republic of Congo, Uganda, Liberia, Somalia, Chad, Central African Republic, Côte d'Ivoire (protection cluster only), Ethiopia and Colombia. The protection cluster working group (PCWG) led by UNHCR is another innovative concept. Protection clusters assist field operations to develop coherent protection strategies and response plans for funding appeals. In 2009, the UNHCR organised a Senior Managers Learning Programme on IDPs and a mandatory IDP protection e-learning programme for all staff. The same type of programme was conducted with the financial support of UNDP in Indonesia. PCWG finalized the Handbook for the Protection of Internally Displaced Persons which was released in 2008.

Operational Framework

Undoubtedly under the principles of sovereign rule, internal matters are a concern of national authorities, however under some circumstances an alternative source may be the international community. In the cases of IDPs, this is particularly true. The cluster approach that focuses on coordination among both national governments and international organizations for operations relating to IDPs, constitutes a relevant example. The Cluster approach operates at two levels: global level and country level. At global level, it brings up to date review of needs for human, financial and institutional capacity and means. Its focus is on long - term planning and training and system development at all level: local, national, regional and international. At country level, it has responsibility of addressing priorities, analysis of needs, identify gaps in the cluster mechanisms. Table 3 below

provides a glimpse of the structural and functional characteristics of the cluster approach advocated by the UN in relation to IDPs.

Figure 4 : Internally Displaced Persons Protected / Assisted by UNHCR (2010)



(Source: UNHCR, 2010)

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

In 1991, General Assembly Resolution 46/182 called for strengthening the United Nations response to complex emergencies and natural disaster, by establishing a Department for Humanitarian Affairs (DHA). In 1998, the DHA was restructured and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) was added as a part of 'UN Reforms'. Its mandate was expanded to include the coordination of humanitarian response, policy development and humanitarian advocacy. The OCHA works in close partnership with Security Council bodies, UNHCR, the Special Rapporteur on the Human Rights of IDPs to the Human Rights Council, protection-related IASC agencies and UN Secretariat organizations to promote the development of national legal frameworks and policies on internal displacement.

Table 3 : Cluster Approach to IDP Protection

Name of the Organization	Functions
United Nations	
Emergency Relief Coordinator (ERC)	Chair of the Inter Agency Standing Committee
Inter-Agency Internal Displacement Division (IDD)	Assisting country team in developing and refining IDP strategies
Representative of the Secretary-General on Internally Displaced Persons	Address the complex problem of internal displacement
Inter-Agency Standing Committee	It consult all matters regarding IDP & review country arrangements
Senior Network on Internal Displacement.	A consultative body on IDP issues and information share to other agencies
Office for the Coordination of Humanitarian Affairs	It support functions with regard to IDPs, and the collection, analysis and dissemination of IDP-relevant information; supporting the development of the Common Humanitarian Action Plan
United Nations High Commissioner for Refugees	Camp Coordinator and management
World Health Organization	Assisting in dealing with Health Issues
United Nations Children Fund	Children issues and water, sanitation and hygiene
Food and Agriculture Organization and World Food Programme	Food supply and agriculture
United Nations Development Programme	Early recovery and development policies

The Cluster approach ensures technical preparedness at global level to support country operations. UNHCR and IOM are co-cluster lead on camp coordination and camp management in conflict generated and natural disaster for IDPs. The working group has to

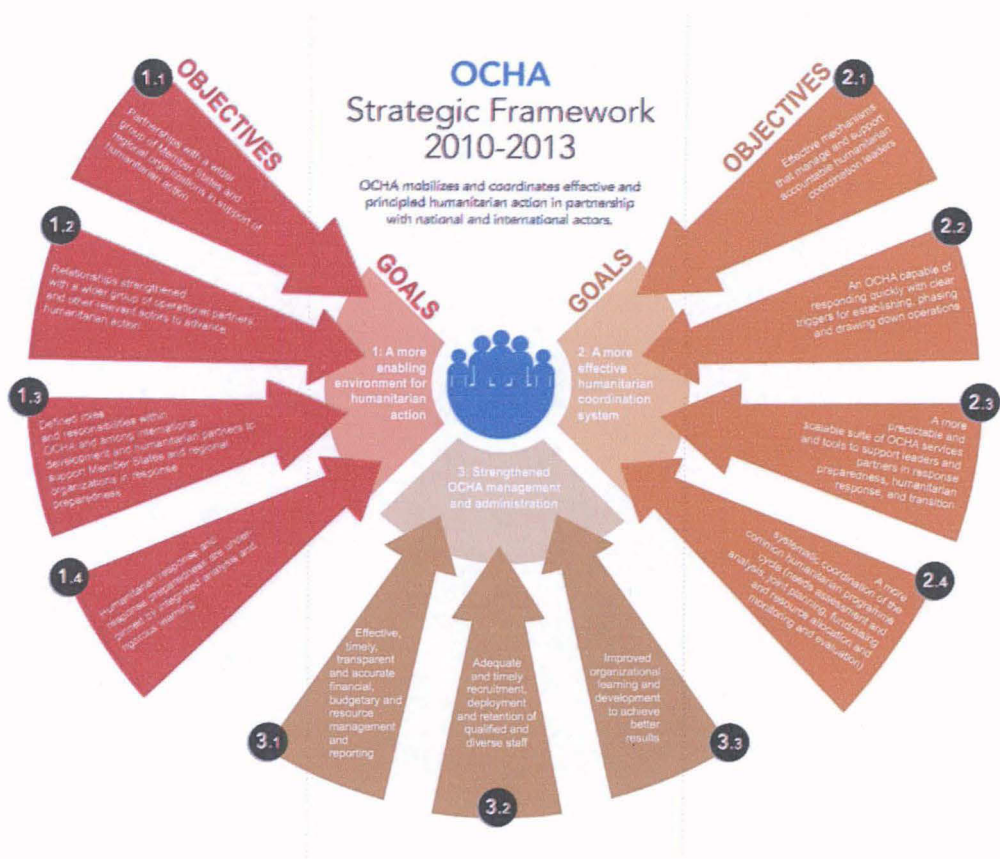
map camp coordination capacities and set some response mechanism. The early recovery cluster has eighteen member agencies from both humanitarian and development communities. In emergency shelter cases UNHCR is cluster lead while the International Federation of Red Cross and Red Crescent Societies are the lead agencies in natural disasters. UNICEF and the World Food Programme (WFP) are service providers for common data services and common security telecommunications services, respectively. WHO is lead in health matters of IDPs. The cluster encourage NGOs to join and nine of them already joined them. Water, Sanitation and hygiene and emergency nutrition are led by the UNICEF.

OCHA brings coordination teams, governments, and other humanitarian organizations together to take action, assist and respond effectively in humanitarian crisis. OCHA offers member states assistance with early warning information and analysis. It ensures that people get all necessary assistance for all new emergencies. In 2010, 250 natural disasters were reported around the world. OCHA led UNDAC missions to Haiti, Benin, Pakistan, El Salvador, the Comoros, Ukraine, the Cook Islands and Albania and coordinated more than 60 search-and-rescue teams in Haiti alone. OCHA strategic framework divides its work into three main areas: a more favourable environment for humanitarian affairs, effective humanitarian coordination system and strengthening of OCHA management and administration.

Inter-Agency Standing Committee (IASC)

The Inter - Agency Standing Committee and Inter-Agency Internal Displacement Division have all the responsibility of all phases of displacement. Resolution 48/57 of General Assembly, adopted on 14 December 1993, clarified the IASC's mandate. The Inter-Agency Standing Committee (IASC), is chaired by the ERC. IASC developed its cluster policy on IDPs in December 1999. Senior Network on internal Displacement, which is a central point in UN system on internal displacement and functions as a consultative body on IDP issues. Its Primary function is to plan humanitarian policy and shares information among agencies on IDP issues.




















Figure 5. OCHA Strategic Framework 2010-2013



(Source: OCHA, 2010)

The Internal Displacement Unit was established in January 2002 and renamed Inter-Agency Internal Displacement Division (IDD) in July 2004. Its functions are to ensure support and advice UN Humanitarian agencies with the aim of collaborative response to situation of internal displacement. The Inter-Agency Internal Displacement Division and the Senior Network on Internal Displacement develop the IASC Policy Package. ERC requested the IDD to focus on some countries where the response toward internal displacement was insufficient. The Division developed some indicators to bring better and effective policy and recommendations to improve the situation. The Division also supports and advises the ERC, OCHA and IASC partners in those priority countries which are not part of the cluster approach. It involves in AISC policy of early recovery, return and reintegration. It prepares an annual report on the response provided by international organizations.

Figure 6. IASC and Its Members

 IASC Inter Agency Standing Committee <h2 style="margin-left: 20px;">Who are it's members?</h2>			
IASC Members		IASC Standing Invitees	
	Food and Agriculture Organization (FAO)		International Committee of the Red Cross (ICRC)
	United Nations Development Programme (UNDP)		International Council of Voluntary Agencies (ICVA)
	United Nations Population Fund (UNFPA)		International Federation of Red Cross and Red Crescent Societies (IFRC)
	United Nations Human Settlements Programme (UNHABITAT)		American Council for Voluntary International Action (InterAction)
	United Nations High Commissioner for Refugees (UNHCR)		International Organization for Migration (IOM)
	United Nations Children's Fund (UNICEF)		Office of the High Commissioner for Human Rights (OHCHR)
	United Nations Office for Coordination of Humanitarian Affairs (OCHA)		Office of the Special Representative of the Secretary General on the Human Rights of Internally Displaced Persons (RSG on Human Rights of IDPs)
	World Food Programme (WFP)		Steering Committee for Humanitarian Response (SCHR)
	World Health Organization (WHO)		World Bank (WB)

Source: (IASC, 2012a)

The IDD works to provide all sufficient information to IASC. IASC is the coordination and policy development agency of humanitarian assistance of the UN system. The IASC also has Sub Working Groups, References Groups and Task forces. Sub -Working Group established for an unlimited duration to address critical on going priority issues, Task Forces established for limited duration to complete a specific task and References Groups provide mental health and psycho logical support in emergency settings.

The Emergency Relief Coordinator (ERC) has the responsibility to combine the functions carried out in the coordination of United Nations response for major and complex emergencies. If a country affected by a disaster or conflict, the ERC may appoint a Humanitarian Coordinator (HC) to ensure response efforts are well organized. The ERC is in charge of managing the Central Emergency Revolving Fund established for rapid response to humanitarian emergencies in consultation with the operational agencies concerned.

The next chapter takes a look at the specific role played by the UN and other international agencies in the delivery of emergency services in situations of natural disasters. The chapter looks specifically at two case studies - one operations in the Democratic Republic of Congo and second emergency aid in Haiti. Chapter 4 looks at the long-term activities undertaken for the rehabilitation and resettlement of IDPs by such agencies.

Chapter III

Emergency Relief for Internally Displaced Persons

The word 'disaster' having its origins in the 16th century French word 'desastre', refers to an occurrence arising with little or no warning, that causes or threatens serious disruption of life, and perhaps death or injury to large number of people and requires therefore a mobilization of effort in excess of that normally provided by the statutory emergencies services (Encyclopaedia of Disaster Management, 2007:1). Such emergencies arising primarily out of unforeseen circumstances such as sudden natural disasters require the immediate rendering of life saving assistance in the form of food, clean water, shelter, and protection from all other types of harm. This chapter focuses on the provision of such aid by the United Nations and other international agencies to internally displaced persons affected by such emergencies.

Two kinds of emergencies - natural disaster and civil war (known as complex emergency) generally qualify for large-scale international humanitarian relief. In the case of natural disasters arising on account of unforeseen events such as floods, storms, earthquakes, tsunamis, droughts, volcanic eruptions etc. the emphasis is on providing immediate relief. International assistance workers are expected to respect the sovereignty of the existing government and to act in accordance with its desires. In these instances, humanitarian activities revolve around generally rescue operations including medical treatment, rehabilitation and reconstruction. Situations of complex emergency or civil war call for a slightly different approach and focus where provision of relief is combined with efforts to mitigate conflict.

Under the existing codes of humanitarian law, the provision of aid by international agencies is provided keeping in mind the following principles, namely:

Humanity: Human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population, such as children, women and the elderly. The dignity and rights of all victims must be respected and protected.

Neutrality: Humanitarian assistance must be provided without engaging in hostilities or taking sides in controversies of a political, religious or ideological nature.

Impartiality: Humanitarian assistance must be provided without discriminating as to ethnic origin, gender, nationality, political opinions, race or religion. Relief of the suffering must be guided solely by needs and priority must be given to the most urgent cases of distress.

Adherence to these principles reflects a measure of accountability of the humanitarian community (UN General Assembly Resolution 46/182, 1991).

Emergency relief aid have been sharply rising since the 1980s and a large part of that aid is channelled for and towards meeting the concerns of IDPs. Emergency relief each year, since 1991 has been highly concentrated on a small number of high-profile cases, such as relief in war-torn areas of former Yugoslavia, Afghanistan, Iraq, and Sudan. Emergency aid for natural disasters has also witnessed an increase, as witnessed in the case of several earthquakes in Iran (December, 2003), Peru (August, 2007), China (May, 2008) Haiti (January, 2010), the South Asian Tsunami (December 2004), and Cyclone Nargis in Myanmar (May, 2008).

While international organizations encourage and influence national governments to adopt laws and policies to protect the human rights of IDPs, it is obvious that this alone is not enough. National governments can provide the normative framework and sometimes the necessary financial resources. However, in situations of conflict where the government itself is one of the parties to the conflict, the question that arises is one that poses a serious challenge to the principle of impartiality. Namely, who will protect the IDPs? The other dilemma is that there is no single international agency that has the mandate or responsibility to provide aid for displaced persons in such situations. There are a plethora of institutions that raises questions of coordination and organisation. The chapter in attempting to understand the mechanism for delivery of such aid also attempts to examine some of the problems and challenges faced by international agencies in providing emergency aid to IDPs.

United Nations Agencies and their Role in the Provision of Humanitarian Aid

In 1971, the General Assembly through the resolution 2816 established the Office of the United Nations Disaster Relief Coordinator (UNDRO) with the primary function of coordinating between donors of aid and services. UNDRO sought to structure coordination between UN agencies and other humanitarian relief agencies through

'formalized agreements' that outlined the roles and responsibilities of the various organizations in times of disaster. One of the problems of seeking to coordinate the efforts of the key humanitarian agencies within the UN was that each of these organizations was established by separate treaties and had its own governance mechanisms. UNDRO faced many challenges and in April 1992, the Secretary-General established the Department of Humanitarian Affairs (DHA), that incorporated and replaced UNDRO. Table 3 below gives an idea of the agencies involved in emergency and relief services within the UN.

As mentioned in the previous chapter, the UN Humanitarian Coordinator is responsible for alerting the UN Emergency Relief Coordinator (ERC) of any new or changing internal displacement situation and coordinating an inter-agency response to internal displacement at the field level. The Office for the Coordination of Humanitarian Affairs (OCHA) provides timely and effectively coordinated international response in support of government led humanitarian relief efforts in natural disaster and other crisis. The OCHA coordinates at the field level and ensures that an effective and efficient, well coordinated plan for assistance is prepared. The Inter-Agency Standing Committee (IASC) is responsible for IDP policy. The IASC as mentioned in the previous chapter follows what is known as the cluster approach to the provision of aid. Cluster is a group of agencies (both UN and non UN), that works in the sector of humanitarian action. They are created when humanitarian needs in a sector arise and national governments needs. The ERC and OCHA play a key role in the cluster approach. The ERC is the final point of accountability in the system.

Clusters work at two levels - global and Country level respectively. At the global level they are responsible for strengthening system-wide preparedness and coordinating technical capacity to respond to humanitarian emergencies in their respective sector. At the country level clusters ensure that activities of humanitarian organizations are coordinated, serve as a first point of call for the Government and the RC or HC, work in their respective sectors. At the country level, the responsibility lies in national authorities to protect their citizen from all type of disasters. However, if the national authorities fail in their capacity, the international community comes to assist national authorities. International Humanitarian Coordinator (HC) or Resident Coordinator (RC) is responsible for leading and coordinating the preparedness and response efforts of

humanitarian organization in coordination with national and local authorities. The ERC may designate the RC as HC in discussion with IASC. The next step to assist countries in emergency situation is Humanitarian Country Team which is chaired by the RC or HC, is an operational decision-making forum composed of operationally relevant humanitarian organizations (both UN and non-UN) and focusing on common strategic and policy issues related to humanitarian action in country.

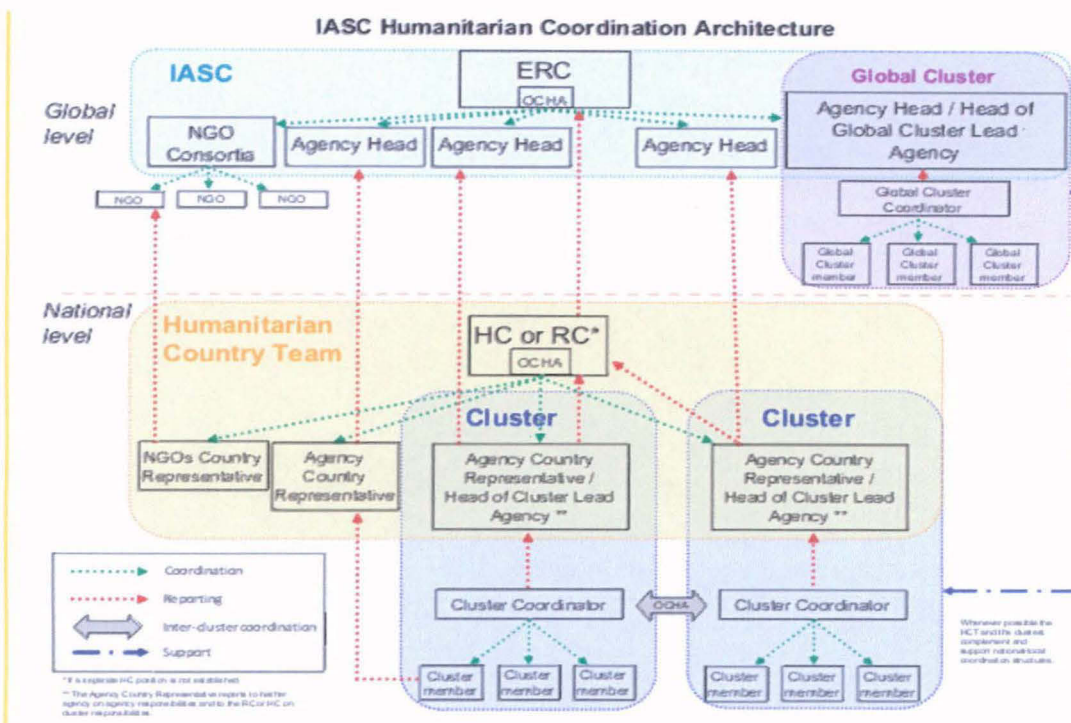
Table 4: UN Actors in Emergencies

UN Actors in the Emergencies	Role in Emergency Situations
Emergency Relief Coordinator	Under Secretary-General & Emergency Relief Coordinator are responsible to look after of all emergency requiring UN Humanitarian assistance. ERC leads the IASC.
Inter Agency Standing Committee	It is primary mechanism for the inter agency in humanitarian coordination. It acts as a forum for UN and non UN actors of humanitarian responses. IASC has operation guidelines on human rights and natural disaster.
Office for the Coordination of Humanitarian Affairs	OCHA is the lead agency of inter agency. OCHA main functions are coordination, policy, advocacy, information management and humanitarian financing. OCHA ensures the UN coordination will take place effectively. When a natural disaster takes place, OCHA can deploy response coordination specialist within hours.
Humanitarian Coordinator/ Resident Coordinator	ERC appoints a Humanitarian coordinator when an emergency occurs in a country. HC/RC is most senior UN official in the affected country. HC/RC receives support from OCHA. HC/RC provide leadership and coordination for UN system in an affected country. They coordinate with national government to build policies for affected population. In a country when emergency situation is over the HC will become RC to support common goals of development.
Humanitarian Country Teams	HCT is under the leadership of the Humanitarian Coordinator. It is comprises of humanitarian organisations working in the country. Coordination among actors is the main objective.

The RC/HC have to follow the set guidelines in course of their work. They should support national efforts by leading and coordinating humanitarian action in the country where they are appointed. They should follow the laws of humanitarian - humanity, impartiality, neutrality and independence. They are guided by principles of partnership with other cluster agencies. The most important relationship between HC/RC and ERC is that HC is

accountable to people in need and directly to the ERC. Figure 7 provides a glimpse of the coordination mechanism devised between the IASC, OCHA and ERC at the global and national level respectively.

Figure 7: IASC Humanitarian Coordination Structure



(Source: IASC 2012b)

The 2007 guide line defines the meaning of ‘major’ in ‘major new emergencies’ to which clusters should apply, but in subjective and non-quantified terms. Some global clusters have developed their own activation criteria or processes for new emergencies such as logistics, or are developing them now. The guidance reads: ‘For IASC operational purposes, a ‘major new emergency’ is defined as any situation where humanitarian needs are of a sufficiently large scale and complexity that significant external assistance and resources are required, and where a multi sectoral response is needed with the engagement of a wide range of international humanitarian actors (‘Operational Guidance on Designating Sector/Cluster Leads in Major New Emergencies’, May 2007). The IASC guide lines specifically recommend that national and local authorities be involved in planning and preparedness.

The Inter Agency Standing Committee (IASC) Operational Guidelines on Human rights and natural disaster states explicitly that persons affected by natural disaster should enjoy the same rights and freedoms under human rights law as others in their country and not be discriminated against. IASC Operational Guidelines on Human Rights and Natural Disaster were adopted in 2006. These Operational Guidelines aim to assist organization which are involve in the situation to ensure that disaster relief and recovery efforts are conducted within a framework of protects and further human rights of affected population. They ensure that human rights principles and protection standard are integrated into all disaster response and recovery efforts from the earliest stage possible. They identify relevant measures to ensure that affected persons are fully consulted and protection should be given to all stages of the disaster response as per the human rights. They provide a basis for humanitarian actors when they dialogue with governments about protection of affected people under human rights law.

Financing is also another important aspect of the overall provision of relief and emergency services. The Central Emergency Response Fund (CERF) is the humanitarian fund established by the UN General Assembly in 2006 to provide timely and more effective response for those affected by natural disaster and armed conflict. The Fund is financed through contributions by governments, private sector, foundations and individuals who support humanitarian action. The CERF is the managed by the OCHA. It is meant for donors who want to support the United Nations disaster relief effort. It provide funds to jump - start critical operations and life saving programmes. The UN Secretary General can release funds within hours of an emergency for the agencies to quickly respond to a crisis.

Country-based Emergency Response Fund (ERF) is another arrangement that has been devised to allocate funds according to the priority needs in a specific country. The ERF helps strengthen the operational capacities of humanitarian actors for a rapid and coordinated response to emergencies. The ERF is a multi-donor funding mechanism under the overall management and oversight of the Humanitarian Coordinator. Funds are channelled through OCHA to non-governmental organizations (NGOs) and United Nations agencies. OCHA manages ERFs in Afghanistan, Colombia, Democratic Republic of Congo, Ethiopia, Haiti, Indonesia, Iraq, Kenya, Myanmar, Nepal, occupied Palestinian territory, Pakistan, Uganda, Yemen and Zimbabwe. The Common Humanitarian Fund

(CHF) is another type of fund that operates at the country level to finance tools which provides quick, predictable and strategic funding to UN agencies, international and local NGOs. The Fund has been providing for Somalia since June 2010. Since these funds were created, billions of dollars have been disbursed to help millions of people in dire need of assistance in nearly 80 countries.

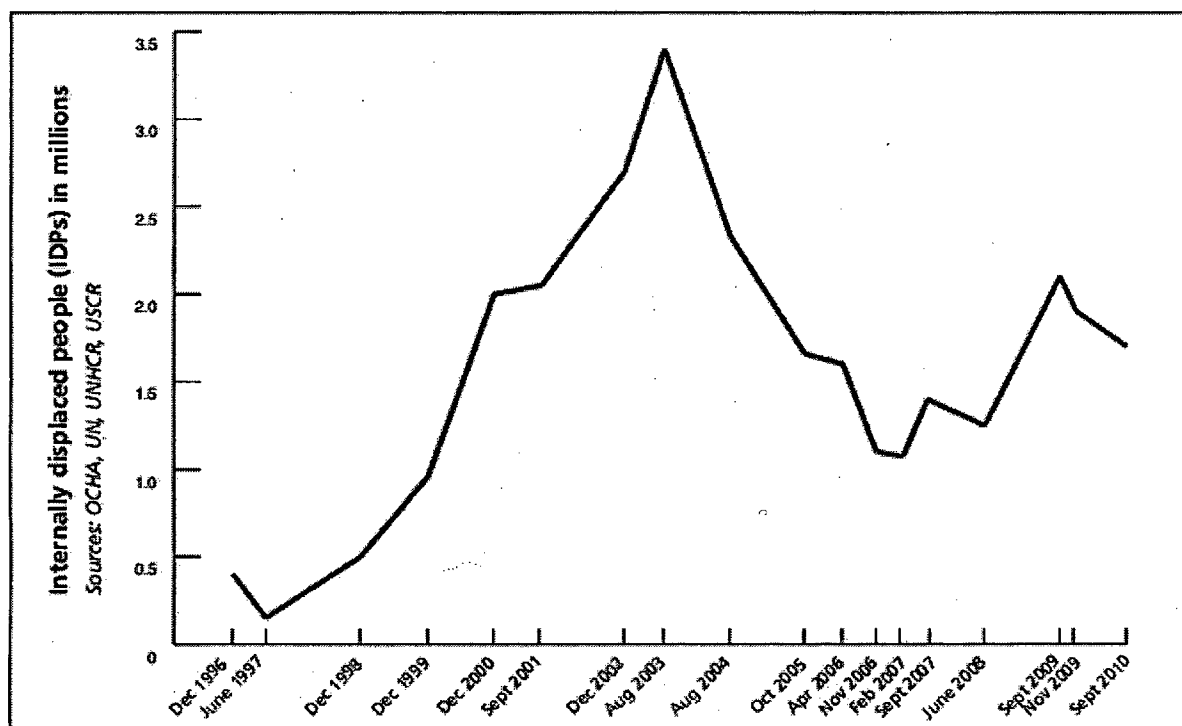
Operational Case-studies related to provision of emergency aid for IDPs

The Democratic Republic of Congo

The Democratic Republic of Congo has about 1.7 million IDPs, caused primarily on account of armed conflict. The current displacement in Congo can be stated to have begun around 1996 and peaked gradually reaching about 3.4 million in 2003. The fighting between rebel groups and the Congolese armed forces is the main cause behind the violence. In Congo the struggle is all about control over the country's rich oil resources. Congo suffered two major wars between 1996 and 1997, and 1998 and 2003 and it is estimated that around 3.4 million people were forced to flee from their homes by the end of second conflict (IDMC and NRC, 2011:3). The natural disaster in the form of storms and earthquake that hit the country in 2008, brought new displacement that affected about 12, 590 people (OCHA survey, 2010). Graph 1 below provides a glimpse of the figures related to Congo between 1996-2010.

In 2000, the government created a Ministry for Humanitarian activities to address the issues of internal displacement situation. The Ministry worked closely with humanitarian organizations in registering displaced population and settling them on a provisional site. It contributed by drawing on WFP assistance and monitoring food distributed at various sites. In 2000, the government had drawn up an Interim Post Conflict Programme (PIPC) covering the three years period 2000-02. The PIPC aimed to improve the conditions after post-conflict into a phase of rehabilitation and reconstruction. Brazzaville authorities sent a French - funded humanitarian goods convey to Mayama District. The cargo included 1000 plastic sheets, 2000 mats, 2380 insecticide treated mosquito nets, 4000 blankets, some 10mt of seeds, including corn, groundnuts, beans and shallots in December 2003.

Graph 1: Internally Displaced Persons in Republic of Congo (1996-2010)



Source: IDMC and NRC , 14 September, 2011

Between 1999 to 2010 the Security Council had passed nineteen resolutions from regarding the situation in DRC. The intervention of the Security Council under Chapter VII creates a legal obligation for States to grant humanitarian agencies access to civilians. Moreover, without any reference to a ‘right’ to humanitarian assistance, Security Council resolutions adopted under Chapter VII of the UN Charter with regard to specific humanitarian crises called for safe and unhindered access for humanitarian assistance to those in need (e.g. Resolution 1258 of 1999, on the Democratic Republic of Congo). However, non-adherence per se does not entitle other States or international organizations to intervene and distribute relief against the will of affected States, unless the Security Council specifically authorises it. This has been done in some exceptional circumstances, where States were authorised ‘to use all necessary means’, including armed force, to give humanitarian agencies access to persons in need.

Resolution 1258 (1999), concerning the civil war in the Democratic Republic of Congo and adopted after the 1999 Lusaka Ceasefire Agreement, ‘calls for safe and unhindered access for humanitarian assistance to those in need in the Democratic Republic of Congo

and urges all parties to the conflict to guarantee the safety and security of United Nations and humanitarian personnel and to respect strictly the relevant provisions of international humanitarian law' (para. 11). In November, 1999, the Security Council established the United Nations Mission in the Democratic Republic of the Congo (MONUC) by its resolution 1279 to bring peace within all parties of ceasefire.

MONUC had an authorized strength of up to 5,537 military personnel, including up to 500 observers, or more, provided that the Secretary General determined that there was a need and that it could be accommodated within the overall force size and structure, and appropriate civilian support staff in the areas, inter alia, of human rights, humanitarian affairs, public information, child protection, political affairs, medical and administrative support (Security Council Resolution, 1291, 2000). MONUC also contributed to the improvement of the security conditions in which humanitarian assistance was provided, and assisted in the voluntary return of refugees and internally displaced persons. It worked with the government of Congo and in close coordination with international partners and the United Nations Country Team, to provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections to encourage democracy.

In 2003, a peace agreement was signed between National Resistance Council representing the Ninja rebel group and the so called 'Government of Congo, and in July 2006 the country held its democratic election and elected President Joseph Kabila. However, the IDPs did not cast their votes in this election.

In 2000, the UN introduced to concept of integrated missions to complex operations in conflict and post conflict countries which brought components relating to political, military, human rights, gender issues, development, rule of law and humanitarian activities under the umbrella of UN missions. The principle of integration had previously been applied to peacekeeping missions in Democratic Republic of Congo along with Afghanistan, Burundi, Central African Republic, Chad, Côte d'Ivoire, East Timor, Haiti, Kosovo, Liberia and Sudan (and Darfur). Integrated peacekeeping missions are not led by a military commander but by a Special Representative of the Secretary General (SRSG) who is the most senior United Nations official in a country and is responsible for ensuring

that all the components of the United Nations presence pursue a coordinated and coherent approach, taking into account individual agency mandates.

The UN Resident Coordinator office bring together various NGOs, UN agencies and donors to improve the coordination of IDPs activities. The unit is headed by OCHA humanitarian Adviser organised three fact finding missions to the Pool region (consisting of Kindamba, Mayama, Kimpello and Knikala) during 2004. OCHA opened a field office in Mindauli and the UNDP in Kinkala before the end of April 2005. The World Bank, the International Monetary Fund, the African Development Bank and the Paris Fund resumed their cooperation with government in December, 2004. The International Committee of the Red Cross (ICRC) and some other international NGOs also focused their activities on rehabilitation, water and sanitation sector. The European Commission's Humanitarian Aid Office (ECHO) funded NGOs dedicated most of their assistance to the health sector , to supporting hospitals and health centres and mobile clinics, as well as reconstruction of health centres and houses along the Brazzaville-Pointe-Noire railway line (18 March 2005; ECHO, 20 July 2004).

In February, 2000, the World Health Organisation stated that 69 cases of the Ebola infection were confirmed in the Republic of the Congo and neighbouring Gabon and confirmed cases, including 12 deaths. In the same year Sweden agreed to provide eight million kronor (\$773,320) to UN agencies to support the reconstruction and rehabilitation of Congo with the US government giving \$65, 000 to the director of health services of the Congo armed forces in support of HIV/AIDS prevention education within the military. The World Bank's Board approved \$ 40 million for emergency reconstruction, rehabilitation of roads, drains, school facilities and improvement projects in the country.

However, all these activities can only take place if the Government of the State allows such agencies to function. As the Congolese case was to prove, the consent of the host state is an important consideration and factor for the overall success of the desired operations. In Congo for example, the government refused to grant access to the international community into the area to assess humanitarian needs of the population. On 2 June, 2000 a UN chartered aircraft landed in Kindamba, in Pool , with 7. 7 mt of food and non- food items, bringing the first relief aid to the beleaguered town since fighting.

erupted in March between government troops and the Ninjas. The WHO donated 1000 insecticide treated mosquito nets to three Brazzaville hospitals. The European Commission's announced to allocate 50.4 million Euro (49,447,400) to Congo for the period of 2002-07 in support of efforts to fight poverty and reinforce democracy. The OCHA said that UN was assisting at least 8000 displaced on the outskirts of Brazzaville. (Profile of Internal Displacement: Republic of Congo, 2005:18 & 19).

The OCHA facilitated several Inter-Agency humanitarian assessment missions to the Pool region with the cooperation of the government between May and August, 2003. The conditions were very critical there, infrastructure had been completely destroyed, sanitation was seriously lacking, health and nutrition level of children were in grave concern. There were essential needs for non food and food items such as shelter material and blankets and drinking water and sanitation facilities and food for the affected population. Mortality rate 2.9 deaths per1000 persons was more than compared to the baseline of 1.3 reported for Sub Saharan Africa. Medical facilities and procurement was a significant problem, only six centres had pharmacies among fourteen which only reached to the wealthy. The affected population only depended to some international organizations like ICRC and WHO for medical access.

In 2004, the government began to assist the voluntary return of thousand of IDPs in Kunkala with about 2414 people returning to their village. The return had been possible because of the calm built by agreement was reached on 17 March, 2003 between rebel leader Reverend Fredric Bitsangou and the government to honour 1999 ceasefire agreement. The government added that return has been possible by the support of UNDP, EU, national and International NGOs and other governments. The drawback of the return was that population returned but life could not continued. The socio-sanitary infrastructure was not good enough in the Pool Region. Some of the people received seeds and tools to restart agriculture activities but could not start because of insecurity. Return also took place during 2000-01, between 500,000 and 600,000 IDPs returned home in 2000 (Profile of Internal Displacement: Republic of Congo, 2005: 64). ICRC assisted to the Congolese Red Cross IDPs camp in Brazzaville. Many camps were closed in April, 2000 in Brazzaville and emergency assistance was replaced by rehabilitation programme such as seed and tool distribution , rehabilitation of health centres and protection of water sources.

UNICEF assisted directly towards rehabilitation and development activities to support returned displaced persons. Humanitarian access secured in Brazzaville, Bouenza, Lekoumou, Niari and Pool which resulted in return of 700,000 (out of 810,000). As security situation improved in the Congo UN agencies, NGOs and Ministry for humanitarian activities intensified joint missions in the newly accessible region. In July 2000, the Congolese Government together with UNDP and with International Organization for Migration (IOM) commenced upon a disarmament, demobilization and reinsertion (DDR) program to disarm small militia groups. The IOM reported that 11,114 weapons were collected 8009 militia members reintegrated.

In 2001, the Congolese government created its own High Commission for the Reintegration of Ex-Combatants (HCRFF). The World Bank issued a US\$ 5 million credit to the HCRFF for reintegrating ex-combatants into productive life. The Commission financed 2,417 micro projects proposed by 6,658 ex-militia men from all over the country. The World Food Programme re-opened its country office in Brazzaville to join the humanitarian community in providing assistance to needy and the war affected. Some 18, 141 mt of food USD 13 million would be provided for 177,850 people affected by fighting. WFP also introduced 'food for work', income generating programme and school feeding programme in Congo. In the Pool region WFP also supported the rehabilitation of basic socio - economic infrastructure and the revival of agriculture.

'Disarmament for development', the program launched by UNDP aimed to reduce the number of illegal small arms not just in Pool region but also throughout the country. The program targeted not only the ex-combatants, but also offered incentives to other communities to surrender arms. In exchange for the returned weapons, communities were rewarded with assistance funds to support activities such as school rehabilitation or purchase of a grain mill. The collected arms were to be destroyed in a public ceremony. It was hoped that the program, worth € 2 million (approximately US\$2.4 million), which started in August 2004, could impel Ninjas to give up their weapons.

The train services between the Brazzaville and the Pool region were also resumed. Clotaire Boutsindi, the chairperson of the Association of the Pool Youth added that with the train services revival the commodities supply would assist IDPs to resume their lives

and the supply of farming tools and got market more easily. However, all problems could not be solved such as poor road conditions and insecurity reduced accessibility, and thus the delivery of humanitarian assistance was interrupted for several weeks in December, 2004. Manufactured goods were in short supply as a result of the resettled families' low purchasing power and lack of commercial transportation was reported. In February 2005, the emergency phase was over in the Pool region. Representatives of humanitarian NGOs at Congo requested international donor community to provide more financial aid for development for Pool region specially the EU in the workshop organized by OCHA. EU granted 2 million € for reconstruction and rehabilitation in the Pool region in July 2004. The World Bank, IMF and African Development Bank resumed support to the country in December, 2004.

In 2008, the Government signed a ceasefire agreement in Goma with 22 armed groups. One of the provisions in the agreement was the return of IDPs. In 2009, relations between the Congolese and Rwanda governments improved that was followed by operations by the army against the Democratic Liberation Forces of Rwanda (FDLR) in north and south Kivu. The operation had logistical support from the MONUC. The big misfortune of Congo was that members of both the army and rebel groups were actively involved in illegal exploitation of natural resources including gold, coltan, diamond, the smuggling of goods and weapons. These activities contributed to further human rights violation, insecurity and displacement. The final report by the UN group of experts on the DRC also presented how rebel groups had forcibly driven out populations in areas of Masisi territory, North Kivu, to take their land (UNSC, 29 Nov, 2010).

The majority of IDPs and returnees faced limited access of facilities like health centres and schools, clean water, food seeds, tools, cloths and building material, unable to farm. Cholera epidemic affected several thousand people in DRC in 2011 in Orientale Province where many IDPs live (OCHA, July 2011). The government had ratified the Pact on Security, Stability and Development in Africa's Great Lakes region, which came into force in June 2008, and in doing so committed to incorporate the Guiding Principles on Internal Displacement into its national law. It also signed the African Union Convention on IDPs in 2010, but had not ratified it as of mid-2011.

Through the UN Security Council resolution 1925 of May, 2010, MONUC was renamed as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The MONUSCO has been authorized to the protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence and to support the Government of the DRC in its stabilization and peace consolidation efforts.

Haiti

Haiti, the world's first black led republic and the first independent Caribbean state, also considered the poorest country in the Americas, has been an important test case for delivery of emergency services. Haiti's most serious underlying social problem is that huge wealth gap between the impoverished Creole-speaking black majority and the French-speaking minority, 1% of whom own nearly half the country's wealth. . The root causes of violence lies in the poor conditions of Haitians, political instability and fragile government. In 2004, the UN introduced Mission des Nations Unies pour la Stabilisation en Haiti (MINUSTAH) to strengthen security, governance and the rule of law. While most international agencies recognised the weak position of Haitian President to manage the situation, the General Assembly and the Security Council concerned about the human rights abuses by the de facto government of Haiti, through the MINUSTAH was able to facilitate the departure of the Haitian military leadership to secure the prompt return of an elected Haitian President (Gordon, 1996:52).

Coupled with the problem of political instability, Haiti has also been prone to natural disasters. In 1999 a Disaster Management and Response (SNGRD) centre was established with a permanent secretariat aiming to coordinate the activities of governmental and NGOs involved in natural disaster preparedness and response activities. Following Table 5 shows the natural disasters that have hit the country. The most recent natural disaster 'earthquake' struck with full force early in 2010, when the capital Port-au-Prince was hit by a magnitude 7.0 earthquake - the country's worst in 200 years. Tens of thousands of people were killed and much of the capital and its wider area devastated, prompting a major international aid effort.

Table 5 : History of Natural Disasters in Haiti

Haiti - Natural Disaster	
YEAR	TYPE OF DISASTER
1770	Earthquake devastated Port -Au-Prince
1842	Earthquake destroyed Cap -Haitian and other Cities
1935	Strom killed 2000 people
1946	Tsunami Killed 1790 people
1954	Hurricane Hazel Killed hundreds
1963	Hurricane Flora killed 6000 in Haiti and Cuba
1994	Hurricane Gordon killed hundreds
1998	Hurricane Georges destroyed 80% of crops
2004	Flood killed 2600
2007	Tropical Storm Noel triggered mud slides and floods
2008	Three Hurricane and tropical storm killed about 800 people
2010	Earthquake hit Port-au-Prince killed tens of thousands
2010-11	Cholera outbreak killed nearly 6000

(Source: BBC 2012)

OCHA led the humanitarian response to Haiti's devastating earthquake in January 2010, with the number of estimated deaths around 230,000, and about 2 Million displaced individuals. International response to the Haiti earthquake was prompt as several international aid agencies had had their offices in Haiti for long. The international community pledged a total of \$9.9bn (£6.5bn) in immediate and long-term aid to earthquake-hit Haiti at a UN donor conference. The \$5.3bn (£3.5bn) of support over the next two years exceeded the \$4bn requested by the Haitian government to rebuild infrastructure.

The UN stabilisation force in Haiti - Mission des Nations Unies pour la Stabilisation en Haiti - (MINUSTAH), had more than 9,000 police and troops stationed in Haiti, as well as 488 international civilian staff and local staff. Its forces were drawn from more than 40 countries, including Brazil, China and Pakistan. The individual countries also pledged for the reconstruction of Haiti such as EU \$1.7bn, US \$1.5bn, Spain \$466m, Canada \$390m, France \$243m and Brazil \$ 172m (BBC, News 1 April, 2010). The food cluster provided

food aid to around 3.5 million people and 175000 employed in Cash for Work programme. The UNDAC had started working in Haiti less than 24 hours after the disaster. 130 persons were rescued by UNDAC teams. Housing sub-cluster led by UNHABITAT contributed to the reconstruction of houses. There were many projects started by UN agencies to help reconstruction in Haiti. Following Table 6 explains more about the projects.

Table 6: Emergency Activities Undertaken in Haiti

Sector	Cluster Lead Agency	Number of Projects
Agriculture	Food and Agriculture Organization	22
Camp Coordination and Camp Management	International Organization for Migration	22
Early Recovery	United Nations Development Programme	34
Education	UNICEF & Save the Children	15
Emergency Telecommunication	World Food Programme	1
Food Aid	World Food Programme	5
Health	World Health Organization & Pan - American Health Organization (PAHO)	68
Logistics	World Food Programme	2
Protection	MINUSTAH, Human Rights Section of the OHCHR, UNFPA, UNICEF	30
Shelter and Non-Food Items	IFRC, UNHABITAT	23
WASH - Water, Sanitation and Hygiene	UNICEF, National Directorate of Potable Water & Sanitation(DINEPA)	68

Source: (OCHA 2006)

A Real Time Evaluation programme was organised to inform decision makers at both levels - country and headquarter, to draw lessons and to allow corrections to be made where and when necessary. The RTE included three phases - first phase between April

and May 2010 - it was a three week country mission with several workshops with key stakeholders, in depth data analysis, focus group meetings and detailed briefings in Port-au-Prince. Interviews were conducted with more than 170 individuals from Haitian institutions and international agencies (face-to-face interviews, focus groups and teleconferences) as well as with individuals and groups from the affected communities in different sites in Port-au-Prince, Léogane, Gressier, Jacmel, Gonaives, Saint Marc and in rural areas of the Artibonite and South East regions.

There were some positive steps made to deal with the emergency situation, such as – ‘at least five litres of potable water were distributed or made available daily to about 1.1 million people. 4.3 million people received a food rations. 1.5 million people received emergency shelters. 2.1 million people received non-food items (NFIs). 11,000 latrines were installed and maintained, 90 percent of all displaced people in Port-au-Prince (PAP) had access to basic health services 116,000 people benefited from short-term employment, malnutrition did not reach emergency levels and more than 11,000 children received treatment for severe acute malnutrition. 4,372 separated children registered and 1,101 reunified with their families or primary caregivers (some 40% were separated prior to the earthquake)’ (Haiti Consolidated Appeal, 2011:8).

On the positive side, while it must be admitted that there had been a diversity of actors who had stepped in to provide and help out with emergency services, with most of the agencies sending their best staff to work and that the response was quick and well funded; yet on the negative side, it was also found that most of the countries mainly assisted their citizen not the Haitians. Also the delivery of aid become problematic because during 2010, many containers were left at the port awaiting to get the clearance from the Haitian Government. However, the biggest problem was that of coordination among humanitarian agencies.

Chapter IV

Rehabilitation and Repatriation of Internally Displaced Persons

Section V of the Guiding Principles on Internal Displacement deals with the return, resettlement and reintegration of IDPs. This includes the right to return safely to their habitual places or settle in another part of the country and be integrated back into the local society. This chapter seeks to examine about what the lasting solutions to the problems of IDPs? What are the steps taken by affected states? What are programmes provided by the UN agencies - are they sufficient or not? At the request of OCHA in 2001, the UN Special Representative on Internal Displacement, Francis Deng, had developed a framework to provide guidance that 'when an individual should no longer be considered to be in need of protection and assistance as an internally displaced person' (The Brookings Institution, 2007:7). This chapter takes a look the initiatives and the challenges thereof of providing a lasting solution to the problem of displacement in the context of the internally displaced.

Lasting Solutions to IDPs : Return, Resettlement and Integration

'A durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. It can be achieved through: - Sustainable reintegration at the place of origin (Return), Sustainable local integration in areas where internally displaced persons take refuge (local integration), Sustainable integration in another part of the country (settlement elsewhere in the country)', (IASC Framework on Durable Solutions for Internally Displaced Persons, April, 2010:1). The process of resettlement warrants that the political situation is safe and secure, and freedom of movement and protection of all groups is secured. The integration process requires that all IDPs have identity proofs, passports and other such documents with them in the course of resettlement. After the settlement, IDPs are to have access to basic needs of livelihoods and opportunities of employment and building infrastructure. Most importantly, the IDPs themselves must not feel like a vulnerable group.

However, the important question that comes up is when does displacement end? According to UNHCR the return of refugees has to happen in a manner that is

sustainable and durable in conditions of safety, dignity and equality with other citizen. Sustainable return happens when returnee' physical and material security is assured and when a constructive relationship between returnees, civil society and the state is consolidated (Bettocchi & Freitas, 2003:13). Internally Displaced Persons are entitled to specific protection in terms of human rights human rights as other persons of the country. The Guiding Principles 29 states if they 'have returned to their homes or places of habitual residence' they are not to be considered as displaced. They however continue to enjoy the rights of returnees as long as they need such protection (Guiding Principles 28-30).

A framework for durable solutions for IDPs

In 2001, the former Emergency Relief Coordinator and the former Representative of the Secretary-General on Internally Displaced Persons took up the matter of resettlement further. Around the same time, the Brookings Bern Project on Internal Displacement and the Institute for the Study of International Migration at Georgetown University also undertook a study on the durable solutions to the problems of the internally displaced. The result of that project was the framework on durable solutions in 2007. The Framework addressed the internally displaced affected by conflict, human rights abuses and natural or human-made disasters. It mainly addressed the situation where return is not possible and focused on resettlement.

The framework was presented to the IASC working group in 2007. The Framework provided guidance to national authorities and international organizations, encouraging them to include the framework into national legislation, policies and programmes. The 2007 Framework divided the problems associated with IDPs into three main areas - cause, needs and solutions. Under the first, the causes of displacement were considered, while needs focused on the particular requirements of such persons at the time of resettlement, that they could access from their own governments. The focus on solution placed emphasis on the problems of adjustment associated with the return of the IDPs to their place of origin. Return and resettlement has three aspect to it : legal, social and economic. Legal reintegration means the returnees have land and property rights, protection to return safely and non-discrimination to access the citizen rights and freedom of movement. Social reintegration deal in rights to participate in public affairs and public services. Economic reintegration refers to equal access to employment and good livelihood.

The framework has two parts to it : process and conditions. While it is the responsibility of national authorities to provide safe and secure conditions for returnees or local reintegration, international observers make sure that this happens in a way that is mandated by law. The agencies therefore perform the role of monitoring the situation of the returnees. Additionally, the solution also has to be sustainable. The decision will have to be taken keeping in mind the conditions prevalent in the region. To make those decisions, information regarding the conflict whether it has ended or not, the rights situation, protection of vulnerable groups, the mechanism relating to return or reintegration has to be provided. The other information relating to reintegration package, access of housing, livelihood, land, employment, economic opportunities, and availability of public services also needs to be provided. It is on the availability of such information that IDPs can make a decision whether they want to return, integrate locally and settle elsewhere.

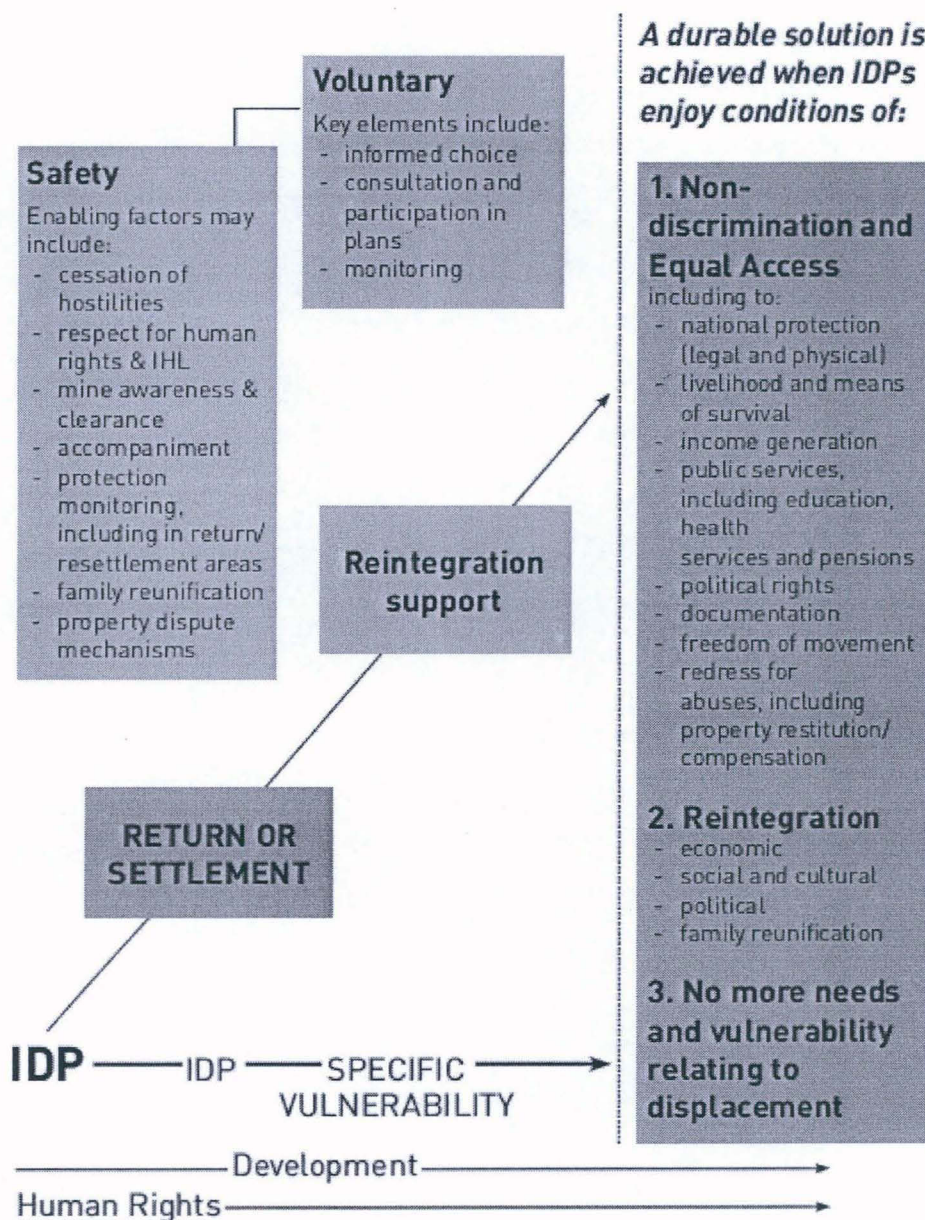
International organizations assist national authorities in situation of conflict and natural disaster to provide better means and suitable conditions to the internally displaced. In some countries, memoranda of understanding was signed between rebel groups including national and local authorities, humanitarian organizations, representatives of the internally displaced. If return is not possible, then national authorities can take further measures to resettle them on a voluntary basis with safety and dignity. There are many conditions that determine the durability of solutions. Violent attack or any other act of violence against former IDPs is an obvious limitation to finding a durable solution. There has to be no discrimination against returnees on grounds of religion, ethnic, race, political opinion and gender. Personal documents such as personal identification, birth, death and marriage certificates and voter cards should be issued as needed by the formerly displaced persons. Figure 8 explains about some of the challenges in achieving durable solutions for IDPs.

IASC framework 2010

The first revision of the 2007 framework on durable solutions took place in 2009. It was led by the Representative of the Secretary-General on Human Rights of Internally Displaced Persons working in close cooperation with the Cluster Working Group on Early Recovery and the Protection Cluster Working Group, in particular the United Nations High Commissioner for Refugees, the United Nations Development

Programme, the Office for the Coordination of Humanitarian Affairs, the International Organization for Migration, the United Nations Children’s Fund, the United Nations Environment Programme and the Internal Displacement Monitoring Centre.

Figure 8. Challenges in Achieving Durable Solutions for IDPs



(Sources : Brookings Bern Project on Internal Displacement, 2007)

However, the process of durable solutions is a long and complex process. Durable solution has multiple challenges depending on the situations in states. The biggest challenge is to provide human rights such as security, property, housing, education, health and livelihoods to affected population. Humanitarian needs like emergency shelter and emergency health services and food are also required to achieve durable solutions. In this context, a rights- based approach has been developed in the framework. The IDPs representative 'go and see' the conditions of every group and discuss all possible issues which may lead to future conflict.

There are however some exceptional situations where some rights of returnees are restricted. It is unfair to permit return and settlement in a specific location as disaster prone areas are unsafe for resettlement until the authorities make safe conditions. Freedom of movement can be restricted in some situation where returnees have fear of life and health. The Guiding Principle 28(2) states that: 'special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration'. The IDPs should carry out a dialogue with national governments for planning and management of durable solutions. They can participate in round tables with the representative of civil society, government officials, stakeholders and communities to discuss about continuing assistance and protection. However, it is national and local authorities that have the responsibility to take the lead in recovery and development processes.

The guidelines specifically calls for all IDPs to be involved in peace process and peace building. If direct involvement is not possible, indirect participation ought to be facilitated. Humanitarian and development agencies could train IDPs and provide them means of development. Durable solution could also be achieved through peace agreements. These agreements will secure the rights, safety, security, post conflict reconstruction, housing, land and properties issues and settlement of peace. Peace agreements should: 'use clear and consistent definitions pertaining to internal displacement, incorporate displacement specific rights and protections that reflect the needs and legitimate interests of IDPs, specify the roles and obligations of relevant actors with regard to IDPs, address the implementation process, including the participation of IDPs(A/HRC/13/21/Add.4, 2009:29).

The framework lays out eight criteria to be followed a) Safety and security, b) adequate standard of living, c) access of livelihoods, d) restoration of housing, land and property, (e) access to documentation, (f) family reunification, (g) participation in public affairs; and (h) access to effective remedies and justice (United Nations General Assembly, 2009:30). IDPs as already mentioned have same access to protection mechanisms as other population of country access. Countries have resorted to programmes that help stabilise safety and security of populations in their region. The international community hands over full responsibility of protection and promotion of durable protection to national and local authorities. The presence of peacekeeping force is not considered a durable solution.

IDPs also have the right to adequate living standards, basic shelter and housing, essential food and potable water, health care and sanitation facilities and education at primary level. If the national and local authorities have insufficient resources they can call development and humanitarian actors. The IDPs have the right to receive all basic needs as the rest of the r population. It is necessary to address the root causes of displacement for long solutions. The IDPs also ought to have access of livelihood and employment. It is not possible to regain same employment and livelihood. When rural IDPs integrate into urban areas they will need special skills to get new work and new livelihood. The unemployment among IDPs should be compared to the resident population before displacement or national level as suitable, poverty may also be compared in the same way. Types and condition of employment of the IDPs population compared to non-displaced population.

IDPs who have achieved a durable solution have effective and accessible mechanism to restore housing land and property. Property restitution and compensation, legal assistance if needed should be provided. The property negotiation could be done between IDPs owners and residents. Women and children need special attention because in some cases they are head of their household and face problem of ownership. National Law should be re-examined, revised to ensure systematically IDPs property rights. It must be ensured that IDPs have access to basic shelter and housing. If IDPs desire to return to their habitual place, the arrangements to rebuild them will have to be provided. If return is not possible alternative option will be provided. In the cases of military operation and disaster situations, the authorities have legal obligation to rebuild the houses. There is no legal obligation in other cases.

The loss of personal documents are very common during displacement. The national or local authorities should issue new documents or replace previous ones. Women and men have equal rights to get new documents and women can get new documents on their names. Children without parents and those separated must be provided necessary documents. Percentage of IDPs not having personal documents should be compared to other non IDPs population. In addition, IDPs families should be reunited as quickly as possible. There are children, older and vulnerable groups who are separated during the course of displacement reunite with their families. If reunification is risky, the concerned authorities could take steps that is in the best interest of the population. For example, the authorities could bear the responsibility of a child till its guardian is found. The authorities could investigate to find relatives of child and if they do not find them then they could establish special legal procedures to look after their needs by placing them in child-care institutions.

IDPs also have the right to participate in public affairs at all levels without discrimination. They have rights to vote, to stand in election and to work in all public services and participation in community affairs. If large population cannot return, resettle or reintegrate, the authorities should make arrangements for voter registration, education programmes and special polling stations. The IDPs registration to vote and IDPs participation in public employment should be compared to non IDPs population. Effective remedies and justice are essential part for long term peace and solution to the problems of IDPs. Women, children among IDPs need to be fully informed about remedies in their language. Remedies mechanism should be simple to access for all IDPs without discrimination. National and local authorities have the principal duty and responsibility to provide effective remedies. However, international humanitarian and development actors could assist states to help them deliver better access, effective remedies and training to IDPs for their rights and in participation in design and implementation of relevant measures.

Achievements in the return, resettlement and reintegration of IDPs

There are many states who have consciously integrated the Guiding Principles into their national law. Six European countries - Azerbaijan, Bosnia and Herzegovina, Croatia, Cyprus, Georgia and the Russian Federation that were affected by internal displacement have adopted specific laws in accordance with the Guiding Principles. In Bosnia and

Herzegovina, the IDPs and refugees have special status. Bosnia and Herzegovina in cooperation with UNHCR drafted durable solutions for both return and resettlement categories. Bosnia and Herzegovina provides a period of six months as the status of returnee. A national framework has been set up by the Brookings Institution- University of Bern (2005). Referred to as the 'Framework for National Responsibility', these are guidelines for national governments to address their responsibility towards the internal displaced. The framework suggests 12 key steps for national governments to mitigate the effects of internal displacement. They are:

1. Prevent Displacement and Minimize its Adverse Effects.
2. Raise National Awareness of the Problem.
3. Collect Data on the Number and Conditions of IDPs.
4. Support Training on the Rights of IDPs.
5. Create a Legal Framework for Upholding the Rights of IDPs.
6. Develop a National Policy on Internal Displacement.
7. Designate an Institutional Focal Point on IDPs.
8. Encourage National Human Rights Institutions to Integrate Internal Displacement into their Work.
9. Ensure the Participation of IDPs in Decision-Making.
10. Support Durable Solutions.
11. Allocate Adequate Resources to the Problem.
12. Cooperate with the International Community when National Capacity is insufficient' (The Brookings Institution- University of Bern,2005:5).

A suitable environment should be created by national governments for internally displaced to make 'Three R (Return, Resettlement and Reintegration into local)' possible. The framework 'Support Durable Solutions', supports the safe condition, protection of human rights of displaced population and fundamental means are the essential element of durable solutions. Whatever the causes of displacement the needs of all displaced population are same. The displaced persons require education, health facilities, employment, developmental and financial assistance. Sometimes, it is very difficult for former internally displaced to return their habitual place and resume their prior life. The rural displaced persons who lost their land could settle at the same areas where they live before, they can work in the field and get their livelihood. There are some examples presented that rural areas persons have settle successfully in another areas. Governments

could provide public land to IDPs, for lasting solution. There are some examples from Sri Lanka, Colombia, Indonesia, North India, where this has been undertaken. (Weiss Fagen,2003:19).

In the case of development-induced displacement governments could provide legal help those affected by the project. Governments have the duty to provide proper compensation for those population which will face displacement in future due to development projects. Sardar Sarovar Dam project which led to large-scale displacement in India, recognized the rights of affected population. The situation in the Northeast India where development projects continue to affect tribal populations is another test case.

Case study of Sri Lanka

Sri Lanka presents the history of conflict and natural disaster - tsunami displacement. In 1983, internal armed conflict broke out in Sri Lanka between government forces and the Liberation Tigers of Tamil Eelam (LTTE), an armed group led by ethnic Tamils who aimed at creating a separate Tamil homeland in the north and east of Sri Lanka. In Sri Lanka the fight between the government military and the rebel (LTTE) was the main reason of displacement. The Sri Lankan society is divide into Tamil and Sinhala ethnic groups. Geographical division of Sri Lanka as per say, the term "Vanni" refers to the mainland area of the Northern Province covering Mannar, Mullativu and Vavuniya districts as well as most of Kilinochchi district. The terms "North" and "Northern Province" refer to the Vanni plus Jaffna district. The terms "East" and "Eastern Province" refer to Trincomalee, Batticaloa and Ampara districts.

After the civil war, 'It seemed the average IDP in Sri Lanka had been displaced at least 5 times in his/her life'(Jayatilaka, 2001:2). IDMC estimates that as of 31 December 2011 'more than 95,000 people (more than 54,000 'old' and more than 41,000 'new' IDPs) remained in displacement in Sri Lanka as a result of the armed conflict that ended in May 2009 and more than 421,000 people (more than 201,000 "old" and more than 222,000 'new' IDPs) had returned'. The displaced population divided into two categories old and new displacement. 'New' IDPs are people displaced by the armed conflict in Sri Lanka between 1 April 2008 and June 2009. 'Old' IDPs are people displaced by the conflict before April 2008 (IDMC and NRC, 2011:14). As of November 9, 2010 the Government

of Sri Lanka had declared that there were only 17,183 IDPs remaining in the country, as compared to 280,000 at the end of the war in May 2009 (IDPs in Sri Lanka, 2010:2)

'The devastating tsunami that hit 14 of Sri Lanka's 25 districts on 26 December 2004, killed over 30,000 persons, destroyed 80,000 households and displaced one million people. The total number of people displaced by the tsunami was estimated to be around 553,000' (Global IDPs Database, 2005:6). It was noticed that tsunami affected IDPs population received international response more quickly than conflict affected IDPs. The UN agencies and other NGOs and national authorities assisted the internally displaced.

In Sri Lanka, there is no specific national legislation which address the rights of internally displaced. The situation is handled as ad hoc mechanisms, where no special authorities deal in the matter of IDPs. The protection of IDPS is done through some national legislation as for other citizen and specific international humanitarian law. There is no special legislation to capture the main protection and needs of internally displaced. The government of Sri Lanka recognised the late displacement in 2008 in Vanni which was controlled by the LTTE. However, the majority of IDPs from the North of the Sri Lanka were denied their freedom of movement by GoSL. If the affected population does not recognised the category of internally displaced, they are not entitled the special needs as provide for affected population. The new IDPs received food assistance from Government through the World Food Programme. However, the old were received rations from the state based cost in the 1990.

As per the Sri Lanka constitution of 1978 all citizens enjoy fundamentals rights. The constitution has a chapter of fundamental rights including right to equal protection, freedom of movement, freedom of expression, right to choose one's residence and freedom for cruel, inhuman treatment etc. These rights can be restricted in particular situations including in the interest of national security which stated in the Emergency Regulations in Sri Lanka. The freedom of torture are subject to restrictions based on national security. Emergency Regulation in Sri Lanka restricted the rights of citizens. The power of arrest expands to all citizens including internally displaced. While the freedom of thought and conscience are not including that period of emergency. Sri Lanka continues to be under emergency rule after the end of the war after one and half year.

Sri Lankan Government may create high security zones to restricted the movement of freedom of citizens. While these zones were challenged by social activists in 2007 Sampur high security zones. This case explained that how these zones restricted to return of IDPs. The government security force should allow and provide suitable atmosphere to return and resettle in their land. The IDPs and civilian were not exercise their fundament rights during the war as thread to their national security. The case also highlighted violation of fundament rights of internally displaced who wanted to return to their habitual place.

The Sri Lanka parliament has recognized the assistance and rights of affected population of tsunami of December, 2004. 'the National Policy of the State to ensure and grant adequate protection to those adversely affected as a result of the Tsunami that took place on December 26, 2004, which resulted in great loss to life and property of a large number of persons in Sri Lanka' (Tsunami Special Act , No 16 of 2005:1). The affected persons by the Tsunami enjoy certain rights and benefits. The children and young received care and protection. The affected population had protection of their rights. Sri Lanka Disaster Act, No13 of 2005 also established the National Council for Disaster Management, The Disaster Management Centre, The Appointment of Technical Advisory Committees, The preparation of Disaster, the award of compensation etc.

The Ministry of Resettlement and The Resettlement Authority work with UNDP to develop a resettlement policy but it was stopped in 2008. In addition, the Ministry of Disaster Management and Human Rights developed a Bill of Rights and a Human Rights Action Plan which was meant to set out targets and processes for addressing current human rights issues, including the IDP issue. The bill of Protection of Internally Displaced Persons 2007 which have following sections : 'Registration of Internally Displaced Persons, Food Relief, Shelter, Water and Sanitation, Health, Education, Right to participation and Freedom of Expression, Freedom of movement, Personal Documents of Internally Displaced Persons, Voting rights, Compensation for injuries, housing and property damages, Special provisions for the vulnerable groups, Welfare and protection mechanisms' (IDPs in Sri Lanka, 2010:7). However, the future is unclear of this bill. This bill was introduced prior to the visit of the UN Special Representative on IDPs, Walter Kalin to Sri Lanka in December 2007. It was a good starting point to discuss the rights of IDPs but no further steps have taken for this bill until.

There are many ministries in Sri Lanka that deal with the matter of IDPs. These are the Ministry of Resettlement, the Ministry of Disaster Management, the Ministry of Land and Land Development, the Ministry of Economic Development and the Ministry of Defence etc. Presidential Task force on Northern Development (PTF) Appointed by a presidential directive on May, 2009, to handle the resettlement, development and security in the Northern Province. PTF is mandated to prepare strategic plans, programmes and projects to resettle and rehabilitate IDPs, and develop economic and social infrastructure of the Northern Province. 'Shortly after the end of the conflict, the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF) announced a 180-day plan which included the intention to resettle 70% or more of the displaced population by the end of 2009' (Common Humanitarian Action Plan, 2010:1). Human Rights Commission of Sri Lanka has a special IDP Unit which deals with the specific problems of internally displaced including in assisting with documentation, IDP project and support the existing mechanisms. These all ministries also try to solve the problems of displaced population as return, resettle and reintegration.

The main question is how the return has been possible in Sri Lanka? In 2001, UNHCR and the Brooking Institute on Internal Displacement with Consortium of Humanitarian Agencies (CHA) in Sri Lanka began working together for durable solution for IDPs through a specialized training project. It targeted to benefit 800, 000 registered displaced population in Sri Lanka mainly located in North and East of the country. When Guiding Principles introduced in Sri Lanka in 2001, the main concern was security of displaced population and it differ from district to district. The Sri Lankan government established the Ministry of Rehabilitation, Resettlement and Refugees in December 2001 for better coordination among national authorities and UN agencies. UNHCR and the ministry developed a framework for Relief, Rehabilitation and Reconciliation to assist IDP resettlement and rehabilitate war affected communities. 'During 2002, the government launched a National Framework for Relief, Rehabilitation and Reconciliation and defined a joint strategy with the UN Country Team to meet the immediate needs of people returning to their home areas' (UNHCR, June 2003).

In Sri Lanka, the term 'resettlement' described all modes of movement from transit camps or places of temporary stay to original places of residence or different parts

of the country. Sri Lankan Government has played an important role in the resettlement. Thousands of Muslims and Sinhalese IDPs were provided land and housing in the North Western and North Central Provinces. However, they formerly lived in the North. The project staff visited and examined that government have provided land and housing, basic needs like electricity and water, road and other facilities at the settlement location. Of course, the doubt remained on the sustainability and long term environment impact on Sri Lanka. The government planned development project to fill the gap between host home community and IDPs.

In February 2002, then Prime Minister Ranil Wickremesinghe of Sri Lanka and LTTE signed a ceasefire agreement. The impact of this ceasefire was that LTTE controlled the northern Vanni region and rural areas in eastern Sri Lanka and Government of Sri Lanka (GoSL) controlled Jaffna, Trincomalee and Batticaloa. LTTE set up its own police, judiciary and bank and the GoSL provided most services in the LTTE-controlled areas. Soon after some time LTTE violated the ceasefire. In April 2003, the LTTE withdrew from the peace negotiations. The ceasefire collapsed in April 2006, when ethnic riots in Trincomalee broke out in Trincomalee (ibid). In September 2008, GoSL ordered to UN and international humanitarian organizations except International Committee of Red Cross to leave LTTE areas. In January 2009, Sri Lanka Army controlled of Kilinochchi - the administrative capital of LTTE since 1999.

UN Experience of cooperation and coordination with Government of Sri Lanka

The framework adopted stressed for the safe, timely and unimpeded access of humanitarian organizations and other relevant actors to assist IDPs to return, locally integrate or settle anywhere in the country. The UN called for US\$270 million in aid for Sri Lanka, but only \$96 million was raised. The Sri Lankan state provided \$4.8 million support to the UNHCR and ICRC regional programs, and \$600,000 separately for humanitarian de-mining in Mannar District by June 12, 2009. The UN Office for the Coordination of Humanitarian Assistance (OCHA) had been working in Sri Lanka since after the December 2004 Tsunami. OCHA established it seven field offices in the country to support coordination and information management. The Colombo office served as the secretariat to the UN Resident / Humanitarian Coordinator (RC/HC) and assisted the work of the Special Envoy for Tsunami Recovery in the country. In 2009, when military conflict ended OCHA restricted its operation areas in the North Province on early

recovery. OCHA also supported the Ministry of Disaster Management and Human Rights in disaster preparedness.

In October, 2010, a National Action Plan for the Reintegration of Ex-combatants, was developed and implemented by the Sri Lankan Ministry of Human Rights and Disaster Management in collaboration with the United Nations Development Programme and the International Labour Organisation. In July 2010, there were about twelve sites or Protective Accommodation and Rehabilitation Centres (PARC) in the Northern Province. The Human Rights Commission of Sri Lanka did not have access to the ex-combatants or separatee sites. The International Committee of the Red Cross (ICRC) did have some access to them until July 2009. The International Organisation for Migration (IOM) was carrying out a socio-economic profiling of separatees in the context of rehabilitation programmes. About one third of the separatees were participating in "rehabilitation" programmes included vocational training, secondary education and Buddhist meditation. IOM in 2009-2010 launched income-generating livelihood projects to support 10,788 families (approximately 43,150 individuals) returning to the northern and eastern districts of Jaffna, Mannar, Vavuniya, Killinochchi, Mullativu, Trincomalee and Batticaloa' (IOM, 2010:1).

In coordination with the Government IOM started implementing a resettlement programme to assist some 280,000 IDPs in 2009-2010 in Menik Farm displacement camp so as to help them to return to their habitual districts in the north and east of the country and rebuild their livelihood. About 464 households (1,856 individuals) in Jaffna, Mannar, Mullaitivu and Trincomalee districts received agriculture assistance (tools and technical training) to restart cultivation. 164 livestock farming households (656 individuals) in Trincomalee, Mannar and Jaffna received assistance through provision of poultry, cattle and goats and basic livestock management training. 226 inland and sea fishing families (904 individuals) also received assistance (boats and fishing gear) to resume activities in Trincomalee, Jaffna, Mannar Mullaitivu and Killinochchi districts. 388 returnees' households (1,552 individuals) received assistance to restart small scale medium enterprises (SME's) in Jaffna, Mullaitivu, Killinochchi & Trincomalee districts.

The World Food Programme was another agency that along with the Government provided ration to all registered IDPs. IDPs staying in camps received 450 grams of rice,

60 grams of lentils, 20 grams of oil, 20 grams of sugar and 5 grams of salt per person in daily food rations provided by the World Food Programme. In Menik Farm, more than 9,000 pregnant and lactating mothers, children younger than five and older people received supplementary food in April 2010. The same was the case for undernourished children in Jaffna district, including those staying in Ramavil camp (ibid). Life after return was also not so easy, for the first six months returnees received food rations distributed through Multi-Purpose Cooperative Societies (MPCS). All those who were unable to access food after that period, received ration for an additional three months.

In 2010, Sri Lanka made significant progress on release and return of IDPs from camps. However, at the same time, assistance continued to be provided for the 60,000 IDPs still in camps, as well as for the 68,000 accommodated with host families, most of whom had limited access to assistance and services (OCHA, 2010:1). The OCHA, citing government figures mentioned that as of December 2, 2010, a total of 325,820 persons (102,081 families) had been resettled in the Northern Province since August 2009 (Withana, 2011:52).

In 2010, the newly elected government declared development as its main priority. The Presidential Task Force for Resettlement, Development and Security in the Northern Province too on the main responsibilities for coordination and assistance for returnees. The second half of the 2010 thereafter focused on self reliance and on bringing the remaining IDPs back home. About an estimated 25,000 to 30,000 are left in camps. As result, the total funding requirement for 2010 was reduced to US\$ 287,799,870' from the previous estimate of \$337,688,785 (OCHA, 2010). The main reductions were in the areas of shelter and water, sanitation and hygiene (WASH) with significant adjustments also made to health, nutrition and economic recovery. In the first two weeks of March, 2010 about 6000 IDPs resettled in Kilinochchi and Mullaitivu districts. IDPs were given the option to return to their habitual place and relocate to the place of their choice. About 50 percent of the IDPs population living in the Puttalam District returned to their places while the rest of the IDPs remained there. As at 8th March 2010, number of IDPs who returned to the welfare centres was 24,292 (OCHA, 2010).

Around 95 percent of the families returned population received shelter grants and equipment for agriculture to restart their life again. It was expected that approximately

183,000 acres of land would be provided to cultivate for the 2010/11 season. The Bank of Ceylon provided an agriculture loan of 20,000 LKR under the Wadakkinn Wasantham Programme.. Under the 2010 plan of the PTF, targets such as permanent housing with water and sanitation and electricity for all returnee, repair of school, hospital and public building with staff, agriculture development, repair of roads, establish of banks, employment as fishing, agriculture cultivate, and cottage industries, public market and telecommunication services were set. By December 2010, an estimated 325,800 people, or 102,000 families, had returned to their places of origin (UNICEF, 2011).

In 2011, UNICEF in cooperation with Government of Sri Lanka and other UN agencies and NGOs responded to the requirements of about 362, 000 children and around 214,000 women, by ensuring potable water, sanitation and hygiene, quality basic education, health and nutrition and suitable environment for children to mitigate the effect of thirty years long civil war. In 2010, UNICEF estimated that US\$20,082,000 would be needed to fund its humanitarian work in Sri Lanka. As of October 2010, a total of US\$10,781,415 had been received, roughly 54 per cent.

In 2010, nutrition aid was provided by UNICEF through the nutrition rehabilitation programme in resettlement areas in the North. UNICEF supported and provided the construction and equipping of health facilities in Mallaitivu, Kilinochchi, Vavuniya, and Mannar districts. 21 nutrition rehabilitation centres in the IDPs areas managed by a public health midwife and a team of volunteers were funded by UNICEF. Children of IDPs also received therapeutic food or high-energy biscuits and ration of ready to use as per their nutrition status prior to their transit to their origin places. In addition to this, UNICEF also led WASH cluster ensured safe potable water and adequate sanitation and hygiene for 280,000 internally displaced people. UNICEF supported the supply of water, storage tanks and latrines, distribution of hygiene kits, care and maintenance of water pipeline system and promoted monthly hygiene activities for a safe and healthy environment for IDPs.

UNICEF also assisted the 'Department of Probation and Child Care Services' in aiding vulnerable children. There are many children and women who had separated from their families. In 2010, 483 institutionalized children were reunited with families and institutionalization was prevented in 1,145 cases through reunification packages,

livelihood and other support to family care. In addition, in 2010, all children formerly associated with armed forces of groups were released and reunified with their families or placed in interim care while awaiting family tracing (UNICEF, 2010:3). UNICEF also assisted IDPs in the education sector. The education cluster led by UNICEF distributed essential supplied learning kits and equipment for approximately 75,000 returnee and host schoolchildren in Northern Province as well as for the more than 5,000 students remaining in IDP camps.

By 2012, about 395,000 IDPs had returned to their homes and approximately 138,401 IDPs remained in the camps or with host communities (UNHCR, 2012). UNHCR led the cluster in protection, shelter and non food items in the Sri Lanka. The UN agencies had access to all return areas in the North. The main priority was to provide protection and fulfil the humanitarian needs of IDPs. 17.7 million in 2012 (UNHCR, 2012). At present there are about 6130 IDPs in Menik Farm camp compared to 280, 000 IDPs. More than 86,300 returnee families have been registered or received the shelter cash grant in the North since October 2009. Some 160,500 NFI kits have been distributed to IDP and refugee returnees in the north and east since August 2009. The joint India-UNHCR Bicycle distribution project distributed some 10, 000 bicycles to most vulnerable return IDPs, staying with host families in the North.

As conflict ended the affected population needed emergency health care for those who returned or resettled or chose to live with host communities. In Sri Lanka 2010 - Common Humanitarian Action Plan, WHO increase access for IDPs, resettled population and host communities to preventive, curative and rehabilitative services including maternal and child health, reproductive and emergency health care, treatment for non communicable diseases, mental health and psycho-social support services. The agency also provided short-term disease surveillance mechanisms and prevention and control of disease outbreaks amongst IDPs, resettled population and host communities. It provided quality physical rehabilitation services for people with injuries/disabilities in resettlement areas. During 2009, Ministry of Healthcare and Nutrition improved the planning and coordination among health partners for health service. The World Health Organization provided essential health services to IDPs, helped build capacity of emergency health services, train health workers, better service for pregnant women. provide maternity and

emergency health kits. The displacement affected the mental health of the affected population, so psychological support was provided.

The Effects on Sri Lankan Displaced Population

It is very early to examine the impact on Internally Displaced Persons. However, they have steady improvement in the situation of internally displaced years after end of conflict. 'By the end of August 2011, the majority of IDPS some 395,00 had returned to their homes' (UNHCR, 2012). It means that the policy of employment and economic opportunities needs to be developed to mitigate the effects of poverty. Security of IDPs who have returned to their places needs to improve to help them to restart their normal life. The Sri Lankan Government also needs to provide health and education services of a comparable quality as the non IDPs population. The Government also needs to pay more attention to return and resettle of remaining IDPs. 'About 138, 401 IDPs are still estimated to be in Sri Lanka' (UNHCR, 2012). About 110,000 persons still live with host families or in camps and several thousand are not able to return because their home areas have not been determined. The Government has still not granted international agencies access to several areas (Human Rights Watch January, 2012:1). The problems are not over for former IDPs. There are enormous shortfalls in providing sufficient services to those who have returned. The return could not be possible because the areas where the displaced are to return, is still occupied by the Sri Lankan army and the police who claim that the return of thousands of internally displaced cannot take place due to security concerns. Mannar and Jaffna districts are most affected by this problem (The Refugee Council, 2003:35).

Chapter V

Conclusion

The research intended to understand international organizations primarily the United Nations framework designed to provide assistance in the form of emergency relief, rehabilitation and repatriation to internally displaced persons. The study examined the structural framework established and the work undertaken by the United Nations system in collaboration with national governments and other international organizations for helping out internally displaced persons.

Internal displacement as the physical movement of persons within the national territory is neither new nor a special phenomenon. Whenever threats endanger people's life, they search for safer areas until the situation normalises. The responsibility for looking after internally displaced persons rests primarily with national authorities. However, if they are unwilling or unable, they can ask the assistance of international organisations. At the international level, it has been non-governmental organizations that were the first to take on the matter for consideration. After an initial count of the internally displaced in 1982, an international conference on the 'Plight of Refugees, Returnees and Displaced Persons in Southern Africa' (SARRED), was held at Oslo in August 1988. This became the basis for the United Nations to become more involved in the subject matter of the internally displaced. By the late 1980s and early 1990s, the UN had devised a mechanism for assisting this special category of persons.

The first major step was taken in 1992, when the UN Secretary General Boutros Boutros-Ghal appointed Francis Deng as the Special Representative of UN Secretary-General on Internally Displaced Persons at the request of the Commission on Human Rights (Resolution 1992/73). In his report, Special Representative Deng developed a mechanism to assist and protect IDPs. Through his dialogues with governments, he arrived at the conclusion that the sovereign function of states included the responsibility to protect and assist internally displaced. In this context he suggested three options: (i) create a new agency, (ii) to allocate responsibility to an existing agency and (iii) to develop collaboration among relevant agencies to assist IDPs. The UN chose to go in for the third option.

The UN has established agencies like: the Inter Agency Standing Committee, Office for the Coordination of Humanitarian Affairs (Previously known as the Department for Humanitarian Affairs -DHA), Internal Displacement Monitoring Centre, Senior Inter – Agency Network on Internal Displacement, UN Secretary-General Special Rapporteur on the Human Rights of Internally Displaced Persons, Emergency Relief Coordinator, and Resident Coordinator / Humanitarian Coordinator. The principal organs of the United Nations such as the General Assembly, Security Council, Economic and Social Council and subsidiary organs such as United Nations Human Rights Commission have passed many resolutions regarding internal displacement. The resolutions have sought to address various aspects and problems faced by internally displaced persons. The United Nations High Commissioner for Refugees in this context, the principal agency looking after matters of refugee protection has also expanded its mandate to include matters related to IDPs.

In 1998, a turning point was reached with the submission of the Report of the Representative of the Secretary-General, Francis M. Deng, that came to be known as the Guiding Principles on Internal Displacement (GPID). The GPID (See annexure 1) have provided a definition of Internally Displaced Persons which is widely used by international organisations, states, NGOs, and civil society. The GPID have also provided the normative framework for IDPs. The guiding principles are more like directives for helping agencies and state deal with issues of IDPs during all phases of displacement - prior to displacement, during and after the displacement. However, the GPID are non-binding on states, though it is another matter that they are widely used by the countries which were affected by the internal displacement. The affected states incorporate the GDIP into their legislation and monitor the progress as per the related laws of internal displacement. States like Liberia, Peru, Uganda, Angola, Iraq, Georgia, Pakistan, Zambia and many more have incorporated GDIP into their national legislations, The *African Charter on the Rights and Welfare of the Child* incorporates family reunification as an ideal. The GDIP 17 dealing family reunification which focuses on the respect of family life have been recognised by many states that are silent on other principles. GDIP have GDIP translated into 36 national language including the six official UN languages.

Whenever emergency (civil war or natural disaster) happens, UN agencies provide humanitarian aid to IDPs as per the request of the affected states and in some situations with just a UN resolution calling for such intervention in the affected states. The UN broadly advocates the cluster approach which operates on the premise of inter-agency cooperation. In 2011, IASC implemented the cluster approach in 28 protection sites on the field' (UNHCR- 2011:2). Providing emergency aid in the UN experience has been much more easier than making available assistance for durable solutions. This is so, because emergency aid for natural disasters is seen as being less political than long-term aid , which is dependent on the political-will of the assisting country/agency. The fact that there are no special UN agencies has not deterred the UN from working out a mechanism dealing with IDPs. The UN built on the existing mechanisms that were there for refugee protection to mitigate the effects of disaster or conflict. In 1971, the Office of the United Nations Disaster Relief Coordinator (UNDRO) was established to coordinate between UN agencies and other humanitarian service providers through formalised agreements. In 1992, UNDRO was replaced by the Department of Humanitarian Affairs (DHA) that was established to help in emergency situations. DHA was transformed into the Office for the Coordination of Humanitarian Affairs in 1998.

At present, the structure as it exists consists of the Inter Agency Standing Committee chaired by Emergency Relief Coordinator and Office for the Coordination of Humanitarian Affairs as its lead agency. Inter-Agency Standing Committee members are the executive heads of the United Nations Development Programme, United Nations High Commissioner for Refugees, Food and Agriculture Organization, World Health Organisation, World Food Programme, Office for the Coordination of Humanitarian Affairs, United Nations Children Fund and United Nations Human Settlements Programme and standing invitees (other agencies and NGOs) are also part of the Inter Agency Standing Committee. Inter Agency Standing Committee provides a forum for coordination, policy development and decision making involving key UN and non-UN humanitarian partners for under the leadership of the Emergency Relief Coordinator. Inter Agency Standing Committee functions through the cluster approach, an approach where each special agency has its own specialised sector to act, and they all work together towards the same goal.

The main part of the effort made by UN agencies involves giving relief and protection to IDPs in the aftermath of natural disasters or in the course of severe conflict. As a consequence, the most visible part of the intervention undertaken by the UN relates to the establishment of camps for displaced populations. However, much depends on whether they receive the support of the home government. Sometimes camps are not established because governments have not allowed access to UN and other international agencies. There are also cases where some persons are not counted by any agency, or where the agencies are unaware about their number and conditions. This contributes to operations being limited.

Rehabilitation and resettlement have been identified as the durable solution to the problems of internally displaced. The GDIP article 28 to 30 and Section V deals with return, resettlement and reintegration of IDPs. "Operational Guidelines on Human Rights and Natural Disasters" prioritize the return of persons. However, it is very difficult for humanitarian organizations to create conditions that encourage people to leave camps and resettle or return to their homes. Some who have wanted to return to their villages have been deterred by the lack of economic activity there, and chosen to remain in or near urban areas, where they might have access to temporary employment and to humanitarian aid. Where larger numbers of IDPs seek a durable solution in a particular area this has an impact on the local environment and natural resource base. Durable solutions can be negatively affected by environmental degradation and resource depletion leading to a crisis in long-term viability or creating a potential cause of conflict between IDPs and host communities. Durable solutions planning needs to therefore focus on the sound management of natural resources and sustainable livelihoods.

IDPs may remain in protracted displacement where return is not possible or not desired, and where other solutions have not succeeded or have been ignored. Protracted IDP situations tend to be highly politicized: in some instances a government may highlight the presence of IDPs to press for funding or political advantage, while in others it may deny their existence to minimize attention domestically and internationally. Concerted advocacy by key actors is often essential to overcoming political obstacles and to building normative understanding and support for solutions. During emergencies the number and quality of required staff, recruitment, policies, training within organisations were identified as limiting factors. Overlapping jurisdiction in the many sectors like sanitation,

shelter, camp management was also common. For example, sometimes camp management was dealt by United Nations High Commissioner for Refugees and International Organization for Migration and sanitation and water, handled by WASH and United Nations High Commissioner for Refugees.

In conclusion, it can be stated that as long as internal displacement exists, so will the work of UN humanitarian agencies exist. The need for lead and special organisation should be encouraged. The Inter Agency Standing Committee could not take the opportunity to call agencies for humanitarian actions, however the operation's success and failure are dependent on a number of factors such as the willingness of host governments, the personal and diplomatic capacities of RC/HC etc. It can be stated based on the above research that cooperation and coordination among UN agencies ought to be developed to avoid duplication and overlapping in policies and sectors. A field test of a period of time will be ensured till the affected IDPs resume their normal life as other non affected population. Displacement is an incident, but people should not be displaced by fear of their life.

Annex

Economic and Social Council

E/CN.4/1998/53/Add.2

11 February 1998

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

INTRODUCTION: SCOPE AND PURPOSE

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to: (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate; (b) States when faced with the phenomenon of internal displacement; (c) All other authorities, groups and persons in their relations with internally displaced persons; and (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

SECTION I - GENERAL PRINCIPLES

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.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

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.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

SECTION II - PRINCIPLES RELATING TO PROTECTION FROM 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.

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.

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.

3. Displacement shall last no longer than required by the circumstances.

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.

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

(a) A specific decision shall be taken by a State authority empowered by law to order such measures;

(b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;

(c) The free and informed consent of those to be displaced shall be sought;

(d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;

(e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and

(f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

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.

SECTION III - PRINCIPLES RELATING TO PROTECTION DURING DISPLACEMENT

Principle 10

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.

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.

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.

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.

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.

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.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour 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.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

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 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.

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 counselling 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.

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.

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.

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.

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.

Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
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.

SECTION IV - PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

SECTION V - PRINCIPLES RELATING TO RETURN, RESETTLEMENT AND REINTEGRATION

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.

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.

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.

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.

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.

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