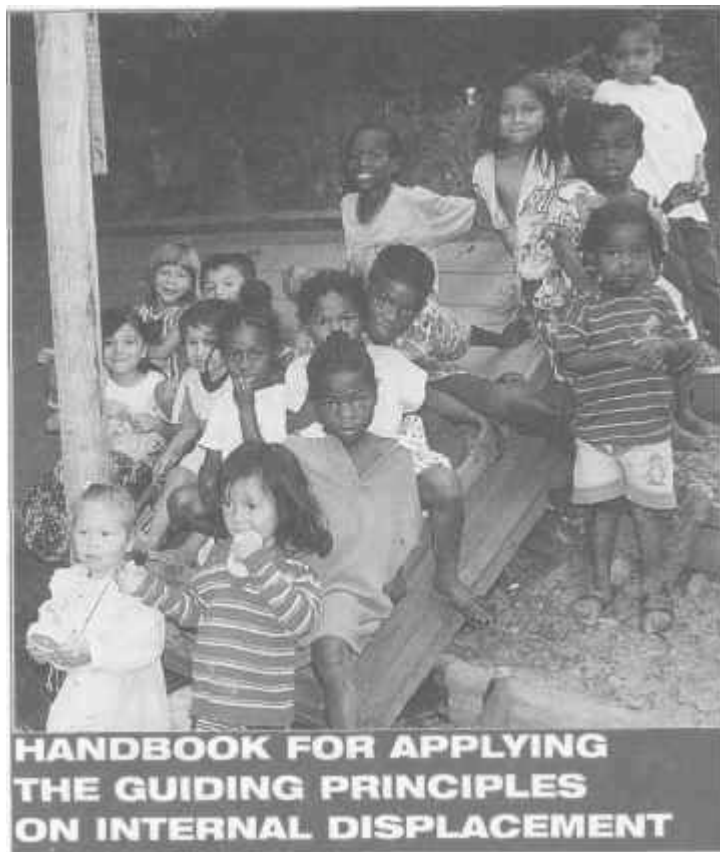




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HANDBOOK FOR APPLYING THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT



**The Brookings Institution
Project on Internal Displacement**

1999

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FOREWORD

Protecting persons forcibly uprooted within their own countries by violent conflicts, gross violations of human rights, and other traumatic events is one of the most daunting challenges of our time. Whether the victims are forced into camps, choose to hide, or merge into communities, they tend to be among the most desperate of populations at risk. Internal displacement nearly always has a devastating impact on families and societies and often affects surrounding countries as well. Above all, it denies innocent persons access to food, shelter, and medicine and exposes them to all manner of violence.

In 1998, I introduced *Guiding Principles on Internal Displacement* into the United Nations to draw international attention to the needs of internally displaced persons and to enhance protection for them. Developed by a team of international legal experts, in collaboration with international agencies and nongovernmental organizations [NGOs], the thirty principles set forth the rights of internally displaced persons and the obligations of governments, nonstate actors and international organizations toward these populations.

Although the *Guiding Principles* themselves are not a binding legal document comparable to a treaty, they are based on and consistent with international human rights law, humanitarian law, and refugee law by analogy. Their acknowledgment in resolutions of the UN Commission on Human Rights and Economic and Social Council underscores the moral authority they have begun to command. In his report to ECOSOC in 1998, the Secretary-General listed them as one of the notable achievements in the humanitarian area for that year. The Inter-Agency Standing Committee has called upon its member agencies to share them with their executive boards and staff and to

apply them in their activities in the field. Regional organizations in Africa, the Americas, and Europe have taken note of them as well and are disseminating them to their staff.

It is encouraging that in a relatively short period of time, international organizations, regional bodies and NGOs have begun to disseminate the principles and use them as an advocacy tool in the field. To assist them in this task, the Brookings Institution's Project on Internal Displacement commissioned Susan Forbes Martin to prepare a handbook that would spell out the meaning of the principles in nontechnical language and facilitate their practical application. Indeed, many international organizations and local and international NGOs had requested my office to develop such a handbook so that the *Guiding Principles* would be more readily understandable to field staff and displaced populations.

The *Handbook for Applying the Guiding Principles on Internal Displacement* was reviewed by UN agencies and NGOs at a meeting at the UN in April 1999. It was decided that the UN would publish and disseminate it together with the *Manual on Field Practice in Internal Displacement*. The two volumes complement one another and together provide a sound basis for undertaking protection and assistance activities on behalf of internally displaced persons.

It is my hope that this *Handbook* will be widely used by field staff working with internally displaced populations. It can raise awareness to the needs of the internally displaced, measure conditions on the ground, train staff in working with the displaced, and promote compliance by governments and nonstate actors with the provisions of the *Guiding Principles*. It also can help displaced communities better understand their rights and the responsibilities of governments and non-state actors toward them.

For making this handbook possible, the Brookings Project is most grateful to the John D. and Catherine T. MacArthur Foundation, the McKnight Foundation, and the Governments of the Netherlands, Norway, and Sweden.

Francis M. Deng
Representative of the Secretary-General
on Internally Displaced Persons

INTRODUCTION

The global crisis of internal displacement requires concerted effort on the part of governments, international organizations, nongovernmental organizations [NGOs] and other actors to address the specific needs of the more than 20 million persons who are forcibly displaced within their own countries. In order to provide a legal framework as a basis for action on behalf of the displaced, in 1998 the Representative of the United Nations Secretary-General on Internally Displaced Persons, Francis M. Deng, presented *Guiding Principles on Internal Displacement* to the UN Commission on Human Rights. Developed at the request of the Commission and the General Assembly, they set forth international standards for internally displaced persons based on and consistent with existing humanitarian law, human rights law, and refugee law by analogy.

The *Guiding Principles* are relevant to the work of national authorities, nonstate actors, international agencies, and NGOs. They point out that people have the right to be protected against arbitrary displacement, have rights to reside in safety and dignity during displacement, and have the right to safe return or resettlement and reintegration.

The principles were developed, under the direction of the Representative, by a team of international legal experts in collaboration with international organizations, regional bodies, and NGOs. The team first examined the extent to which existing international law provides coverage for internally displaced persons. While finding much that is applicable in the law to the protection of the internally displaced, the team also identified significant areas in which existing law fails to provide an adequate basis for their protection and assistance. The *Guiding Principles* hence restate existing norms but also seek to clarify the grey areas and fill gaps identified in the law.

Although not binding like a treaty, the *Guiding Principles* have gained international standing and authority. In 1998, the Commission on Human Rights and the Economic and Social Council took note of the *Guiding Principles* and of the stated intention of the Representative to use them in his work. Earlier that year, the U.N. Inter-Agency Standing Committee—composed of the heads of the principal international humanitarian, human rights, and development agencies—welcomed the *Guiding Principles* and encouraged its members to share them with their executive boards and staff and to apply them in their activities on behalf of the internally displaced. Also, the Inter-American Commission on Human Rights of the Organization of American States welcomed and expressed support for the *Guiding Principles*, the Commission on Refugees of the Organization of African Unity took note of them with interest and appreciation, and the Organization for Security and Cooperation in Europe disseminated them to its field staff.

This *Handbook* was prepared to provide practical guidance to field staff on how to implement the *Guiding Principles*. It explains the *Guiding Principles*, beginning with general principles and then identifying which principles apply to specific needs that arise in the field. Drawing on the *Manual on Field Practice in Internal Displacement*, published as a companion to this volume, the *Handbook* provides examples of practical actions that field staff can take on behalf of internally displaced persons. These range from advocacy to concrete programmatic strategies for increasing protection and ensuring effective and appropriate assistance. Field practices undertaken in specific countries are described in the accompanying volume.

The author of the *Handbook* is Susan Forbes Martin, Director of the Institute for the Study of International Migration at Georgetown University and author of UNHCR's *Guidelines for the Protection of Refugee Women*. The author appreciates the constructive comments

received during a meeting of representatives of U.N. and nongovernmental agencies to review the contents of the *Handbook*. Special thanks for their advice and guidance go to Roberta Cohen, Co-director of the Brookings Institution Project on Internal Displacement, and Walter Kalin, Professor of Law at the University of Bern and chair of the team of international legal experts who helped formulate the *Guiding Principles*.

WHAT IS INTERNAL DISPLACEMENT?

The distinctive feature of internal displacement is coerced or involuntary movement that takes place within national borders. The reasons for flight may vary and include armed conflict, situations of generalized violence, violations of human rights, and natural or human-made disasters.

Persons who move from one place to another *voluntarily* for economic, social, or cultural reasons do not fit the description of internally displaced persons to whom the *Guiding Principles* apply. By contrast, those who are forced to leave their home areas or have to flee because of conflict, human rights violations, and other natural or human-made disasters do fit the description of the internally displaced. In some cases, internal displacement may be caused by a combination of coercive and economic factors. For example, ethnic or religious minorities may be the target of repressive government policies that thwart economic development in their traditional areas. Persons who feel forced to move in response to systematic violations of their human rights fit the description of internally displaced persons.

Being internally displaced, however, is *not* a legal status. The *Guiding Principles* offer a descriptive identification of the internally displaced [see below]; they do not confer a special legal status on those displaced. Unlike refugees, the internally displaced have not left the country whose citizens they normally are. As such, they remain entitled to the same rights that all other persons in their country enjoy. They do, however, have special *needs* by virtue of their displacement. It is for this reason that the *Guiding Principles* spell out how the law should be interpreted and applied to them.

Situations of internal displacement frequently raise human rights issues and may sometimes be related to matters of international peace and security. For these reasons, the international community has an interest in situations of internal displacement, particularly where they involve mass coerced movements and where the causes of displacement include armed conflict, generalized violence, and violations of human rights. This does not mean that all situations of internal displacement require international attention. If the needs of the internally displaced are met effectively by their governments, the international community need not become involved unless the government itself requests assistance.

***Internally displaced persons
are persons or groups of persons
who have been forced or obliged
to flee or 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.***

Introduction to the *Guiding Principles*

What You Can Do

Field staff of development, human rights and humanitarian agencies can promote the *Guiding Principles*. In coordination with agencies with designated responsibilities, field staff can:

- *Disseminate the Guiding Principles* and information about the *Guiding Principles*, especially in languages used by the internally displaced and relevant authorities.
- *Advocate* widely for the application of the *Guiding Principles*.
- *Support training on the Guiding Principles* and on international humanitarian and human rights law for staff, for the displaced themselves, and for relevant authorities and partner organizations.
- *Monitor and disseminate information on compliance* with the *Guiding Principles*.
- *Support data gathering* that provides accurate information on the numbers of internally displaced persons and their condition, taking due note of requirements for security, protection, and privacy.
- *Promote, participate in, and support inter-agency coordination* focused on the internally displaced, ensuring that local organizations—including organizations of the displaced themselves—are partners in such coordinated efforts.
- *Ensure that program interventions are based on a sound understanding* of the *Guiding Principles* and international humanitarian and human rights laws.
- *Design "rights-based" programs* that focus on the displaced as possessors of rights rather than as victims.
- *Plan program activities* to ensure that benefits reach internally displaced persons equally with other persons in the country.
- *Ensure that programs do not, intentionally or unintentionally, restrict the rights* of internally displaced persons under international law, including the right to seek asylum.
- *Take into account, in program design, "special needs" groups* within the displaced population whose rights might be subject to abuse.

- *Advocate vigorously* with national authorities to insure that they accept their responsibilities regarding the internally displaced.
- *Support through training* and other support, efforts by national authorities to accept responsibility for internally displaced persons.
- *Facilitate channels for internally displaced individuals, families, communities and leaders to approach national authorities to seek protection and assistance.*

Adapted from *Manual on Field Practice in Internal Displacement*

GENERAL PRINCIPLES

Four general principles underpin protection and assistance for internally displaced persons. The guidelines discussed in the rest of this *Handbook* reflect these general principles:

EQUAL RIGHTS AND EQUAL OBLIGATIONS

Internally displaced persons differ from other persons *only* with respect to their forced displacement. They have the same rights and responsibilities as all other persons in their country. Domestic and international law apply equally to internally displaced persons and to those who do not leave their homes. Governments may not discriminate against internally displaced persons because of their displacement. Neither can internally displaced persons violate international and domestic law with impunity. In particular, the *Guiding Principles* emphasize that internally displaced persons are subject—as are all persons—to individual criminal responsibility for genocide, crimes against humanity, and war crimes.

These principles apply to *all* internally displaced persons regardless of their race, religion, political opinion, ethnic origin, nationality, age, sex, or other such characteristics. The *Guiding Principles* emphasize nondiscrimination because many internally displaced persons have been forced to flee because they are minorities or have racial, religious, or other characteristics that make them vulnerable to discriminatory practices. Humanitarian organizations that act in favor of internally displaced persons are also bound by the principle of nondiscrimination.

Equality of treatment for all internally displaced persons is consistent with special attention to potentially vulnerable groups. The *Guiding Principles* reference four specific groups that require special attention because they are particularly at risk of human rights violations, physical attacks, and other protection problems: children, especially unaccompanied minors; women, especially expectant mothers, mothers with young children, and female heads of households; persons with disabilities; and elderly persons. Members of these groups also may require more or different assistance because of their age, physical condition, or responsibilities for other family members.

UNIVERSAL APPLICATION

The *Guiding Principles* are universally applicable because they are grounded in existing international law. They restate and elaborate established norms of customary international law, international humanitarian law, and international human rights law—all of which have binding force in themselves. All international organizations, government authorities, insurgent groups, nongovernmental organizations, and other institutions that come in contact with internally displaced persons should respect these principles as should the internally displaced themselves. Observance of the *Guiding Principles* does not affect—positively or negatively—the status of any of these institutions or persons. For example, an insurgent group's adherence to these principles will not, in and of itself, offer political legitimacy to its activities.

***These Principles,
which are based upon
existing international
humanitarian law
and human rights instruments,
are to serve as
an international standard
to guide governments
as well as international
humanitarian and development agencies
in providing assistance and protection to IDPs.***

Sergio Vieira de Mello,
Under-Secretary-General for Humanitarian Affairs,
Foreword to the *Guiding Principles*

The *Guiding Principles* do not replace international human rights or international humanitarian law; rather, they are drawn from these laws. Nor can they serve as a pretext for restricting, modifying, or impairing rights under domestic law. If a country provides more rights to its nationals than under international law, the government cannot renege on its commitments to internally displaced persons by citing the principles encompassed in this document

RIGHT TO SEEK AND ENJOY ASYLUM

The *Guiding Principles* emphasize that internally displaced persons continue to have the right to seek and enjoy asylum in other countries. Countries of origin that restrict or block the movements of nationals who seek to leave are not in compliance with these principles even if they observe all other elements. Countries in which people seek asylum cannot use the *Guiding Principles* as justification for restricting access to asylum procedures or refusing to grant

refugee status. The fact that humanitarian assistance is provided to internally displaced persons in a given country does not mean that nationals of that country cannot be eligible for refugee status.

***Everyone has the right to seek
and to enjoy in other countries
asylum from persecution.***

Universal Declaration of Human Rights

Article 14

SOVEREIGNTY MEANS RESPONSIBILITY

Sovereignty means responsibility towards those who are within one's territory. Primary responsibility for promoting the security, welfare, and liberty of people rests with the state. These responsibilities are articulated in international law, particularly in international human rights and humanitarian law. No state claiming legitimacy can justifiably quarrel with the commitment to protect all of its citizens against human rights abuses. Effective sovereignty implies a system of law and order that is responsive to the needs of the population.

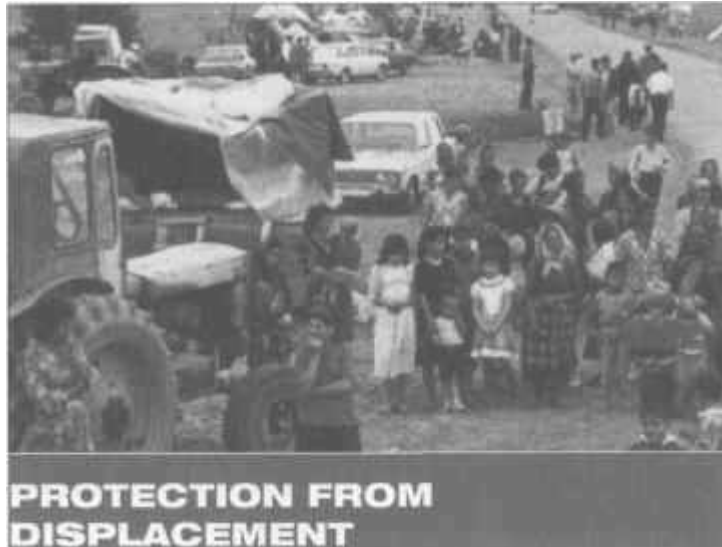
Rather than undermine sovereignty, as some might fear, these *Guiding Principles* reinforce the duty and responsibility of national authorities to protect and assist their population. Governments cannot escape their responsibility merely because a portion of their population is displaced. Internally displaced persons have the right to request and receive protection and assistance from their own national authorities. The *Guiding Principles* emphasize that they should not be persecuted or punished for exercising their rights to protection and assistance.

What You Can Do

Field staff are often the first to observe violations of the rights and responsibilities outlined in the *Guiding Principles*. Among the steps that field staff can take, in coordination with agencies with designated responsibilities, are:

- *Confirm the facts* to document that the violations have indeed taken place.
- *Report the facts*, with as many details as possible, to your headquarters and the international organizations specifically mandated to protect internally displaced persons, if these agencies are present.
- *Determine, in consultation with headquarters, who else to inform*, for example, other field organizations, international organizations, donor governments, legal rights groups, community leaders, and journalists.
- *Consider joint activities with other organizations*, when possible, to maximize the effectiveness of actions taken to redress violations of the rights of internally displaced persons. In particular, consult with international organizations specifically mandated to protect internally displaced persons.
- *Develop options*, in consultation with headquarters, including private communications to the offending parties, formal representations to national authorities, public statements of concern, legal aid to internally displaced persons who are victims of rights violations, and other activities designed to protect the rights of internally displaced persons.
- *Assess the effects* of each option, including the likeliness of success in reversing the violations, the ability to carry out core program activities, the ability to maintain a presence in areas with internally displaced persons, the safety of staff, and other similar considerations.
- *Adopt and implement a strategy*, in consultation with headquarters, based on the assessment of the advantages and disadvantages of the options.
- *Monitor the effectiveness* of the activities undertaken, consulting with headquarters to make changes to increase the likelihood of success.

Adapted from *Manual on Field Practice in Internal Displacement*



Guiding Principles 5 through 9 offer a framework for the protection of persons from involuntary displacement. Grounded in international human rights and humanitarian law, these principles affirm the right of individuals to be protected against arbitrary displacement and the responsibility of governments and other authorities to prevent such displacement. They also spell out procedures to be followed to minimize the adverse effects of displacement when such movements take place.

PREVENTION OF DISPLACEMENT

"An ounce of prevention is worth a pound of cure." The most effective way to address internal displacement is to avoid conditions that might compel people to leave their homes against their will. When governments and other institutions respect human rights and humanitarian law, the likelihood of internal displacement is greatly reduced.

Prohibition Against Arbitrary Displacement

Protection against arbitrary displacement is a fundamental human right. Arbitrary displacement robs people of the choice of where to reside. It also deprives them of the right to freedom of movement by compelling them to leave their homes.

***Everyone has the right to freedom
of movement and residence
within the borders of each state.***

Universal Declaration of Human Rights

Article 13(1)

Displacement is prohibited, no matter what the circumstances, when it seeks to alter the ethnic, religious, or racial composition of particular areas. This absolute prohibition applies to *ethnic cleansing*, *apartheid*, and forcible displacement used as a *collective punishment*. Although protection against other forms of displacement is not absolute, states violate their obligations if they displace persons arbitrarily, that is, without compelling reasons strictly required to protect national security, public order, public health or similar public interests.

Protection against arbitrary displacement exists in times of *war*. As a general rule, warring parties are prohibited from forcing civilians to move unless they can demonstrate that the security of the affected population or imperative military reasons so demand. As displacement is the exception and not the rule in combat, the burden is on the warring party to make the case that population movements are justified.

***The displacement of the civilian population
shall not be ordered for reasons related to the conflict
unless the security of the civilians involved
or imperative military reasons so demand.***

Geneva Conventions

1949 Protocol II, Article 17

Natural and man-made *disasters*, such as drought and famine, may not be used as pretexts for the arbitrary relocation of ethnic or religious minorities and political opponents. Displacement caused by large-scale *development projects*, such as dams or building schemes, can be considered arbitrary if they cannot be justified by overriding public interest. Even where such public interest is established, those displaced by development projects should be consulted and compensated. The displacements must occur in a manner that does not violate other human rights and that minimize the adverse effects of displacement.

The *Guiding Principles* further emphasize that if displacement occurs, it should be temporary. Displacement should last no longer than required by the compelling circumstances that legitimize the movements. This means that solutions to displacement should be explored and implemented as soon as possible. Once civilians can return safely and in dignity, displacement should end.

Identifying Alternatives to Displacement

In some situations—for example, during armed conflict—moving people from their homes may be the best and most humane way to safeguard their physical integrity. Wherever possible, however, alternatives to displacement should be explored to ensure that displacement occurs only as a last resort. The *Guiding Principles* reinforce the responsibility of authorities to ensure that all feasible

alternatives are explored to avoid displacement when possible. For example, would a dam be as effective if placed in a less inhabited location that requires few relocations? Would establishing a safe corridor to permit the delivery of food to communities cut off by conflict make it unnecessary for the towns' inhabitants to move to relief centers? Or, would both sides to a conflict recognize and refrain from attacking and forcing the displacement of "communities of peace" that pledge they will not cooperate with either side? These and other alternatives to displacement have been tried in many places. Their success underscores that displacement can often be avoided.

Consultation with the Affected Parties

One of the best ways to protect people from arbitrary displacement is to involve them in the decisions about their future. Sometimes, consultations with the populations to be displaced will identify some possible alternatives to displacement. The local population is often better informed about the options than the national authorities. Other times, consultations will make clear that there are no alternatives. Often, people will move voluntarily if they understand the reasons that the movement is necessary and feel they have taken part in the decision. They may also have good ideas about where they should relocate. For example, members of the community who have already moved to other areas of the country may be able to help the newer displaced population to integrate into the new surroundings.

What You Can Do

Field staff are often the first to observe signs of arbitrary displacement. In coordination with agencies with designated responsibilities, field staff can:

- *Collect accurate data* on the populations and conditions in communities at risk of displacement and on the factors impelling displacement.
- *Establish "early warning" systems* that alert communities, authorities, and organizations to the risk of displacement.
- *Suggest alternatives to displacement*, through studies, analyses, and discussions with community leaders and authorities.
- *Identify groups with special needs* among populations at risk or communities with a special dependency on or attachment to their lands and target assistance or protection to those groups.
- *Advocate* among the displaced and with authorities, donors, international organizations, and others for the rights of communities at risk of displacement.
- *Open channels of communication* between displaced communities and national or local authorities who may be able to prevent displacement or ensure that it is accomplished with respect for the rights of the displaced.
- *Establish a presence* in communities threatened with displacement to reduce the risk of displacement.
- *Preposition staff, transport, shelter materials*, and other supplies that may be necessary if displacement appears inevitable.
- *Ascertain optimal locations* where communities can settle during the period of displacement, taking into account their need for protection and basic services during the period of displacement, and prepare those sites.
- *Conduct studies on the potential environmental impact* of displacement, when necessary, and seek ways to minimize damage.

Adapted from *Manual on Field Practice in Internal Displacement*

MINIMIZING DISPLACEMENT AND ITS ADVERSE EFFECTS

If no appropriate alternatives to population movement can be found, all efforts should be made to minimize the extent of displacement and to ensure that movements occur in as satisfactory a manner as possible. The *Guiding Principles* state clearly that displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected. Authorities must ensure that proper accommodations are provided and displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and family unity.

En Route

The adverse effects of displacement can be reduced by carrying out the actual movements under conditions that maximize the safety and well-being of the displaced population, with due regard to women, children, the elderly, disabled, and others who may have special needs en route. The adverse effects also will be minimized by ensuring that family members are not separated during the movements and that accommodations along the way meet basic health and safety standards.

Relocation Sites

Choice of relocation sites also will help protect rights and minimize disruption. For example, choosing relocation sites that are as close to the home community as possible will reduce the travel needed, maintain residence in familiar surroundings, and facilitate return when it becomes possible. Further, relocation sites should permit the displaced population to resume normal economic, social, and other activities as quickly as possible.

People in communities in which displaced persons find themselves are key actors in minimizing the effects of displacement. Efforts should be made to ensure that the needs and interests of host communities are taken into account in programs for protection, assistance, and solutions. Adverse effects also may be reduced by helping displaced persons retain their social and community ties. Finally, choosing relocation sites with adequate accommodations, food supplies, sanitation, health, and other conditions conducive to smooth relocation will minimize harm from displacement.

Planning

To the extent possible, displacements should not take place without careful planning. Even in the case of an emergency, prior contingency planning will permit careful consideration of all factors when a crisis develops. As discussed above, the authorities should involve the persons to be displaced in the decisionmaking process as well as in the planning and management for the actual movements. Local community leaders and formal governing institutions should be encouraged to develop plans with community members. To the extent possible, the community planners should receive assistance to visit possible relocation sites and assess the route to be taken to the preferred locations. These visits will facilitate planning by informing community members of problems they are likely to face as well as opportunities that await them. They will also enable more informed consultation with the affected populations.

Specific efforts should be made to involve women in these processes. Women's participation in planning efforts will help ensure not only their own safety and well-being, but increases the likelihood that issues pertaining to the broader family—for example, the safety and education of children or the availability of food and cooking supplies—will get needed attention.

Minimizing the Adverse Effects of Displacement: Planning Checklist

- ✓ Have all alternatives to displacement been considered?
- ✓ Has consultation taken place with the affected population, especially women?
- ✓ Have members of the displaced community visited proposed relocation sites?
- ✓ Have the protection and assistance needs while in transit been considered?
 - ☐ Physical safety and security
 - ☐ Food and other supplies
 - ☐ Shelter
 - ☐ Sanitation
 - ☐ Family unity
 - ☐ Vulnerable populations
 - ☐ Emergency medical care
- ✓ Have the protection and assistance needs in the relocation site been considered?
 - ☐ Physical safety and security
 - ☐ Food and other supplies
 - ☐ Shelter
 - ☐ Sanitation
 - ☐ Family unity
 - ☐ Vulnerable populations
 - ☐ Medical care
 - ☐ Education
 - ☐ Income generation
 - ☐ Documentation
 - ☐ Community decisionmaking structures
- ✓ Have mechanisms to protect property left behind been considered?

Decisionmaking

Also needed is a deliberative process by which final decisions on displacement take place. Ultimately, it is the responsibility of the authorities undertaking displacement to carry them out in a proper manner. The *Guiding Principles* state that decisions on displacement shall be made by a governmental body that has *legal* powers to order population movements to take place. Should law enforcement activities be required—for example, because of resistance to a legitimate evacuation order—they should be carried out by competent legal authorities. Training of law enforcement personnel to carry out their responsibilities in the least disruptive manner would be a useful part of the planning process.

Review of Decisions

Part of the process through which nonemergency displacements are planned and implemented should be a mechanism by which affected populations can appeal the decision and have such appeals heard by competent judicial authorities. To the extent practicable, the review process should permit a variety of remedies, ranging from permission to remain, to authorization to relocate to a site of one's own choosing, to compensation for loss of home and property.

Indigenous Peoples and Other Special Populations

The Guiding Principles recognize that some populations have a special attachment to or dependency on their lands. Specifying indigenous peoples, minorities, peasants, and pastoralists, the *Guiding Principles* call on states to make special efforts to protect these populations from displacement.



Internally displaced persons are particularly vulnerable during the period of displacement, making it essential to ensure their protection from military attacks and forced recruitment, inhuman or degrading treatment, detention, internment, forced separation from families, and other violations of human and civil rights. *Guiding Principles* 10 through 23 address these protection issues. The first set of principles focuses on the physical safety and security of individuals; the second set focuses on family rights; the third set focuses on economic and social rights, and the fourth on civil, political, and other similar rights.

ENHANCING PROTECTION OF PHYSICAL SECURITY AND FREEDOM OF MOVEMENT

Drawing from human rights and humanitarian law, the *Guiding Principles* 10-15 set out the most basic rights of internally displaced persons.

Right to Life

Addressing the most fundamental right that an internally displaced person shares with every human being, the *Guiding Principles* emphasize that no one should be arbitrarily deprived of his or her life. Recognizing the often dire situation in which internally displaced persons find themselves, the *Guiding Principles* give special attention to the need to protect them from genocide, murder, summary or arbitrary executions, and enforced disappearances that result in death. Not only are the actual acts that would deprive internally displaced persons of their lives prohibited, but so too are threats and incitement to commit such actions against them.

***Everyone has the right to life, liberty
and security of person.***

Universal Declaration of Human Rights

Article 3

The *Guiding Principles* make specific reference to life-threatening situations that are all too common for internally displaced persons. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited. So, too, are forms of combat that place civilians at risk, including armed attacks on camps and other settlements, starvation as a method of combat, and use of internally displaced persons to shield military objects or to affect military operations positively or negatively.

Antipersonnel land mines are a particular threat to internally displaced persons. They pose dangers to civilians, including internally displaced persons, both during and after the conclusion of hostilities. Land mines are blind weapons that do not discriminate between combatants and civilians. Internally displaced persons can become victims of land mines en route to and from their relocation sites as well

as during their displacement. For example, internally displaced women may need to travel some distance to find firewood or other needed goods, placing themselves at risk each time they venture out. Internally displaced persons also are less likely to know where land mines are placed, unlike those who remain in their villages.

Right to Dignity and Integrity of Person

The prohibition against torture and cruel, inhuman, and degrading treatment is a fundamental human right. Even in emergency situations, responsible authorities may not violate or permit the violation of this right. Nor may internally displaced persons be subject to rape, mutilation, gender-specific violence, forced prostitution or other indecent assault. The *Guiding Principles* also call for protection from slavery, including sale into marriage, sexual exploitation, and forced labor of children. Because they are removed from their home communities, internally displaced persons are particularly vulnerable to these acts. They may be intended not only to harm specific victims but also to spread terror among internally displaced populations. As with violations of the right to life, threats and incitement to commit any of these acts are also prohibited.

***No one shall be subjected to torture
or to cruel, inhuman or
degrading treatment or punishment.***

Universal Declaration of Human Rights

Article 5

Protection Against Arbitrary Arrest and Detention

Every human being has the right to liberty and security of person. In general, these rights mean that governments may not arbitrarily arrest or detain people. Clearly, it is an arbitrary and discriminatory

exercise of authority to arrest or detain an internally displaced person solely because he or she is displaced or for reasons, such as lack of documentation, which arise from the condition of being displaced.

***No one shall be subjected
to arbitrary arrest or detention.***

International Covenant on Civil and Political Rights

Article 9(1)

In no case shall internally displaced persons be taken hostage. International law is explicit in prohibiting hostagetaking during armed conflicts, the situation in which internally displaced persons are most vulnerable to such acts. Neither government authorities nor insurgent forces may seize civilians and use them in this manner.

For internally displaced persons, the right to liberty and security of person means no internment or confinement to a camp unless exceptional circumstances make it absolutely necessary and only while the exceptional circumstances continue. Camps may be established as a mechanism for aiding and protecting internally displaced persons, but these facilities must be open. Consistent with *Guiding Principles* 12 and 14, internally displaced persons so housed should have complete freedom of movement into and out of the camps.

Choice of Residence

Except under emergency circumstances, people have the right to seek safety wherever they are able to find it. They have the right to remain where they are if that is their choice. They have the right to move to another part of the country. They have the right to leave their country altogether and seek asylum elsewhere, as described above. This right to choose one's residence is especially important for those who have lost family, homes, and belongings and have

become uprooted by events beyond their control. Having the right to choose a new residence gives them at least some control over their lives.

***Everyone lawfully within
the territory of a State
shall within that territory
have the right to liberty of movement
and freedom to choose his residence.***

International Covenant on Civil and Political Rights

Article 12

Protection Against Forcible Return

Internally displaced persons have 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. Just as the principle of nonrefoulement (the prohibition against forced return to their home countries) is the most important right for refugees, protection from forced returns is also essential for protecting internally displaced persons. This principle has particular import for internally displaced persons because it is the loss of their ability to remain in their original homes that characterizes their plight. Further depriving them of their right to seek safety adds even greater injury to them.

Protection from Forced Military Recruitment

Forced military recruitment of adults and children abounds in situations involving internally displaced persons. The conscription of internally displaced children is a particular problem. As Graca Machel observed in her U.N. report on the impact of armed conflict on children, "The children most likely to become soldiers are from improv-

erished and marginalized backgrounds or separated from their families." Governments and insurgent forces have been guilty of forcing civilians to serve numerous military purposes, including such combat support roles as cooking, serving as porters, delivering messages, clearing mines, and providing sexual services to combatants.

In no circumstances shall displaced children be recruited, required, or permitted to take part in hostilities. International human rights and humanitarian law is clear on this point. The *Geneva Conventions* and the *Convention on the Rights of the Child* specify that parties to a conflict should refrain from recruiting any child who has not yet attained the age of fifteen and should exercise caution in permitting children between the ages of fifteen and eighteen to join military forces. Efforts are underway to raise the age of recruitment to eighteen. While conscription of adults is permitted under international law, military authorities ought not use discriminatory practices that target persons because they are displaced.

***Children ... shall neither
be recruited in the armed forces or groups
nor allowed to take part in hostilities.***

Geneva Conventions

Second Protocol, Article 4(3)

The *Guiding Principles* also emphasize that in no case shall authorities use cruel, inhuman, or degrading practices to compel compliance or punish noncompliance with recruitment. For example, military authorities may not hold internally displaced persons hostage, deprive them of food, threaten their families, or take any similar actions to force them to join the military.

What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, to protect the lives, security, and dignity of internally displaced persons are:

- *Disseminate information about the rights of displaced persons* during displacement to displaced populations and to relevant authorities.
- *Advocate with authorities* for the protection of the rights of internally displaced persons and provide support to local nongovernmental organizations or other groups advocating for these rights.
- *Train military personnel*, including national and peacekeeping forces, in principles of protection.
- *Establish monitoring and reporting systems* that document violations of the rights guaranteed to internally displaced persons.
- *Report food blockages* or other serious violations of the right to an adequate standard of living.
- *Gather information and report unwarranted restrictions on freedom of movement* of internally displaced persons.
- *Implement landmine programs* to raise awareness of their threat and, when possible, to remove them.
- *Maintain a presence* in or near displaced communities to enhance protection and advocacy activities.
- *Ensure that management of camps established for internally displaced persons reflect the principles* relating to protection during displacement.
- *Reduce the threat of attacks* by identifying and implementing steps to prevent camps from becoming the targets of attacks.
- *Identify factors that prevent internally displaced persons from seeking asylum* or from seeking safety in another part of their country and work to address any such factors.

Adapted from *Manual on Field Practice in Internal Displacement*

PRESERVING FAMILY AND COMMUNITY

Many internally displaced persons are separated from their families as a result of the conflicts and other situations that uproot them. *Guiding Principles* 16 and 17 recognize the importance of preserving the family unit despite the displacement.

Family Unity

The *Guiding Principles* urge those responsible for assisting and protecting internally displaced persons to preserve family unity. Splitting families apart deprives each member of the fundamental right to respect of his or her family life. As the family unit provides a significant measure of security to its members, separating family members also undermines other rights. In particular, children and women become vulnerable to exploitation when they are separated from their relatives.

***The family is the natural
and fundamental group unit of society
and is entitled to protection
by the society and the state.***

Universal Declaration of Human Rights

Article 16(3)

Special programs for unaccompanied minors should avoid isolating them and causing them unnecessary psychological and physical stress. Such programs also should be carefully balanced with adequate care for children who live in family units. Humanitarian organizations have a responsibility to ensure that their programs do not have adverse effects on families—either directly or indirectly.

When families want to remain in the same location during the period of displacement, authorities should grant this wish. To the extent possible, members of the same family should be able to share living quarters. The unity of the family should be maintained even in cases of internment or confinement in camps.

Family Reunification

It bears repeating that one of the most devastating problems for internally displaced persons is separation from family members. Unable to remain together during flight, they do not know if relatives have arrived safely in another location or have died en route. The separation of parents and children is particularly troubling. Following conflict in Rwanda, for example, more than 100 thousand unaccompanied minors were identified in refugee and displaced persons' camps. In many cases, such children have living parents or other close family members with whom they can be reunited.

***Each Party to the conflict
shall facilitate enquiries
made by members of families
dispersed owing to the war,
with the object of renewing
contact with one another
and of meeting, if possible.***

Fourth Geneva Convention

Article 26

The *Guiding Principles* emphasize the right of internally displaced persons to know the fate and whereabouts of missing relatives. They also have the right to be reunited, as quickly as possible, with their family members. The principal responsibility to locate relatives and facilitate family reunification rests with national authorities, but they

should cooperate with such international organizations as the International Committee of the Red Cross [ICRC] that are engaged in tracing missing persons during conflicts and other disasters.

Rights of Children

Internally displaced children have special needs that should be addressed during displacement. They are vulnerable to physical attack, forced recruitment, and other violations of their rights. Particularly when separated from their families, children may find it difficult to obtain needed food, shelter, health care, education, and other necessities. If they have witnessed the death of parents or other atrocities, they may suffer severe psychological trauma as well. In keeping with the principles elaborated in the UN *Convention on the Rights of the Child*, programs for internally displaced children should determine what is in the best interests of the child. Family reunification will generally be the desired outcome, but if it proves impossible, arrangements should be made for alternative family or other care. In many cases, those caring for the children will need support to meet the needs of the internally displaced children.

***In all actions concerning children,
whether undertaken by public or private
social welfare institutions,
courts of law, administrative authorities
or legislative bodies,
the best interests of the child
shall be a primary consideration.***

Convention on the Rights of the Child

Article 3

Sanctity of Mortal Remains and Grave Sites

Because deaths are all too frequent in situations producing internally displaced persons, the *Guiding Principles* address issues pertaining to the remains and grave sites of the deceased. Authorities have the responsibility to prevent the despoliation or mutilation of mortal remains and to facilitate their return to next of kin. If return is not possible, the authorities must dispose of them respectfully. The authorities also have responsibility to protect and respect the grave sites of internally displaced persons. Further, the *Guiding Principles* remind authorities that internally displaced persons should have right of access to the grave sites of their relatives.

What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, to protect family unity are:

- *Design programs* that enable families to stay together.
- *Support tracing programs* that provide the displaced with information about the location and circumstances of family members.
- *Help families locate children* separated during displacement.
- *Refer internally displaced persons to Red Cross programs that help them communicate* with family members.
- *Promote family reunification* by advocating with responsible authorities and providing transport and logistical support.

Adapted from *Manual on Field Practice in Internal Displacement*

PROTECTING ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Internally displaced persons often find themselves without adequate assistance or opportunities to provide for themselves. *Guiding Principles* 18, 19, 21 and 23 spell out economic, social, and cultural rights that apply particularly to the displaced.

An Adequate Standard of Living

Throughout the world, internally displaced persons suffer because of highly inadequate living situations. Drawing upon human rights and humanitarian law, the *Guiding Principles* make clear that competent authorities have the responsibility to provide internally displaced persons with, or to ensure safe access to, basic assistance. Regardless of whether they live in camps or are dispersed in cities and rural areas, at a minimum, internally displaced persons must have access to essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation. Each of these is needed to sustain life. A principal cause of mortality for internally displaced persons, as with refugees and other war-affected populations, is malnutrition. Lack of food kills on its own and malnourished individuals are more susceptible to disease. Poor sanitation and contaminated water supplies also contribute to high death rates. Similarly, those without adequate shelter and clothing are more susceptible to life-threatening diseases and exposure to severe weather conditions.

***The States Parties to the present Covenant
recognize the right of everyone
to an adequate standard of living
for himself and his family, including
adequate food, clothing, and housing,
and to the continuous improvement
of living conditions.***

*International Covenant on Economic,
Social and Cultural Rights*

Article 11(1)

Special attention should be given to ensuring that material assistance reaches vulnerable groups who may have difficulty obtaining food, shelter, and other items. In particular, assistance programs should be attentive to the needs of disabled persons, the elderly, and unaccompanied children. Single heads of households also may require special help to ensure that adequate levels of assistance reach their families.

Right to Health and Medical Care

Essential medical services can help prevent high death and disease rates through both preventive and curative strategies. At a minimum, all internally displaced persons should have access to primary health services that include immunizations for children, sanitation services, supplementary feeding programs for undernourished children and adults, and reproductive health care services. Special attention should be given to the prevention of contagious and infectious diseases, including AIDS. Given the often cramped living conditions, particularly during emergencies, spread of these diseases is all too common without special efforts. Further, all wounded, sick, and disabled internally displaced persons shall receive the medical care they require as quickly as possible. Access to mental health services is

essential given the high incidence of posttraumatic stress and other psychological reactions to the stresses they have encountered before, during, and after flight. Only medical considerations should be used in determining when and what health and mental health services will be provided to them. Their status as internally displaced persons shall have no bearing on these decisions.

***The State Parties to the present Covenant
recognize the right of everyone
to the enjoyment of the highest attainable
standard of physical and mental health.***

*International Covenant on Economic,
Social and Cultural Rights
Article 12*

The *Guiding Principles* urge that special attention be paid to the health needs of women and their access to women's health services, female health providers, and counseling for victims of sexual and other abuses. Inappropriate or inaccessible health services can be obstacles to good health for women and their families. The absence of female health practitioners has been one of the principal barriers to health care, particularly where cultural values prevent a woman from being seen by a man who is not a member of her immediate family. Further, basic needs of women, such as adequate cloth and washing facilities for menstruating women, too often are overlooked in the absence of appropriate health care services for women.

Participation of Women

The *Guiding Principles* emphasize the importance of involving women in planning and distributing the basic supplies afforded internally displaced persons by right. Gaining the participation of displaced populations has proved difficult in many settings, and

involving women can be particularly problematic in cultures that tend to exclude women from formal decisionmaking mechanisms. Excluding women is, however, a violation of their human rights. Moreover, as the *Guiding Principles* recognize, displaced women have the best sense of what is needed for themselves and their family members and they often have very good ideas about how best to respond to these needs. It is estimated that as many as 80 percent of internally displaced persons are women and their dependent children, making female participation in decisions on services all the more essential. In particular, their input should be sought with regard to food distribution and the make-up of the food basket, the design and layout of camp facilities or other shelter, and water and firewood distribution. Decisions on each of these issues affect both the delivery of the services as well as the security of the women and children who receive them.

***Discrimination against women
violates the principles of
equality of rights
and respect of human dignity,
is an obstacle to
the participation of women,
on equal terms with men,
in the political, social, economic
and cultural life of their countries,
hampers the growth in the prosperity
of society and the family,
and makes more difficult the full development
of the potentialities of women
in the service of their countries and of humanity.***

*Convention on the Elimination of All Forms
of Discrimination Against Women*

Preamble

Right to Work

Internally displaced persons have the right to seek employment and participate in economic activities. The ability to generate income for oneself and one's family is particularly important for internally displaced persons who will otherwise be dependent on humanitarian assistance. Many factors affect the ability of internally displaced persons to participate economically, including security considerations, the availability of jobs, and the transferability of skills. Internally displaced persons may also resist making economic investments in their new communities if they believe they will return home quickly. But, if the period of displacement continues, and the prospects for return dim, interest in economic activities may grow.

***Everyone has the right to work,
to free choice of employment,
to just and favourable conditions of work
and to protection against unemployment.***

Universal Declaration of Human Rights

Article 23

Property Rights

Guaranteeing property rights is particularly important in situations of internal displacement. Internally displaced persons often leave their homes at short notice and without being able to secure their property. In flight and in displaced persons camps their few remaining physical possessions may be vulnerable to theft, destruction, or arbitrary seizure by authorities. Internally displaced persons should not be arbitrarily deprived of property or possessions through pillage, direct or indiscriminate attacks or other acts of violence, being used to shield military operations or objectives, or being made the object of reprisals. Nor may their property be destroyed or appropri-

ated as a form of collective punishment. The responsible authorities in both home communities and relocation sites must take steps to protect the property of internally displaced persons from such acts.

***Everyone has the right to own property alone
as well as in association with others.
No one shall be arbitrarily deprived of his property.***

Universal Declaration of Human Rights

Article 17

In particular, authorities must protect property and possessions left behind by internally displaced persons against arbitrary and illegal appropriation, occupation, or use. A great deal of time and resources are expended in resolving ownership rights after peace settlements because of the frequent infringements of this right. When land and homes are occupied by others, it becomes all the harder to resolve tensions within societies and facilitate return.

Right to Education

Every human being, including internally displaced persons, has the right to education. This right often is abridged in situations of internal displacement, particularly during the emergency phase. The *Guiding Principles* state clearly, however, that the authorities shall ensure that internally displaced children receive free education at the primary level. That education is a basic right should be recognized even in emergency contexts. Attendance should be compulsory. Parents retain the right to choose the kind of education available to their children. Authorities should take steps to ensure that the education available to internally displaced children respects their cultural identity, language and religion.

***Everyone has the right to education.
Education shall be free, at least
in the elementary and fundamental stages.
Elementary education shall be compulsory.***

Universal Declaration of Human Rights

Article 26

While recognizing that it is not mandatory under human rights law for authorities to provide education beyond the primary level, the *Guiding Principles* urge authorities to make educational services and facilities available to internally displaced adolescents and adults as soon as conditions permit. Opportunities for secondary education and skills training are limited in almost all locations with internally displaced persons. Lack of such educational opportunities has negative consequences on both the ability of internally displaced persons to support themselves and on the training of a sufficient number of teachers to provide universal primary education for children.

The *Guiding Principles* make special reference to the need to ensure full and equal participation of women and girls in educational programs. While access to education is a problem for all internally displaced persons, women and girls often face greater barriers. These are often cultural, and they reflect the fact that girls tend to be under-represented in schools. Nevertheless, human rights law is clear in granting girls and women equal access to education.

What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, to protect the economic, social, and cultural rights of internally displaced persons are:

- *Monitor access to humanitarian assistance* by internally displaced persons, for example, through programs to identify increasing malnutrition, disease and death rates.
- *Protect the right to an adequate standard of living* by ensuring that basic needs for food, water, health care, sanitation, shelter, and clothing are being met.
- *Assess the appropriateness and effectiveness of humanitarian assistance*, for example, that the size and composition of the food basket is nutritionally and culturally appropriate and that shelter, food, and supplies are provided in a manner that heightens the security of women and children.
- *Promote economic opportunities* by designing and implementing programs to enable internally displaced persons to earn an income and also to produce their own food or clothing.
- *Advocate for the full participation of women* in all assistance, education, and income generating programs for the internally displaced.
- *Support access to education* for displaced children, including their enrollment in local schools and, where possible, promote higher education and skills training for adolescents and adults.
- *Support steps to guarantee property rights* and resolve property disputes concerning internally displaced persons.

Adapted from *Manual on Field Practice in Internal Displacement*

PROTECTING BASIC FREEDOMS

Guiding Principles 20 and 22 describe civil and political rights belonging to internally displaced persons.

Recognition Before the Law

Recognition as a person before the law is a universal human right. Without such recognition, internally displaced persons are vulnerable to many forms of abuse, including unreasonable barriers to travel within and outside of their country, ownership of property, and recognition of marriages, births, and deaths. Often, the ability of internally displaced persons to exercise their legal rights is hampered by lack of documentation. Internally displaced persons may have lost the documents that establish their legal standing as a result of the very circumstances that caused their flight. Other times, documents are destroyed or lost during or after flight. Children born while displaced may never be issued proper documents.

***Everyone shall have the right to recognition
everywhere as a person before the law.***

International Covenant on Civil and Political Rights

Article 16

Too often, governments place unreasonable barriers upon the issuance and replacement of documents—for example, they may require all citizens to obtain documents in their place of habitual residence. The *Guiding Principles* emphasize the responsibility of authorities to issue internally displaced persons all documents needed to exercise their legal rights, including passports, personal identification documents, birth and marriage certificates. If internally displaced persons need to replace lost or destroyed documents, governments must facilitate the issuance of new ones.

The *Guiding Principles* also emphasize that women and men shall have equal rights to obtain needed documents. Women often face physical constraints in obtaining records, particularly when they must travel some distance to reach the responsible authorities. Governments must take steps to ensure that such barriers are removed. Moreover, women, as well as men, have the right to have documents issued in their own names. In some cases, documents are issued only to heads of household. Where this happens, other family members are rendered vulnerable if the head of family is not with them at all times. For example, women may not be able to travel safely to markets unless their husbands accompany them. Women and children whose husbands/fathers desert them are particularly at risk if they do not have their own identity documents.

Civil and Political Rights

Regardless of where internally displaced persons are residing, there should be no discrimination as to their rights to freedom of thought, conscience, religion or belief, opinion and expression. Internally displaced persons further have the right to associate freely and participate equally in community affairs, and they have the right to vote and to participate in governmental and public affairs. Internally displaced persons too frequently are deprived of the ability to participate fully because they are not living in places of habitual residence. To make these rights meaningful, internally displaced persons must have access to the mechanisms necessary to exercise these rights.

***Everyone has the right to freedom
of opinion and expression.
This right includes freedom
to hold opinions without interference
and to seek, receive and impart
information and ideas
through any medium
and regardless of frontiers.***

Universal Declaration of Human Rights

Article 19

Internally displaced persons also have the right to communicate in a language they understand. Many internally displaced persons are minorities, including indigenous peoples, who do not speak, read, or write the language of the majority or of those in power. If services and other assistance are provided only in a language they do not understand, internally displaced persons may face insurmountable barriers to enjoying the rights outlined in the *Guiding Principles*.

What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, to protect the civil and political rights of internally displaced persons are:

- *Support programs to replace lost documentation*, such as birth certificates or property titles.
- *Consult with*, seek the views of, and otherwise engage the displaced in all program activities.
- *Promote the civil rights* of internally displaced persons, in particular the right to vote, and assist them in exercising their rights to freedom of thought, assembly, conscience, religion or belief, opinion and expression.

Adapted from *Manual on Field Practice in Internal Displacement*



Access to humanitarian assistance is one of the most pressing problems affecting internally displaced persons. Section 4 of the *Guiding Principles* sets out the roles and responsibilities of national authorities and international organizations in providing humanitarian assistance to internally displaced persons. These principles recognize the paramount responsibility of national authorities to assist their citizens, but they also affirm an important role for international humanitarian organizations and other appropriate actors.

RESPONSIBILITY OF AUTHORITIES

The *Guiding Principles* clearly state that the primary duty and responsibility for providing humanitarian assistance lies with national authorities. This same obligation adheres to insurgent groups with regard to civilian populations under their control. Both authorities may provide assistance directly to internally displaced persons. When doing so, they should carry out the assistance in accordance with principles of humanity and in a manner that demonstrates impartial-

ity and is without discrimination. If they are unable or unwilling to provide aid, they must grant rapid and unimpeded access to other appropriate actors who are willing and capable of undertaking aid programs. When international humanitarian organizations and other appropriate actors offer their services on behalf of internally displaced persons, national authorities and insurgent groups shall not regard their offers as unfriendly acts or interference in their internal affairs and must not withhold consent arbitrarily.

HUMANITARIAN ASSISTANCE ROLE

The *Guiding Principles* make clear that international humanitarian organizations and other appropriate actors have the right to offer their services in aid of internally displaced persons. These actors include, but are not limited to, the International Committee of the Red Cross [ICRC], which has explicit responsibilities during armed conflicts and the UN High Commissioner for Refugees [UNHCR], which is sometimes asked to act on behalf of internally displaced persons. Other international agencies, such as UNICEF, the World Food Programme, the UN Development Programme, and the International Organization for Migration play important roles, as do national authorities of other countries (including military units that transport food and other assistance, provide logistical support, and deliver humanitarian services); and international and local nongovernmental organizations.

***An impartial humanitarian body, such as
the International Committee of the Red Cross,
may offer its services to the Parties to the conflict.***

Geneva Conventions

Article 3

As with national authorities, these agencies must carry out assistance programs in a manner that is humane, impartial, and without discrimination. They should respect relevant international standards and codes of conduct. Such codes commit subscribers to provide assistance on the basis of need, irrespective of the political or religious views of the recipients.

***The right to receive
humanitarian assistance,
and to offer it,
is a fundamental
humanitarian principle
which should be enjoyed
by all citizens of all countries____
When we give humanitarian aid,
it is not a partisan or political act
and should not be viewed as such.***

*Principles of Conduct for the
International Red Cross
and Red Crescent
Movement and NGOs
in Disaster Response Programmes*

PROTECTION ROLE

Certain international organizations, such as the ICRC and UNHCR, are specifically mandated to carry out a protection role. Other international organizations and nongovernmental organizations should give due regard as well to the protection of internally displaced persons. In the course of delivering assistance, field staff often become aware of violations of rights, insecurity of persons, and other protection problems. The *Guiding Principles* stress that humanitarian agen-

cies have a responsibility to take appropriate measures when confronted with these violations.

SECURITY OF HUMANITARIAN PERSONNEL

Increasingly, humanitarian personnel are being subjected to threats and attacks leading to injury and death. Such attacks ultimately restrict humanitarian access to internally displaced persons. The *Guiding Principles* stress the need to protect the safety and security of those delivering aid as well as the assistance provided. The responsibility for ensuring the safety of aid workers lies with the authorities who are in control of territory in which aid workers operate. Aid workers should not be the object of attack or other acts of violence.

The growing number of attacks on aid workers necessitates the development of plans to enhance their security. The planning process should consider preventive measures as well as ways to evacuate personnel who are endangered. Safety has been enhanced, for example, when field staff keep colleagues informed of their whereabouts, maintaining frequent contact through radio or other means of communication. Other measures can be found in the *Convention on the Safety of UN and Associated Personnel*, adopted by the United Nations in 1994.

The *Guiding Principles* also call for respect and protection for transport and supplies. In particular, humanitarian assistance should not be diverted to political or military purposes. Unfortunately, this principle is too often abridged. In some cases, entire shipments of food and other supplies are captured by government or insurgent military forces for their own use. In other cases, military forces tax or otherwise appropriate parts of supplies before civilians receive them.

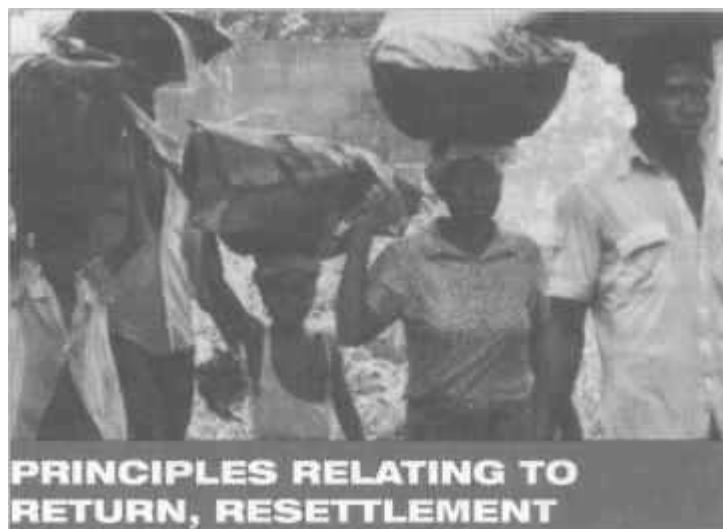
What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, in providing humanitarian assistance to internally displaced persons are:

- *Design assistance and protection measures to ensure impartiality*, ensuring that neither displaced nor host populations are discriminated against in program design.
- *Design assistance programs in full respect* for the dignity and rights of the individual.
- *Advocate and establish codes of conduct* for humanitarian operations with donors, governments, international organizations, and other relevant entities.
- *Establish regular consultation systems* among humanitarian agencies working with the displaced to ensure consistency in humanitarian assistance policies, developing and enforcing uniform policies regarding diversions of humanitarian assistance for military or political purposes.
- *Assist in the preparation of NGO registration laws* or other legal mechanisms to facilitate the work of humanitarian organizations working with the displaced.
- *Support, technically and financially, attempts by cognizant authorities to fulfill their humanitarian assistance* responsibilities to the internally displaced.
- *Advocate vigorously for humanitarian access* to all displaced populations, documenting and reporting impediments to full and free access as well as attempts to divert aid from the civilian population.
- *Utilize nontraditional methods of access*—such as mobile teams, air transport, or cross-border operations—to reach internally displaced persons.

- *Monitor human rights and protection needs* of displaced populations during humanitarian assistance operations, communicating regularly with organizations advocating for human rights and protection issues of the displaced.
- *Design plans to protect aid personnel*, including plans to prevent violence and to evacuate personnel who are endangered.

Adapted from *Manual on Field Practice in Internal Displacement*



Finding durable solutions is the ultimate goal for internally displaced persons. Solutions may be achieved when displaced persons resume stable, secure lives by returning to their places of origin or settling in another location. Principles 28 through 30 set out standards for return or resettlement and reintegration of internally displaced persons.

RIGHTS OF RETURNEES AND RESETTLED PERSONS

Right to Return or Resettle

Internally displaced persons have the right to return voluntarily, in safety and with dignity, to their homes or to resettle voluntarily in another part of the country. This right is a logical extension of the right to liberty of movement and freedom to choose one's residence. Respect for this right is particularly important when the conditions that caused the displacement cease and internally displaced persons may leave their place of refuge. Once conditions permit, internally

displaced persons should be able to return home unless compelling reasons prevent such return from occurring. Similarly, internally displaced persons should not be forced to return home against their will. Should an internally displaced person wish to move to another location within the country, that is his or her right.

Protection from Discriminatory Treatment

Wherever displaced persons choose to reside within the country, they should not face discrimination as a result of having been displaced. They have the right to participate fully and equally in public affairs at the local, regional, or national levels. They also have the right to equal access to public services.

Right to Return of Property or Compensation

Upon return or resettlement, the formerly internally displaced person has the right to regain his or her property and possessions. When recovery is not possible, he or she should be compensated for the loss or receive another form of just reparation.

RESPONSIBILITY FOR RETURN, RESETTLEMENT AND REINTEGRATION

National Authorities

National authorities have the primary duty and responsibility to ensure that durable solutions are found for internally displaced persons. These authorities must establish the conditions under which safe and dignified return becomes possible. They must also provide the means for securing safe return or resettlement. The authorities should make every effort possible to facilitate the reintegration of returned and resettled internally displaced persons. The authorities

must also help returned and resettled displaced persons recover their property and possessions. If recovery proves impossible, the authorities should help the internally displaced obtain compensation or other reparations.

In practical terms, the responsibility of national authorities includes: seeking peaceful resolution of conflicts; taking measures to ensure respect for human rights and humanitarian law; providing safe transit for internally displaced persons; and offering adequate assistance and protection of physical safety during transit and upon relocation. Some responsibilities are difficult to discharge because the conflicts that cause internal displacement often lead to the destruction of infrastructure. People may be returning to places with no health clinics, roads, schools, food stores, or other basic services. It may be months or years before the communities become self-supporting. In the meantime, there may be tensions among different populations: internally displaced persons, refugees who have repatriated, and residents who stayed through the conflict. Some of these residents may now live in property abandoned by the internally displaced persons. For reintegration to succeed, community-based programs are often the most effective in ensuring that all residents of the community become self-supporting, that infrastructure is rebuilt, and that efforts are taken to achieve reconciliation. Such efforts must include the reestablishment of the rule of law, the creation of mechanisms to promote and defend human rights, and restoration of judicial processes that can resolve property and other disputes.

International Organizations

Recognizing the complexity of these situations and the vast needs, the *Guiding Principles* urge authorities to grant rapid and unimpeded access to international humanitarian organizations and other appropriate actors. International aid takes many forms, including trans-

port of internally displaced persons, food and other emergency assistance, reconstruction and rehabilitation assistance, conflict resolution, democracy-building, human rights promotion, and longer-term economic development. In assessing the assistance and protection needs of returnees and resettled persons, international organizations, along with national authorities, should assess: the security situation, including presence of landmines; attitude of the local population towards the return of the displaced; the availability of food, shelter, clothing, and medical care; condition of buildings and infrastructure for schools, health clinics, roads, bridges, and sanitation systems; the effectiveness of judicial systems and other methods of protecting human rights; economic opportunities for the short and long term; and other factors affecting reintegration.

What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, to assist in the return, resettlement and reintegration of internally displaced persons are:

- *Assist representatives of displaced communities to assess conditions* in potential areas of return or resettlement by supporting visits and by visiting areas of potential return or resettlement to independently assess conditions.
- *Convene consultations with leaders of displaced groups* prior to return or resettlement, ensuring representation of women and all important segments of the displaced community to determine that return or resettlement is voluntary.
- *Convene consultations among leaders of displaced communities, local authorities, and international organizations* involved with return or resettlement to ensure that the move will be conducted with safety and dignity.
- *Prepare landmine removal or awareness campaigns* where landmines are a concern in areas of return or resettlement.
- *Conduct environmental impact studies* of return or resettlement plans and seek ways to minimize environmental damage from the return process and to plan for environmental repair at displacement sites when necessary.
- *Identify and help eliminate potential conflicts* between communities by convening consultations between internally displaced persons and populations residing in areas of return or resettlement, considering the needs of resident—as well as returnee—populations in program design, and taking steps to prevent stigmatization or resentment.
- *Assess legal statutes* or other relevant documents to determine returnees' claim to land and property upon return, designing programs to ensure that internally displaced persons' property rights are protected and they gain access to legal assistance if needed to reclaim property.

- *Prepare for well-organized transport*, with active participation of the displaced community, so they can travel with dignity to their homes or places of resettlement.
- *Design programs to rebuild community infrastructure* in areas of return or resettlement.
- *Design programs for women-headed households* and other special groups in areas of return or resettlement.
- *Implement programs to monitor human rights conditions* in areas of return or resettlement, with international presence if required.
- *Plan for longer-term reintegration activities*, recognizing that the economic and social disruption of return or resettlement may be present for years.

Adapted from *Manual on Field Practice in Internal Displacement*

CONCLUSION

The strategies outlined in this *Handbook* aim to prevent the conditions that give rise to forced displacement, provide national and international protection once persons are displaced, and promote lasting and durable solutions. Drawing on the normative standards encompassed in human rights and humanitarian law, the *Guiding Principles* spell out the responsibilities of national authorities, international organizations, and all other groups and persons, including insurgent forces, in their relations with internally displaced persons. In providing this blueprint for action, we hope to mobilize the humanitarian community and help field personnel find practical solutions when confronted with the assistance, protection, and reintegration needs of the internally displaced.