

Achievements, challenges and recommendations

Summary of outcomes of the GP10 Conference: 16-17 October 2008, Oslo

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

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

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

Achievements

Participants in the conference emphasised that the Guiding Principles have become a key point of reference for the development of normative frameworks for the protection of IDPs in domestic laws and policies. For example, in Turkey, the government has incorporated the Guiding Principles in its Strategy document and used them as a basis for its Compensation Law. With the help of the UN, the model used to develop Turkey's Van Province Plan of action for IDPs is now being expanded to cover other provinces. Examples from Mozambique and the Maldives were also given, confirming the relevance of incorporating the Guiding Principles into national legislation

in situations of displacement resulting from natural disasters.¹

At the regional level, the Organization of American States and the Council of Europe² have recommended the adoption of the Guiding Principles through national legislation to their Member States. In Africa, the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons includes a legal obligation for signatories to incorporate the Guiding Principles into domestic law.

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

During the discussion, it became apparent that the Guiding Principles are operationally valuable for actors engaged in providing protection and assistance to IDPs. From the point of view of humanitarian agencies, the Guiding Principles have shaped humanitarian and protection operations. They also provide the primary reference from which humanitarian and protection standards and practices are developed.³

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

develop a response strategy which ensures that all proper planning and response are carried out.

Challenges ahead

Despite considerable achievements, some of which are outlined above, major challenges to the realisation of rights of IDPs remain. The number of people who have been forcibly displaced from their homes is estimated at 1% of the world's population. Moreover, the number of IDPs continues to increase, primarily as a result of the growth in disaster-induced displacement related to climate change but also because of protracted situations of displacement. Protracted displacement usually occurs as a result of unresolved conflicts and lack of political will amongst national governments, as well as insufficient support by international actors. In many countries, significant gaps between policies and practice are observed, especially in relation to durable solutions.

The conference noted that a majority of states affected by internal displacement remain unable or unwilling to take on their responsibilities for protecting IDPs. In the worse cases, the humanitarian space required to

Shar Akitena dries grain in the sun, her first harvest since returning home to Otim, her village of origin in northern Uganda, after years of displacement.



prevent displacement or to provide protection to IDPs is limited as a result of obstruction by governments or non-state actors. In reality, the Responsibility to Protect concept has been of limited value in the protection of human rights of IDPs, as a number of states remain more committed to the doctrine of national sovereignty when it comes to dealing with internal displacement.⁴

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

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

With respect to international protection, humanitarian reform has contributed to better predictability in humanitarian responses. The fact that UNHCR now takes the lead for protecting IDPs in situations of armed conflict has significantly improved leadership of coordination of protection. Nevertheless, as stressed by the Emergency Relief Coordinator,

humanitarian actors risk having their credibility undermined if greater care is not given to ensure equality of attention to different IDP populations in protracted crises.

In situations of disaster-induced displacement, protection leadership remains inadequate at the institutional

level, as the responsibility for international coordination is divided between UNHCR, UNICEF and OHCHR, all of which have concerns about their capacity to take on this additional responsibility.

Recommendations

Incorporation into national legislation

The Guiding Principles should be incorporated into national legislation so as to promote their implementation and improve accountability for the protection of IDPs. The publication of the *Manual for Law and Policymakers on Protecting Internally Displaced Persons*⁵ will be a useful resource for governments as it provides a guide for policymakers on how to bring relevant domestic laws in line with the Guiding Principles in a practical way. National authorities have a responsibility not only to develop legislative frameworks but also to ensure that laws and policies are implemented.

Partnerships

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

Preventing and ending displacement

More efforts need to be made to prevent displacement, through effective disaster risk reduction and emergency preparedness, and through conflict prevention. In parallel, sustained efforts need to be made to end displacement. Both areas of action should be accompanied by coordinated political commitment of all influential actors, as well as adequate and predictable resourcing.

Durable solutions

Planning for durable solutions must start soon after displacement occurs so as to facilitate the transition from humanitarian assistance to development through effective early recovery strategies. Following the ongoing field testing of the

framework for durable solutions, the focus should be on implementing the framework from an early stage in the humanitarian response.

Political dialogue

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

Disaster prevention

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

Urban IDPs

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

Participation of IDPs

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

This is a shortened version of the Chair's Summary, prepared by NRC/IDMC, the Brookings-Bern Project on Internal Displacement and the Norwegian Ministry of Foreign Affairs, online at <http://www.internal-displacement.org/gp10>

1. For more examples, see article on Uganda on p21 and Georgia on p16.

2. See article on p15.

3. See statements by António Guterres, John Holmes and Angelo Gnaedinger on p5. In addition, OHCHR noted that the Guiding Principles had proven useful in a variety of situations and that they had been shared with all its offices.

4. See article on p11.

5. See p39.

