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Protecting and assisting the internally displaced: the way forward



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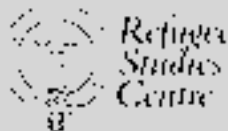
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Front cover photo

IDP camp, near Gulu, northern Uganda.
Sven Tirfinn/IRIN



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from the editors

This supplement of *Forced Migration Review* is published at a crucial moment as the international community recognises the need to urgently address current failures in protection and assistance for internally displaced people. Articles from key figures in the humanitarian community present a range of views on the future of the IDP regime. We are grateful to Dennis McNamara (director of OCHA's Inter-Agency Internal Displacement Division) for suggesting the need for this publication. It would not have been possible without financial support from OCHA and the Brookings-Bern Project on Internal Displacement and in-kind French translation assistance from the Canadian International Development Agency (CIDA) and Foreign Affairs Canada (FAC).



Corinne Owen

FMR is the in-house publication of the University of Oxford's Refugee Studies Centre. Published in English, Arabic, Spanish and French, *FMR* provides a practice-oriented forum for debate and information exchange on issues facing refugees and IDPs. Distributed to 169 countries, *FMR* is the world's most widely read publication on forced migration and is known for its conciseness, lack of jargon and practicality. Almost all the subscribed readers receive the magazine without charge. Two thirds of copies are sent to developing countries. *FMR* is read by senior managers in most UN and national donor agencies.

We hope you find these articles informative. Full text of all *FMR* issues can be accessed online at www.fmreview.org. If you would like to be added to our mailing list please contact us, indicating which language edition you would like to receive.

Marion Couldrey and Tim Morris
Editors, *Forced Migration Review*

Key online IDP resources

Guiding Principles on Internal Displacement

(all language editions)

www.unhcr.ch/html/menu2/7/b/principles_lang.htm

www.idpproject.org/training.htm

Inter-Agency Internal Displacement Division

www.reliefweb.int/idp

Global IDP Project

www.idpproject.org

Brookings/Bern Project on Internal Displacement

www.brook.edu/fp/projects/idp/idp.htm

Representative of the UN Secretary-General on the Human Rights of IDPs

www.ohchr.org/english/issues/idp/index.htm

UNHCR and IDPs

www.unhcr.ch/cgi-bin/texis/vtx/home?page=PROTECT&id=3b84c7e23

NTNU Research Network on Internal Displacement

www.idp.ntnu.no

Wikipedia

http://en.wikipedia.org/wiki/Internally_displaced_people

Forced Migration Online IDP Research Guide

www.forcedmigration.org/guides/fmr041

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Towards a stronger humanitarian response system

by Jan Egeland

Recent humanitarian emergency operations have often fallen short of their goals. For many years we have discussed the need for change. The time for change is now.

The Indian Ocean tsunami disaster and the Darfur crisis compelled me to commission an independent study to evaluate the humanitarian response system. The findings of the Humanitarian Response Review (HRR)¹ spoke loud and clear: while, over the years, we had managed to save millions of lives, our response system was plagued by severe gaps. The needs of the internally displaced were often the first to fall between the cracks. The UN Secretary-General's report *In Larger Freedom*² recognised this fact and called for the strengthening of the inter-agency operational response to the protection and assistance needs of internally displaced persons.

Against the backdrop of this reform mandate, the UN, NGOs and the Red Cross/Red Crescent Movement have been working over the past three months, through the Inter-Agency Standing Committee (IASC)³, to strengthen the following inter-related elements: first, the humanitarian response capacity; second, humanitarian coordination; and third, humanitarian financing. We are confident that the significantly upgraded response system will be operational by early 2006.

The overall aim of the reform is to improve the predictability, timeliness and effectiveness of the response to

humanitarian crises, strengthening existing collaborative approaches within a system characterised by enhanced accountability. Our hope is that the response will be improved for all affected populations, particularly the internally displaced, in sectors where critical gaps have been identified, both in situations of complex emergency and natural disaster.

A major weakness in responding to internal displacement crises has been the absence of clear operational accountability and leadership in key sectors. These have included camp coordination and management; emergency shelter; water and sanitation; nutrition; and the cross-cutting areas of reintegration and recovery and protection. As a result, agencies have often been reluctant in many displacement crises to take on responsibilities relating to the internally displaced that do not strictly fall within their core mandates. The

HRR has also highlighted the urgent need for additional human capacity to strengthen the pool of existing and readily deployable expertise.

To address this problem we have moved towards a clear allocation of leadership for various sectors, designating an agency lead for each of the sectors or 'clusters' where systemic and critical gaps exist. For example, the UN High Commissioner for Refugees (UNHCR) has been asked by the IASC to accept the managerial lead and responsibility for camp coordination and management, emergency shelter and the protection of internally displaced persons in situations of armed conflict. The UN Development Programme (UNDP) has been asked to take the lead on early recovery while UNICEF will lead on water and sanitation. In practical terms, the cluster leader is responsible for mapping needs, planning, monitoring, coordination and reporting. It acts as the first port of call and provider of last resort. Cluster lead responsibility also involves accepting operational/management accountability and working towards

Jan Egeland talking to IDPs at a camp near Hargeisa, Somalia.



the overall strengthening of capacity in the sector, i.e. through building strong stand-by partnerships with other international organisations, NGOs and regional and local authorities.

Managing the collaborative approach to internal displacement and agency responsibility and accountability, however, ultimately depends on the abilities and leadership of Humanitarian Coordinators. Improved selection procedures, a larger pool of experienced Humanitarian Coordinators with strong humanitarian experience (including from our NGO partners), expanded training and greater delegated authority in such areas as prioritisation and needs mapping will help strengthen humanitarian coordination.

Finally, swift and predictable humanitarian action requires timelier humanitarian funding. Readily available funds to jump-start our emergency operations help save lives. Darfur is a case in point. By April 2004, Darfur had become the number one humanitarian crisis in the headlines and the Security Council discussed Darfur regularly. In May, the Government of Sudan lifted most access restrictions, thanks to increased international pressure. However, newfound access did not produce an immediate increase in humanitarian assistance given the long delay in receipt of funds. The funding gap did not narrow substantially until September, leaving more than one million internally displaced persons waiting for basic assistance. Once adequate funds were available in August 2004, the humanitarian system swiftly built up some 12,000 humanitarian staff and dramatically increased assistance in all sectors. As a result, mortality rates dipped below emergency thresholds between August 2004 and May 2005.

The current system of transforming donor pledges against humanitarian appeals into actual funds for operations is too slow. The inability to provide at least life-saving assistance in the most critical sectors within the early days of an emergency exacerbates humanitarian suffering, costs lives and leads to loss of credibility with beneficiaries. As a global community we must and can do better.



For this reason, the UN Secretary-General in his reform report has proposed upgrading the Central Emergency Revolving Fund (CERF)⁴, the \$50 million loan facility established in 1991 that has become too small in the age of large-scale operations. The upgraded CERF will include a \$450m grant component to offer UN humanitarian organisations instant funds to jump-start operations when a new disaster strikes and to inject equity into the system for forgotten emergencies. The expanded emergency fund was endorsed by the UN's Economic and Social Council (ECOSOC) and the 2005 World Summit Declaration⁵. Also, during the World Summit some 30 governments voiced their support and pledged \$175 million in new additional funds as an initial instalment to the CERF. Once approved by the UN General Assembly in November of this year, the Fund will be operational in January 2006.

The current reform shows that responding to the needs of the internally displaced is well beyond the capacity of any single agency. A collaborative response is required, one that pulls together and maximises the comparative advantages of government officials, UN agencies, international organisations and international and local NGOs.

Yet this system cannot work without the leadership and coordination needed to manage the response, the operational capacity necessary to

respond to the needs of the displaced and the resources required to fund the response. Cumulative weaknesses in all of these areas have led to the failures on the ground that we all know too well. Hence, it requires strengthening of all the above-mentioned elements to successfully improve our response to IDPs and vulnerable populations more broadly.

Internally displaced persons remain the most vulnerable of groups – uprooted, dispossessed, traumatised and often forgotten or neglected. As part of the wider UN reform agenda, we must seize the current momentum and jointly build a stronger humanitarian system, one that is able to respond swiftly, more timely and predictably – in the interest of the tens of millions of IDPs and other vulnerable people whose only hope to reclaim their lives, livelihoods and dignity we often embody.

Jan Egeland, former State Secretary in the Norwegian Ministry of Foreign Affairs and Secretary General of the Norwegian Red Cross, is the UN Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator.

Jan Egeland with IDP children, Uganda.

1. www.reliefweb.int/rw/lib.nsf/db900SID/EVOD-6FUDKN?OpenDocument

2. www.un.org/largerfreedom

3. www.humanitarianinfo.org/iasc

4. www.reliefweb.int/rw/lib.nsf/db900SID/KKEE-6EVRCQ?OpenDocument

5. www.un.org/summit2005

Who does what?

by Dennis McNamara

Recent UN reforms aim to clarify institutional responsibilities for internally displaced people and to significantly enhance accountability.

Internally displaced people are particularly vulnerable. Compared with refugees, not only do they have less legal protection but also, historically, the international community has paid relatively little attention to their plight.

It has been suggested that there should be a new UN agency to address the needs of the internally displaced, one that could be held accountable. Even if such a lead agency would not implement all the humanitarian programmes relating to internally displaced people, it would be held responsible for making sure that appropriate programmes were in place.

The international community, however, has opted for a different approach. The UN agencies have been asked to respond to this issue through a process of collaboration. The Inter-Agency Internal Displacement Division,¹ located within the UN Office for the Coordination of Humanitarian Affairs (OCHA), was established in July 2004 in part to ensure that this inter-agency approach works. Because of its growing experience of what actually happens on the ground, the Division is in a good position to assess when the collaborative approach is working and when it is failing.

Division of labour

It's all a question of working out who is responsible for what. Our experience has shown that there are certain specific problem areas in relation to the internally displaced that arise repeatedly: emergency shelter, camp management, returning home, restarting livelihoods and, most importantly, receiving adequate protection during all of these phases. The delivery of adequate protection and assistance is severely compromised when it is not clear which UN agency is responsible for each of these tasks.

The lack of a clear division of labour between UN agencies in specific sectors has in some cases increased the suffering of the internally displaced. For example, the UN was slow to respond to the situation in Darfur partly because of initial indecision as to which UN agency was responsible for meeting the protection and shelter needs of internally displaced Darfurians. And it's not just a question of responding to emergencies. The absence of a clear allocation of responsibilities has also hampered humanitarian operations in protracted emergencies such as those in the Democratic Republic of the Congo, Liberia and Uganda.

Until now the Emergency Relief Coordinator² and his field-level counterparts, the Humanitarian Coordinators, have had overall responsibility for putting in place the coordinated response to the problems faced by the internally displaced. In practice though, agencies have been taking a 'pick and choose' approach to internally displaced people's needs. The result has been inconsistency, inter-agency competition and a lack of predictable standard setting, monitoring and accountability. On some occasions, short-term commitments have been made and later reversed. While Humanitarian Coordinators have identified problems at the field level and raised them with particular UN agencies' headquarters staff, the response has remained ad hoc and, all too often, has depended on the enthusiasm and drive of individuals.

The General Assembly has addressed these issues. In 2004, in resolution 58/177³, it reaffirmed the international community's commitment to "an effective, accountable and predictable collaborative approach" and spoke of the need "to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement." Then, in early 2005,



Secretary-General Kofi Annan called for further action to improve the response to the internally displaced. In his report, *In Larger Freedom*,⁴ he stated his intention to "strengthen further inter-agency response to the needs of internally displaced persons, under the global leadership of the ERC (Emergency Relief Coordinator), and at the country level through the Humanitarian Coordinator system."

In an effort to address these concerns, we have focused on supporting the inter-agency response in eight countries with particularly acute problems relating to internally displaced people: Sudan, the Democratic Republic of the Congo, Uganda, Liberia, Somalia, Burundi, Colombia and Nepal. Ultimately, however, it is recognised that meeting the challenges set by the General Assembly and the Secretary-General and ensuring more consistent and effective responses require institutional reform.

Towards greater accountability

In July 2005 the Inter-Agency Standing Committee (IASC)⁵ – a forum which brings together a broad range of UN and non-UN humanitarian partners – agreed that, in principle, specific responsibilities for the internally displaced in problem sectors should be assigned to particular agencies in order to enhance accountability on the ground. These proposals are now being worked out in further detail as part of the overall reform of the humanitarian system launched in 2005; some conclusions are expected by the end of the year.

In each country, designated agencies will have to answer to the Humanitarian Coordinators and, indeed, to the Emergency Relief Coordinator, if they fail to respond to a particular crisis in an effective and timely manner in line with agreed standards.

This does not necessarily mean that an agency given responsibility for a particular issue would have to undertake all the work itself. One of the tasks given to agencies, for example, should be to ensure that national authorities fulfil their own responsibilities for protecting and assisting displaced people and, where national capacity is lacking, to identify agencies that can assist. The agency, however, would be held accountable for making sure that the necessary work is done, even if by others. The idea is to reverse the current relationship in which the Humanitarian Coordinators and the Emergency Relief Coordinator try to persuade agencies to carry out particular tasks. More will be achieved if agencies feel obliged to take the initiative in raising concerns and putting forward suggestions as to how national authorities, donors and other parties could best address the tasks at hand.

An agency given responsibility for camp management, for example, would be expected to carry out assessments, planning, standard setting, monitoring and advocacy in relation to that activity. The Humanitarian Coordinators, under the leadership of the Emergency Relief

Coordinator, would then be able to fulfil their real function in relation to internally displaced people: overseeing the effective functioning of the collaborative response at the strategic level.

Clearly these arrangements should allow for some flexibility. If appropriate, the Humanitarian Coordinator could advise the Emergency Relief Coordinator that, in some exceptional circumstances, an agency or partner with particular expertise and capacity on the ground should be asked to take over responsibility for one specific area. The important point is that everyone should know who is responsible for what and that, subsequently, the designated organisation should be held accountable for fulfilling the tasks assigned to it.

Such arrangements will increase the likelihood of quick, effective interventions. They will also reduce the risk of the Internal Displacement Division becoming a parallel structure undertaking work that should be done by operational agencies. The Division has recently taken the lead in drawing up plans to protect internally displaced people in various countries. In the long term, this work should be undertaken by operational agencies on the ground. Locally-produced plans are more likely to attract the involvement of operational partners and consequently will often be more effective. Furthermore, if a proper system existed for drawing up plans at a country level,

the Humanitarian Coordinators would have greater control and be better placed to ensure that any programmes for the internally displaced fit in with agreed Common Humanitarian Action Plans.

Conclusion

Internal UN reforms are never easy. Pressure to maintain the status quo is significant in any large organisation. These changes will take time. The Internal Displacement Division believes that its expertise will still be required during the transition period until the issues typically arising from internal displacement are better understood by more people in the UN system. But change is needed. Few can deny that internally displaced people need better protection and that the current arrangements are unsatisfactory. Establishing who is responsible for what could significantly improve the situation of a group of people who need all the help they can get.

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1. www.reliefweb.int/idp/
2. Since June 2003 the post has been held by Norway's Jan Egeland, whose article appears on pages 4-5.
3. <http://ochaonline.un.org/webpage.asp?Page=1736>
4. www.un.org/largerfreedom/
5. www.humanitarianinfo.org/iasec/



IDP camp in western Cote d'Ivoire.

The role of the Guiding Principles on Internal Displacement

by Walter Kälin

The Guiding Principles provide an important framework for protection. To make them more effective on the ground, however, governments now need to take steps to incorporate them into national legislation.

What has become known as the ‘protection gap’ is one of the main problems faced by millions of internally displaced people around the world. A recent study found that the UN’s approach to internal displacement is “still largely ad hoc and driven more by personalities and the convictions of individuals on the ground than by an institutional system-wide agenda” and suffers “from a lack of political and financial support from UN headquarters and UN member states.”¹ In addition, many countries with internally displaced populations are unwilling to protect the rights of those affected or lack the capacity and tools to do so.

The Guiding Principles on Internal Displacement draw their authority from the fact that they are based upon, reflect and are consistent with international human rights law and international humanitarian law, as well as international refugee law where it can be applied by analogy. Yet the Guiding Principles go beyond a simple compilation and restatement of those human rights and humanitarian law guarantees that are applicable to situations of internal displacement. They provide a fully-fledged framework for identifying protection needs and for planning, implementing and monitoring protection activities. In order to strengthen these functions, the Guiding Principles now need to be incorporated into domestic laws and policies.

A broad understanding of protection

One reason why international agencies as well as national governments fail to adequately protect internally displaced people may be their limited understanding of what protection means. Governments at

times deny protection to internally displaced people by limiting the definition to victims of insurgents, thus excluding, for example, those fleeing the armed forces of the State. International agencies may limit their protection work to saving lives in emergency situations.

The Guiding Principles help to overcome these limitations. Their definition of ‘internally displaced’ includes all those who have left their homes and places of habitual residence **involuntarily**, whatever the circumstances, and have not crossed an international frontier. Furthermore, they address the full range of rights that may become relevant for protection against displacement, during displacement and in the context of return or resettlement once durable solutions become possible. In doing so, they reflect the fact that internally displaced people remain citizens of the country they are in and do not lose, as a consequence of being displaced, the rights granted to the population at large.

The conceptual approach of the Guiding Principles thus facilitates a broad understanding of protection which encompasses “all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law and refugee law.”² Such activities should ensure the cessation, non-recurrence and prevention of violations and that victims of violations be provided with effective remedies including reparation, rehabilitation or compensation.³ From a rights perspective, it is important to stress that such protection must not be limited solely to the survival and physical security of IDPs but should cover all guarantees provided by international human rights and hu-

manitarian law, including protection of property, access to documents and participation in elections (even before return to the habitual place of residence).

All the rights enshrined in the Guiding Principles are equally important, as mere survival without dignity is intolerable, whereas dignity cannot be enjoyed without survival. However, in practice, not all rights are equally important in each situation of displacement. Which of the different protection needs of IDPs are at the forefront depends on the specific context. It is also clear that agencies and organisations with specific and limited mandates cannot address all protection needs at the same time. Similarly, the ministry or department responsible for IDPs in a specific country may not have the authority or capacity to deal with all the problems they face. However, the Guiding Principles make it possible both to systematically analyse and identify the main protection needs (by asking to what extent the displaced encounter problems related to rights set out in each Principle) and to facilitate the tasks of determining action needed and assigning respective roles and responsibilities to governments, the UN and civil society. In this way, comprehensive policies and plans of action can be developed that cover all the relevant protection needs of internally displaced people in a given situation and do not neglect the protection of rights that are not in the forefront of humanitarian action.

Incorporating the Principles into domestic law

The Guiding Principles restate, in greater detail, many of the existing legal provisions which respond to the specific needs of IDPs. Experience shows that their connection to existing law is recognised and acknowledged by many governments which, at the same time, prefer to discuss their application without having to consider the issue of legal obligations. For this and other reasons,⁴ it is doubtful, at least for

the time being, whether turning the Guiding Principles into a binding UN Convention would be feasible or even desirable.

However, this does not mean that no steps to enhance the standing of the Guiding Principles should be taken. Several countries – including Angola, Burundi, Colombia, Peru, the Philippines, Sri Lanka and Uganda – have made explicit reference to the Principles in their national laws and policies on internal displacement. However, as encouraging as this development is, some of the resulting laws and policy documents have not clarified how the rather abstract general principles of international law articulated by the Guiding Principles should be translated into concrete action on the ground. I therefore plan to develop, in consultation with relevant actors, a manual that will provide law and policy makers with detailed guidance as to the content, institutional arrangements and

procedures necessary to make the Principles operational at the domestic level.

I welcome the UN Secretary-General's report *In Larger Freedom: Towards Development, Security and Human Rights for All*.⁵ He emphasises that it is in each country's self-interest to address all situations of internal displacement effectively and thus urges Member States to accept the Guiding Principles on Internal Displacement as the basic international norm for protection of IDPs and commit themselves to promoting the adoption of these principles through national legislation. It is to be hoped that Heads of State and Government who will gather at the UN General Assembly in September 2005 will heed this call. This would certainly be an important step in strengthening the Guiding Principles as an important tool for advocating and strengthening the human rights of internally displaced people.

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1. *Protect or Neglect: Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons*, Simon Bagshaw and Diane Paul, Brookings-SAIS Project on Internal Displacement and OCHA's Inter-Agency Internal Displacement Division, Nov 2004, at www.brookings.edu/fp/projects/idp/protection_survey.htm.
2. 'Implementing the Collaborative Response to Situations of Internal Displacement, Guidance for UN HC/RCS and Country Teams', Inter-Agency Standing Committee, Sept 2004, www.idpproject.org/IDP_documents/IDPPolicyPackage.pdf
3. Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, submitted pursuant to Commission on Human Rights resolution 2004/55, E/CN.4/2005/84, 31 Dec 2004, para 43.
4. See Walter Kälin 'How hard is soft law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework' in *Recent Commentaries about the Nature and Application of the Guiding Principles on Internal Displacement*, Brookings-CUNY Project on Internal Displacement, April 2002.
5. www.un.org/largerfreedom

UNHCR: expanding its role with IDPs

by Roberta Cohen

UNHCR is at a critical point in its 54-year history. Set up to protect refugees, it is now poised to take on a leading role in protecting internally displaced people.

The Emergency Relief Coordinator, the heads of the major relief and development organisations, NGO umbrella groups and the Red Cross/Red Crescent movement – which together comprise the UN's Inter-Agency Standing Committee (IASC)¹ – on 12 September assigned the major responsibility for the protection of IDPs to UNHCR. The coordination and management of IDP camps and emergency shelter will also become UNHCR's responsibilities.

The new High Commissioner António Guterres is keen to meet the needs of IDPs², while the international community turned to UNHCR because the Collaborative Approach in its current form has not succeeded in effectively addressing IDP protection needs. Just about every UN or independent evaluation has found protection to be the biggest gap in the international institutional response.³ After visiting Darfur at

the end of 2004, the UK's Secretary of State for International Development, Hilary Benn, berated the UN for not adequately protecting IDPs and called for new mechanisms to do so.

UNHCR's long experience with uprooted populations and its comprehensive mandate, encompassing both protection and assistance, made it the obvious choice for taking the protection lead. Involved with IDPs since the 1970s it played a particularly prominent role in the 1990s in the area of protection, whether in the Balkans, the South Caucasus, Colombia or Sri Lanka. Walter Kälin, the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, supported UNHCR's taking on even more. In FMR 23 he noted that: "...UNHCR is the organisation with the most experience and capacity to protect and assist persons displaced by armed conflict who are in

camps or to organise IDP returns... it is difficult to understand why there should not be at least a presumption that the High Commissioner for Refugees should assume responsibility in such situations."⁴

Areas of involvement

To take on a major role in IDP protection, UNHCR will need to define the scope of its activities. Internal displacement affects more than 40 countries. In deciding where to get involved and how, one point is clear: UNHCR must expand its presence in Africa. At present UNHCR is concerned with only 1.1m of Africa's 12-13m IDPs. Because protection is cross-cutting, UNHCR will also have to make sure to integrate it into the sectors led by other agencies, in particular food, health and recovery. It will have to pay special attention to returns. Both during and after returns home, IDPs can face protection problems. Many find their houses occupied by others or they may be subject to attacks, incited by ethnic or political animosities. UNHCR's greater involvement in monitoring and accompanying returns could



Youth at IDP camp,
Bunia town, Ituri
District, DRC.

help enhance security and also help overcome the tensions that arise when returning refugees receive seeds, tools and reintegration assistance from UNHCR but returning IDPs do not. Furthermore, it could bring home to UNHCR that returning refugees can easily become internally displaced, as has been the case in Afghanistan and Sierra Leone, when they are not sufficiently helped to reintegrate safely and effectively.

Camp management is another critical area where UNHCR's involvement could help increase protection, in particular by reducing rapes, abduction of children and assaults in overcrowded camps. In northern Uganda, where camps are poorly managed and UNHCR not involved, recruitment of children is widespread and HIV/AIDS incidence rates among the displaced are six times higher than the general population.⁵ In Darfur, where camps have also been sorely neglected, rapes are regularly reported. IDPs who are not in camps – such as in Colombia – should also be able to draw upon UNHCR's protection expertise. UNHCR could furthermore play an important role in provision of emergency shelter. Although shelter is a basic component of the agency's protection of refugees, for IDPs it is "among the poorest addressed and most neglected aspects of humanitarian response."⁶ Large numbers of IDPs live for years in railway cars, containers, abandoned buildings, empty hospital rooms, collective centres and urban slums.

UNHCR will have to expand its view of protection. When UNHCR provides

protection to refugees, it basically defends refugees' legal right to asylum and *non-refoulement*. But when it comes to IDPs, they are in their own countries and should enjoy the same rights as other citizens. Although the Guiding Principles on Internal Displacement have acquired considerable authority, there is no internationally recognised legal agreement like the Refugee Convention on which to base activities for IDPs. In the case of IDPs, protection involves defending their physical safety and the broad range of human rights to which they are entitled and which encompass protection against displacement, during displacement and in return or resettlement. Tools for doing so can range from monitoring and reporting to developing protection plans for the different agencies on the ground, leading protection working groups to implement the plans, increasing presence in camps and areas of danger, evacuating persons at risk, advocating with government officials, promoting national responsibility and helping to develop national capacity, prodding UN senior officials and donor governments to intercede, accompanying returns and helping with reintegration and property issues. Engaging in such activities will require far greater attention to staff security since operating in countries of origin is a more dangerous undertaking for international staff than working in host countries.

In providing protection for IDPs, UNHCR will have to make sure that its activities do not in any way undermine its protection of refugees.

UNHCR has repeatedly stated that protection for IDPs cannot be at the expense of its basic commitment to asylum, which means it will have to be mindful when conflicts of interest arise between protecting people in their own countries and defending their right to seek refuge abroad. Indeed, governments reluctant to receive refugees have at times used in-country protection activities for IDPs as a pretext for denying asylum. But it should also be recognised that governments bent on containment will always find other reasons for closing their doors. Those who oppose most – if not all – UNHCR involvement with IDPs often confound the world's inhospitality to refugees with the greater attention being given to IDPs. But inhospitality to refugees has many other causes and should not be allowed to interfere with efforts to promote protection for the far larger numbers of people who remain uprooted within their home countries. In fact, countries of asylum might be more inclined to maintain their asylum policies if something were done to alleviate the suffering of IDPs. Both refugees and IDPs may fit into separate legal regimes but operationally it often makes little sense to distinguish between the two. As former Assistant High Commissioner Kamel Morjane put it, "It is often neither ethical nor practical to distinguish between human beings because of a border they may or may not have crossed."⁷

In carrying out its new protection role, UNHCR will have to learn to navigate the UN's cumbersome collaborative system. In the Balkans in the 1990s, UNHCR was the 'lead agency' for refugees, IDPs and other affected civilian populations. But under the current system, the Humanitarian and Resident Coordinators (HC/RCs) lead and direct the collaborative response in the field. UNHCR must therefore report to them and will no doubt find, as did the OCHA-Brookings study, *Protect or Neglect*, that the majority of HC/RCs lack awareness of their responsibility to provide protection for the internally displaced and are reluctant "to advocate for the rights of the displaced in an effective and assertive manner."⁸ Indeed, many of them view protection and human rights activities as 'political', capable of undermining the provision of humanitarian relief and even of leading to their expulsion from the country.

Moreover, HC/RCs in many countries report to Special Representatives of the Secretary-General who easily put political concerns over humanitarian and human rights objectives.

Developing partnerships with other agencies engaged in protection, whether inside or outside the UN, will reinforce UNHCR's role. The Office of the High Commissioner for Human Rights (OHCHR), for example, recently set up a human rights monitoring programme in Nepal to focus on the human rights and protection of civilians, including IDPs. OHCHR should be encouraged to become more involved in IDP protection activities on the ground in different countries. UNICEF should also be encouraged to play more of a protection role given the plight of so many internally displaced children. In Uganda, tens of thousands of children are at risk each night from abduction and maiming, yet there are few international protection staff on the ground. Closer collaboration with UN peacekeepers will also be

needed since they are increasingly called upon to assume protection responsibilities for IDPs yet often receive little training in how to protect IDPs (and in Sierra Leone and DRC were implicated in the sexual harassment, rape and exploitation of internally displaced women and children).

Lastly, UNHCR will need to persuade donors to provide the resources to enable it to take on a greater protection role. Some donors in the past have resisted this. In 2002, for example, the US withdrew its support from a UNHCR programme to protect Angola's IDPs on the grounds that the agency should not use its limited resources on IDPs.

After many years in denial, the UN system has finally acknowledged the need to promote a more effective institutional response to the protection of IDPs. Giving the job to UNHCR has the potential to bring predictability and clarity to an area regularly described as the biggest

gap in the international response to IDPs.

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National responsibility and internal displacement: a framework for action

by Erin Mooney

National authorities have primary responsibility for protecting and assisting their internally displaced populations. But what, specifically, does this responsibility entail?

The Guiding Principles on Internal Displacement set forth the rights of IDPs and the obligations of national authorities towards them. Less clear, however, has been what governments concretely can do to ensure that these rights are respected and responsibilities fulfilled. To help, a Framework for National Responsibility has been developed that identifies 12 key steps for governments:

1. Prevention

Governments have a responsibility to prevent conditions that might compel populations to leave their homes and, in particular, to protect individuals against arbitrary displacement. Cultivating an environment of respect for human rights is critical. Early warning and rapid response mechanisms also need to

be developed to protect populations under threat, whether from conflict, abuse or natural disaster. Where displacement proves unavoidable, national authorities have a responsibility to minimise its adverse effects, provide for the safety and well-being of those affected and ensure that displacement lasts no longer than absolutely necessary. Governments have a particular obligation to protect against the displacement of indigenous groups, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

2. Raise national awareness of the problem

When internal displacement does occur, a government's recognition of the problem and of its responsibility to address the problem provides

the basic foundation for an effective national response. In more than one case, a government has categorised IDPs as 'migrants', presumably to deflect attention from the involuntary nature of their movement and to avoid its responsibilities. Public pronouncements about the problem of internal displacement are therefore important. A government's acknowledgement and use of the Guiding Principles would signal its recognition of the special needs of IDPs as well as of its obligations to protect their rights. It would also be a means of raising awareness about the problem, building national consensus and promoting solidarity with the displaced.

3. Data collection

Credible information on the number, location and condition of the internally displaced is essential for designing effective policies and programmes to address their needs and protect their rights. Data must be disaggregated by age, gender



IDPs in Colombia.

and other key indicators so that the specific needs of particular groups of IDPs can be taken into account. Attention must be given to the different causes of displacement. Furthermore, information is needed not only on IDPs in emergency situations but also on those in protracted situations of displacement. It should be noted that data collection and registration processes must in no way put at risk the security of the displaced or affect their legal entitlement to enjoy the protection and assistance of their government.

4. Training

Training on the Guiding Principles for government officials – including camp administrators, the military and police – is essential to ensure awareness of their protection and assistance duties towards IDPs. It also helps build government capacity and accountability. In addition, governments should welcome training initiatives for civil society and, most importantly, for IDPs themselves, who of course are entitled to know their rights. Indeed, it was in response to a request from the Government of Uganda that the first training workshop on the Guiding Principles was held and a

set of training modules on internal displacement developed by the Norwegian Refugee Council's Global IDP Project and the Office of the UN High Commissioner for Human Rights in 1999.¹ Similar training workshops, bringing together representatives of national and local government, civil society, IDP communities and international agencies, have since been held in over 20 countries.

5. A national legal framework

Because protection is, fundamentally, a legal concept, the development of a national legal framework upholding the rights of IDPs is a particularly important indicator of national responsibility and an important vehicle for its realisation. UN resolutions have encouraged states with internally displaced populations to develop strengthened national legal frameworks. An increasing number of governments, including Angola, Burundi, Colombia, Georgia and Peru, have done so, either by adopting new laws or revising existing legislation to be in line with the Guiding Principles. Civil society can further these efforts. In Armenia, Azerbaijan and Georgia, local lawyers and NGOs undertook a comprehensive analysis of national legislation and then began working with

their governments to bring national laws into line with the Principles.² Initiatives to strengthen domestic legislation on internal displacement are also underway in a number of other countries. To assist these efforts, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons is developing a domestic legislators' manual identifying and providing legal guidance on the key elements for inclusion in national legislation on internal displacement [see article by Walter Kälin, pp8-9]. Of course, national responsibility must entail not only adopting such national legislation but also implementing it. The case of Colombia, where an impressively comprehensive national law on IDPs has been on the books since 1997, underscores this point dramatically.

6. A national policy or plan of action

The adoption of a national policy or plan of action is a distinct, though complementary, measure to the enactment of national legislation. It should, for instance, spell out national and local institutional responsibilities for responding to internal displacement as well as identify a mechanism for coordination. UN resolutions have encouraged governments of countries experiencing internal displacement to adopt national plans or initiatives to provide protection and assistance to IDPs. The Government of Uganda, for example, has developed a national policy on internal displacement using the Guiding Principles as a framework. In Nigeria, a similar exercise is underway following a series of public meetings soliciting the views of IDPs and local communities. A national policy on internal displacement will be most effective when developed in full consultation with civil society and IDPs. Once completed, a national policy or plan of action must be widely disseminated, especially to IDPs, in their own language and in a format they can easily understand.

7. A national institutional focal point

This is another ingredient critical to national responsibility for IDPs and coordination within the government and with local and international partners. Whether located within a new or existing agency, it is essential that the national institutional focal point for internal displacement has a

mandate for protection as well as assistance. Its staff should be trained on issues of internal displacement, in particular the Guiding Principles, and be expected to play a leading role in national efforts to verify that the rights of IDPs are respected and their needs addressed. This body will require political authority as well as adequate resources to carry out its mandate.

8. A role for national human rights institutions

National human rights institutions can help reinforce national responsibility by: investigating reports of violations and working to ensure an effective response by the authorities; providing awareness-raising and training programmes on IDP rights; advising on the development of national law and policy on internal displacement; and monitoring and reporting on its implementation. Governments need to acknowledge internal displacement as a human rights issue and support, both politically and financially, efforts by national human rights institutions to address it. An increasing number of national human rights institutions are beginning to focus attention on this issue but often require support. To this end, the Asia Pacific Forum of National Human Rights Institutions³ is working to assess members' capacity and provide assistance on IDP issues.

9. IDPs' participation in decision making

Involving the displaced and building upon their skills are critical to the effectiveness of responses. As

set forth in the Guiding Principles, governments have a responsibility to consult with IDPs, for instance in decisions for relocation and in the design and distribution of humanitarian assistance. Special efforts should be made to ensure the full participation of women in order to mitigate their vulnerability to sexual extortion and exploitation in obtaining food rations, as well as the risks of sexual violence that can be heightened by poor camp design. When it comes to finding durable solutions to displacement, moreover, consultation with the displaced is a key component of ensuring that their return or resettlement is voluntary. The formation of IDP associations – such as the Displaced Persons Council established in Afghanistan in 2003 – should be welcomed and supported.

10. Support durable solutions

National responsibility includes ensuring a durable solution for IDPs. Governments have a duty to establish conditions to allow IDPs to return voluntarily, in safety and dignity, to their places of habitual residence or, if they choose, to resettle in another part of the country. Under no circumstances should IDPs be encouraged or compelled to return or resettle to areas where their life, safety, liberty or health would be at risk. Where possible, monitors should accompany returns to verify that the process is voluntary and occurs in conditions of safety. Furthermore, the authorities have a responsibility to assist IDPs to recover property and possessions and, when this is not possible, to obtain compensation or another form of just reparation. Whether IDPs choose

to return or to resettle, national authorities also have a responsibility to facilitate reintegration and foster conditions enabling them to rebuild their lives. Indeed, strategies to restore livelihoods and promote self-reliance should be introduced as soon as possible after displacement occurs so as to avoid creating long-term dependency. IDPs must also enjoy equal access to public services, including health care and education, and be able to participate fully and equally in public affairs, including exercising their right to vote. Decisions as to 'when displacement ends' must not be taken arbitrarily but on the basis of objective criteria ensuring respect for IDPs' human rights.⁴

11. Allocate adequate resources

National responsibility requires governments to devote resources to address situations of internal displacement. Governments lacking the capacity to do so can and should turn to the international community for assistance. Where a government has resources at its disposal, however, it is unreasonable to expect the international community to shoulder the bulk of the financial burden. This was for many years a major complaint of donors in the case of resource-rich Angola. A government's indication, through whatever budget allocations are possible, that the issue of internal displacement constitutes a national priority can help secure international financial commitments to support national efforts.

12. Cooperation with international and regional organisations

When governments lack sufficient national capacity, responsibility requires giving safe and unimpeded access to international assistance. Inviting the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons to visit and engage in dialogue with national authorities, civil society and IDPs would be one indicator. International and regional organisations in turn should stand ready to support governments demonstrating a readiness to fulfill their national responsibilities in situations of internal displacement. Ways in which they can do so include: providing technical assistance on issues such as registration and in the development of national laws and policies; offering training on the Guiding Principles; assisting IDPs to

IDP camp, Angola.



obtain replacement documentation; establishing a monitoring presence in areas where IDPs' physical security is at risk; and accompanying IDP returns and verifying that the process is voluntary and that conditions are safe in IDPs' areas of origin. Overall, the aim of international and regional efforts must be not to substitute for national efforts but to strengthen national accountability for protecting and assisting the internally displaced.

Fundamental characteristics of a national response

To be truly national, a government's response needs to be inclusive and non-discriminatory. It must embrace:

- **All causes:** including people uprooted by conflict, communal strife and serious violations of human rights as well as those uprooted as a result of natural and human-made disasters, development projects and other causes.
- **All groups:** National authorities have a responsibility to ensure that the special protection and assistance concerns of particular groups within IDP populations, including women heads of household, unaccompanied minors, persons with disabilities, the elderly, indigenous persons and ethnic minorities, are addressed.
- **All needs:** A national response requires an integrated approach that addresses protection as well as assistance concerns. This is true even in situations of natural disaster when, although material relief may be the most visible need, serious protection issues nonetheless can arise, as became apparent after the December 2004 tsunami.⁵
- **All phases:** National responsibility extends across all phases of displacement. It includes preventing arbitrary displacement, ensuring the security and well-being of people once they are displaced, and creating the conditions for durable solutions to their plight, namely through voluntary and safe return or resettlement and reintegration.
- **All authorities:** A national response requires the collective contributions of all relevant branches of government. Authorities at the local level, who are likely to be more directly in contact with displaced populations, need to ensure that national responsibility is effectively discharged in practice, not just in policy. The military and

police have specific responsibilities for ensuring IDPs' physical safety. Non-state actors, including insurgent groups, also have responsibilities under international humanitarian law and must be held accountable.⁶

Conclusion

Beyond the framework set forth in the Guiding Principles it is possible to pinpoint definite benchmarks and indicators clarifying national responsibility for addressing internal displacement. Each of the 12 key steps can enhance national efforts and benefit the internally displaced. Taken collectively, these benchmarks can constitute a comprehensive framework for action for fulfilling national responsibility in situations of internal displacement.

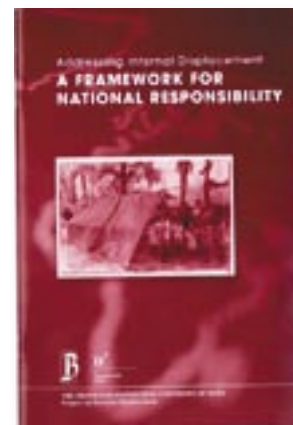
The Framework for National Responsibility can help governments address internal displacement and meet their obligations while also serving as a tool to enable international organisations, regional bodies, donors, national human rights institutions, civil society and the displaced themselves to monitor and assess the extent to which national responsibility is being effectively exercised.

The need for such a tool seems apparent from the active use of the Framework by governments and other actors around the world. For instance, its benchmarks provide the basis for the International Organization for Migration's (IOM) training on internal displacement for government policy makers and practitioners.⁷ In Iraq, IOM plans to use an Arabic translation of the Framework in its capacity-building work with the Ministry of Displacement and Migration. In Sierra Leone, the UN Office of the High Commissioner for Human Rights has incorporated the Framework into its training for police. In Russia and Sri Lanka, local groups are preparing versions of the Framework in local languages that will also include an assessment of the national response in light of the set of benchmarks.

Governments will, of course, need to tailor application of this framework to fit each country's particular conditions. It may also prove valuable to adapt the Framework on a regional basis, as has been done in the Americas.⁸ The Commonwealth is promoting the benchmarks as 'best

practices' among its member states.⁹ Such national and regional initiatives to promote and reinforce national responsibility are needed in order to improve the plight of the millions of internally displaced around the world who rely on their governments for protection and assistance.

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Addressing Internal Displacement: A Framework for National Responsibility by Erin Mooney (Brookings Institution-University of Bern Project on Internal Displacement, 2005), is available in English, French and Portuguese at: www.brookings.edu/idp/20050401_nrframework.pdf

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Making the Collaborative Response system work

Many proposals are being advanced to improve – or even to scrap – the current international response system to crises of internal displacement. The Collaborative Response is far from ideal but, nevertheless, is still potentially the most viable way to systematically meet the protection and assistance needs of internally displaced people.

While the number of refugees crossing international borders has steadily declined, the number of people displaced by conflict has remained at around 25 million for several years. Some 50 countries are affected by conflict-induced internal displacement. Most IDPs receive neither adequate humanitarian assistance from their governments nor protection from violence and human rights abuses. The Global IDP Project estimates that three in four IDPs cannot count on national authorities for the provision of adequate assistance. In 14 countries, with a total of over 12 million IDPs, governments react with hostility or, at best, indifference towards their protection needs. Even worse, in at least 13 countries the very governments responsible under international law for protecting their citizens are themselves behind forced displacement and attacks on IDPs, either directly or through militias.

Whether they are deliberately targeted by warring parties or randomly caught up in fighting, most IDPs in acute displacement situations face threats to their physical security. The act of displacement itself is often accompanied by violence and the most serious human rights abuses such as arbitrary killings, torture, kidnappings and rape. Women and children are in particular need of protection as they are especially vulnerable to abuse, including sexual violence, abduction and forced recruitment. Sexual violence is reported to be a widespread phenomenon affecting IDPs in at least a quarter of all displacement situations.

IDPs are more vulnerable to malnutrition and diseases than local residents or other war-affected people.

Having been forced to leave their homes, IDPs generally have no access to agricultural land and may have fled to remote areas inaccessible by national or international agencies. Savings may be lost and coping mechanisms cease to function, leaving only limited opportunities to earn enough money to buy food or access health care. Overcrowding, poor sanitary facilities and lack of access to clean water make IDP settlements unhealthy places to live in.

Millions of IDPs remain displaced even though the violence that caused their displacement has long ended. This is often due to deadlocks in peace talks or lack of opportunities for reintegration in war-ravaged return areas, including difficulties in repossessing land and other property. While remaining in situations of protracted displacement, many IDPs are forced to live as second-class citizens, facing discrimination, restriction of their freedom of movement and their political rights, and difficulty in accessing personal documents, social services and benefits.

National governments have the primary obligation to protect and assist IDPs but generally lack the will and/or capacity to do so. In only 19 countries, with some 6.5 million IDPs, do governments make a genuine effort to assist IDPs by framing policies, enacting IDP legislation and enhancing institutional response capacity. Most, however, provide insufficient resources and institutions remain weak.

Collaborative Response fraught with problems

Several studies have identified shortcomings in the implementation

by Jens-Hagen Eschenbächer

of the Collaborative Response.¹ The Global IDP Project's *Global Overview 2004* showed that in 29 countries there was no UN strategy to address IDP issues while in others a coordinated response mechanism existed only on paper. In 14 countries the UN had no involvement in providing targeted assistance to IDPs.²

The inter-agency IDP policy – the Collaborative Response – clearly assigns responsibility for developing and implementing a comprehensive response to the UN's in-country Humanitarian Coordinators or, where this position does not exist, to Resident Coordinators. However, many Resident/Humanitarian Coordinators have not fully assumed this responsibility, or are not even aware of the obligation to do so. Citing budgetary constraints and other obstacles, agencies in many situations are reluctant to take on IDP-related responsibilities not strictly falling under their core mandates. In many emergencies, the Resident Coordinator – who is often the head of the UNDP country office – is designated Humanitarian Coordinator, although he/she may have little or no humanitarian background and his/her agency agenda may not be consistent with assuming a proactive role with regard to IDP issues. There are no specific reporting mechanisms and the general reporting line between Humanitarian Coordinators and the Emergency Relief Coordinator (ERC) is often weak. As a result, there are generally no consequences for failure to comply with the policy.

For their part, several donors have not backed up their declared commitment to the Collaborative Response with genuine political support, funding or measures to hold agencies accountable for uncooperative behaviour. As a recent evaluation documented, donor funding practices may even undermine coordination efforts.³

Reacting to growing concerns over the deficiencies of the international response, the UN and other organisations revised and expanded the existing inter-agency IDP policy. The

new policy package adopted in September 2004⁴ is designed to provide Resident/Humanitarian Coordinators and agencies on the ground with the necessary tools to better implement the Collaborative Response. The Emergency Relief Coordinator, Jan Egeland, has worked to make internal displacement a UN priority, strengthened the UN's Inter-Agency Internal Displacement Division, appointed a senior UNHCR official, Dennis McNamara, as its director and focused its work on a few selected priority countries.

More recently, steps have been taken to develop a lead agency system within the Collaborative Response. Plans under discussion at the time of writing envisage the designation of lead agencies for major sectors and cross-cutting issues related to internal displacement, with UNHCR likely to take over lead responsibility for the key area of IDP protection.

Making the Collaborative Response work

Regardless of the valid criticisms, it would be premature to scrap the new inter-agency IDP policy mechanisms before they have had a chance to prove themselves. Serious efforts should instead be made to fix the structural deficiencies that still hamper the functioning of the IDP response system. The Collaborative Response has a number of advantages over alternative models as it allows the international community to:

- respond flexibly to the different phases and situations of displacement
- mobilise the resources and expertise of a wide range of actors
- ensure that the multi-sectoral challenge of internal displacement is met by a multi-sectoral response
- systematically involve NGOs in the joint international response.

There is strong political resistance by a number of states (and some UN agencies) to creating a new agency or expanding the mandate of an existing one to cover all situations of internal displacement. Given the state sovereignty issues that are at stake, this resistance is unlikely to be overcome in the near future. Even setting political obstacles aside, the sheer scope of the global internal displacement crisis goes far beyond the capacity and expertise of a single agency and thus necessarily re-



quires a broader inter-agency effort. This does not preclude arrangements such as the sectoral lead agency system currently under discussion, which could potentially lead to a strengthening of the Collaborative Response by addressing – at least partially – some of its key shortcomings, including the lack of accountability, predictability and leadership.

For the Collaborative Response to have a tangible impact, NRC recommends that:

- the ERC be requested to report to the IASC on progress made with regard to implementing the policy package
- Resident and Humanitarian Coordinators be required to report regularly on their efforts to develop – in consultation with NGOs – an IDP action plan with clearly defined measurable benchmarks
- only those with a strong humanitarian background be appointed as Humanitarian Coordinators
- Humanitarian and Resident Coordinators be properly trained on IDP issues and Country Teams be supported by a long-term senior IDP adviser
- agencies formally integrate the new policy package into their internal policy and operational documents and ensure that all relevant field personnel are familiar with the policy
- donors develop policies highlighting the vulnerabilities and specific protection and assistance needs

of particular IDP populations, support IDP-related coordination mechanisms and promote cooperation processes by using the political influence they derive from membership of agencies' governing boards in a coordinated and coherent way.

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NRC's position is further elaborated in a longer article by the author in the forthcoming special issue of *Refugee Survey Quarterly*, edited by Vincent Chetail (see p23).

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Implementation of the Collaborative Response in Liberia

by Anne Davies and Magnus Wolfe Murray

With no single organisation mandated to assist and protect IDPs, a Collaborative Response is a necessity. The Liberia experience, however, shows how unworkable it has been in practice.

Fourteen years of conflict in Liberia culminated in mid 2003 when massive numbers of people fled their homes, swamping the capital, Monrovia. Over 500,000 people were displaced (with a further 350,000 fleeing to neighbouring countries). Hostilities ceased with the abrupt exile of Liberian president Charles Taylor in July 2003, opening the way for sustained peace efforts, international accords and the deployment of the United Nations Mission to Liberia (UNMIL),¹ including 15,000 peacekeepers. A great many of those who had fled returned spontaneously to their homes nearby, while others moved into camps, mostly located within 75km of the capital.

The most pressing task was to provide the IDPs with food, clean water, sanitation and emergency health facilities. International agencies assisted those in pre-existing 'organised' camps while IDPs whom the national authorities had evicted from public buildings congregated into 'spontaneous' camps in the hope of receiving aid. IDPs were treated as a homogenous group, mainly because this was the easiest way to target aid to people whom the international community considered as among the most vulnerable. Inevitably, less vulnerable people also made their way to the camps for opportunistic reasons.

A 'lead agency' role was assigned to UNHCR to direct the IDP relief effort through collaboration with other agencies, such as WFP and UNICEF, as well as with NGOs and ICRC. However, in March 2004 this strategy was changed to embrace a more collaborative approach, mainly due to resource problems faced by UNHCR which left it unable to coordinate the relief effort alone. OCHA took over the lead role for 'horizontal' coordination with mechanisms that

included a national IDP Committee and an IDP Camp Management Forum that it chaired jointly with the national Liberia Refugee, Repatriation and Resettlement Commission (LRRRC).

A national policy framework to address all aspects of the country's rehabilitation - the Results-Focused Transition Framework - was formally adopted in February 2004 by the international community and the National Transitional Government of Liberia (NTGL). This framework established a transition strategy leading to national elections in October 2005 with a series of key activities clustered under 13 headings. Cluster 3 dealt with Refugees, Returnees and IDPs, detailing a number of priority outcomes and laying out strategies on how to achieve them. To move forward with operational planning for IDP return, the Minister of Internal Affairs (chair of Cluster 3) and the UN's Humanitarian Coordinator (HC) approved the establishment of a Joint Planning Team made up of relevant UN agencies, LRRRC and various INGOs, local NGOs and ICRC attending on a regular basis.

The Collaborative Response in theory

In the absence of any one organisation with a specific mandate to protect and assist IDPs, the Collaborative Response is about working as a team using available national and international resources in a specific country context. This requires:

- leadership and the presence of actors with the requisite expertise, capacity and resources to respond to the different needs of the displaced
- consultation with the UN Country Team and international and local NGOs, to decide on the division of labour, addressing gaps and

avoiding overlap in apportioning roles and implementing activities

- participation and consultation with the IDPs themselves in the return planning process
- development of a Strategic Action Plan by relevant local and international stakeholders - to address key IDP issues (maintenance, return, assistance, protection).

Implementation in Liberia - a reality check

Leadership - with the designation of clear roles and responsibilities - is essential. Without strong leadership, implementation gaps remain unfilled and duplication of effort can easily occur. According to a number of reports in 2004 and 2005, effective leadership has been consistently lacking in Liberia. An NGO consortium observed in June 2004 that the dual function of the HC as Deputy Special Representative of the UN Secretary-General raised the question of his "ability to fulfill his role on behalf of the wider humanitarian community" given the evident demands that both roles made on his time.² On the government side, the NTGL's capacity limitations meant that it was unable to lead the RIMCO process effectively. The Minister of Interior was often unavailable to chair scheduled RIMCO Working Group meetings which consequently took place only sporadically. The Head of the LRRRC's contribution was not always constructive and often combative.

Unclear division of labour and a lack of consultative planning were both direct results of the leadership deficit in Liberia. In 2004 many NGOs became increasingly critical of the HC for failing to carry out such basic coordination tasks as deciding who should be responsible for IDPs in Liberia. Some NGOs observed that the collaborative response had turned into a competitive approach between UN agencies.

A vibrant and dynamic resource base of experienced agencies and

organisations existed in Liberia, all willing to collaborate. Although the record of assigning clear roles and responsibilities was not always spotless, there existed a climate of inclusion, debate and attempts to resolve difficulties that were raised at the national IDP Committee and its various sub-groups. Intractable problems were passed to the Humanitarian Action Committee (HAC) chaired by the HC, for resolution at higher levels, but in reality difficult decisions were deferred week after week.

As an integral part of the Collaborative Response, the Country Team is supposed to develop a system-wide strategic action plan. However, two return plans – one strategic and the other operational – set up in 2004 have since fallen into disuse. There have been no alternative plans or updates to incorporate emerging realities and challenges. Several recent reports have pointed to the lack of strategic and operational plans to achieve the goals set out in the RFTF.³

By August 2004 it was clear that return planning was suffering from

a lack of momentum. To address this, the Joint Planning Team (JPT) was asked to prepare a realistic IDP return plan, central to which was the launching of a major public information campaign to ensure that IDPs and the general public were aware of the plan. IDP consultation was held extensively in camps and in counties of return, in order to help guide and inform the process. In October, however, the HC decided to replace senior staff, including those leading the JPT, with people who had almost no experience of the recent Liberian IDP context. In early 2005 former coordination structures – which had represented a reasonably collaborative and inclusive approach – were replaced by a new IDP Consultative Forum on Return (ICF). According to various international NGOs and national NGOs, most of whom have been allowed little say in IDP-related matters, the ICF became little more than a ‘closed’ consortium of UN agencies, LRRRC, donors and one INGO representative. Decisions emanate with little discussion and often no consensus. The collaborative response had been sacrificed for expeditious, ‘boardroom’ decision making.

Consequences of flawed implementation

The combination of weak leadership, lack of workable plans, an insufficiently broad consultative process and inter-agency competition has had unfortunate consequences.

Lack of effective coordination and the closure of former IDP camp coordination fora resulted in some camps being under-served while duplication and overlap occurred in others. Recurring problems in assuring the provision of essential goods and services, such as shelter materials and sanitation, led to unacceptably poor conditions in the camps. One UN agency repeatedly promised to provide sufficient non-food items (NFIs) to IDPs but, when unable to do so, declared that it could not be held accountable for “gaps and delays”. Abnegation of responsibility is possible because there is no formal responsibility apportioned to agencies under the Collaborative Response, and thus no accountability when agencies renege on their promises. Similarly, inability to provide sufficient NFIs for return packages has led to delays in return operations.

The restricted nature of the ICF means that policies can be adopted without a majority of stakeholders being aware of what is being decided in their name. For example, a policy decision to provide return packages in UNHCR-constructed transit centres and various other district-level drop-off points in counties of return was taken last year in the JPT forum with the agreement of all stakeholders – but this policy was reversed by the ICF. Instead, a proposal by government representatives to provide return packages in the camps prior to departure became a *fait accompli* without consensus. The LRRRC maintained this was the preference of the IDPs, without regard for the wider implications, particularly protection concerns.

Insufficiently broad discussion has led to the adoption of flawed policy decisions that are contrary to both the spirit and letter of the Guiding Principles on Internal Displacement. Return should be voluntary, yet the decision to hand out return packages in the camps while warning beneficiaries that their huts would be demolished ten days after receipt

Two children in Monrovia look at posters of children who have been separated from their parents in the years of fighting in Liberia.



of these packages amounts to a bribe and a threat. Giving IDPs little choice but to hire sub-standard local transport vehicles which are often dangerously overloaded and unroadworthy does not promote return in 'safety and dignity'. Furthermore, having return packages provided in the camps prior to return leaves the beneficiaries open to robbery and assault, risking the loss of newly-acquired assets that were supposed to tide them over until the next harvest. Many have opted to consume or sell the goods and remain in the camps. All down the line, from camp to home, returnees are facing logistical and protection problems that risk jeopardising their successful reintegration into home communities - a difficult enough process without their exposure to added vulnerabilities.

The absence of a proper plan has led some donors to indicate that they may not continue funding until they can agree upon the plan's strategic direction and understand exactly what they are contributing to. It is deplorable that no organisation or individual can be held accountable for violation of rights and principles set out in the Guiding Principles. Earlier NGO fears that humanitarian principles would become subservient to political expediency have been shown to be justified.

Problems down the road?

Disregard for the Collaborative Approach and the Guiding Principles may have more serious implications for the ultimate security of the country. The successful reintegration of almost one fifth of Liberia's population is at stake. According to UN statistics, a total of 190,557 IDPs had received return assistance by mid July 2005, representing 76% of the RFTF target caseload. But handing out return assistance does not necessarily mean that people have actually returned. A total of 50,173 people have been transported to areas of return since November 2004, fair proof that return took place. The remaining figures are either given as spontaneous returnees (45,279) or people having received assistance in the camps (101,852) but in both cases it is extremely difficult to monitor whether or not they returned. The return picture may not be quite as rosy as it seems.

During a number of return planning discussions held during 2004 with

a wide range of international and local NGOs, the concept of preparing communities to receive the returning IDPs was considered critical. It was known that these communities were in most cases devoid of those basic public services that camp-based IDPs were benefiting from, such as clean drinking water, basic education and health care. It was therefore agreed that a process of investing in communities that would host the returnees should begin, running parallel to the return, which was scheduled to begin at the end of the rainy season (around October 2004). This process started in the latter part of 2004 focusing on the counties of Bomi and Grand Cape Mount from which over 120,000 IDPs were registered. A process of mapping the areas where returns would occur, overlaid with existing or planned NGO and UN activities, was started but did not receive the support of the HC's office and other UNMIL departments working in the counties - such as the RRR section (for Relief, Recovery and Rehabilitation). This lack of collaborative planning effectively meant that there was little connection between rehabilitation and development activities and returns at the district level.

Seen from the perspective of the returnees, whatever they bring back with them - a complete or incomplete return package - is probably more than what the local community has. They may thus be perceived as the fortunate ones and expected to share their return packages within the community. But if returning IDPs, some of whom have not lived in their communities for over a decade and have become dependent on aid, find themselves with few or no coping mechanisms and, rather than representing a useful resource to the community, are seen instead as a burden, this could disturb the delicate survival balance and sow the seeds of renewed conflict within these very communities.

According to local government officials many IDPs are not returning all the way home but are relocating to 'midway points', areas near the camps that would allow them to easily move back should renewed fighting break out, or perhaps to remain close to economic opportunities in Monrovia - a serious indictment of how Liberians themselves view the future. Returning refugees benefit from

much better services than IDPs. This is because there is one mandated agency for refugees, UNHCR, which would be held accountable for failing to undertake its role to assist beneficiaries in accordance with international standards. In stark contrast to IDPs, refugees are transported by reliable means, pass through transit centres with facilities for overnight stays, and receive their full repatriation package on time. Crucially, there is an effort to link 'community empowerment projects' to their return, thereby enabling host communities to re-absorb their displaced neighbours. Their return is thus likely to be much more successful and sustainable. Returning Liberian IDPs do not share in this joined-up programming and fall victim to a partial, ad hoc arrangement where agencies and organisations will only be able to cater for the recovery needs of a certain return community if they happen to operate there.

What can be done?

In the absence of a single organisation responsible for the world's estimated 25m IDPs, and given the difficulties of taking collective responsibility for them through a collaborative approach, what other options are available? If no single agency holds specific responsibility, it follows that no one has accountability either. Yet collective responsibility often leads to lack of accountability, confusion, duplication and inefficiency.

Recognising this, the Inter-Agency Standing Committee is considering a refinement of the humanitarian response. Details are still being worked out but, when in place, the new system assigning clear responsibility and accountability for specific sectors should lead to improved implementation of the Collaborative Response. Agencies taking a sectoral lead will be able to improve planning and delivery, raise funds and deploy sufficient resources to ensure a response that is commensurate with international standards - and be held accountable for it. The donor community would be asked for its support in allocating necessary and timely funding.

Such improvements may come too late for IDPs in Liberia. Yet, imperfect though the current system may be, Liberians may prove adaptable

and resilient enough to make do with what they have, as they have so often in the past. If the international community is to be spared the embarrassment of seeing its efforts result in a setback to the peace process, they must place their faith in the resourcefulness of the Liberian people.

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For further information on Liberia, visit the Humanitarian Information Centre, Liberia www.humanitarian-

info.org/liberia and AlertNet www.alertnet.org/thenews/emergency/LR_CRI.htm

1. www.unmil.org
2. International Council of Voluntary Agencies 'The Humanitarian Response in Liberia: Some Observations by the ICVA Coordinator', 17 June 2004.
3. Joint Follow-up Mission by the European Commission and United States to Liberia and Guinea, June 2005; 'Liberia: Invest in Local Communities to Support Return of Internally Displaced', Refugees International, June 2005, at www.refugeesinternational.org/content/article/detail/6210; Inter-Agency Internal Displacement Division, OCHA follow-up mission to Liberia, May 2005, at www.reliefweb.int/rw/RWB.NSF/db900SID/EVIU-6DCBYG?OpenDocument

New approach needed to internal displacement

by Joel R Charny

The Collaborative Response is not working. In countries experiencing large-scale crises of internal displacement the international response remains characterised by lack of planning, failure to address critical protection gaps, inter-agency squabbles and inability to apply lessons learned.

Recent examples abound of the chronic difficulties of the Collaborative Response:

- **Darfur:** The UN's failure to cobble together an effective response to the massive internal displacement crisis led to unclear arrangements for camp management and allowed the Government of Sudan to cut a side deal with the International Organization for Migration (IOM) – a non-UN agency with no protection mandate or experience to monitor voluntary returns to home communities.¹
- **Liberia:** After fierce inter-agency battles OCHA withdrew in frustration, leaving the UN Mission in Liberia and UNHCR to work out arrangements for supporting IDP return. The resulting process has alienated NGO partners, created avoidable logistical breakdowns and generally ignored the needs of the displaced. Tens of thousands of IDPs remain stuck in camps, waiting for transport and return assistance kits but not knowing whether they will receive them.
- **Côte d'Ivoire:** In a tinderbox of potential ethnic and political conflict, the UN Country Team has

no adequate plan – as required by the procedural 'roadmap' of the Collaborative Response – to respond to internal displacement. When 10,000 people fled a massacre in Duékoué in June, the local Catholic Mission had to cope with the situation without external support. UNHCR refused to get involved and OCHA lacked the authority to ensure that UNHCR and WFP responded to the Duékoué displacement.

These examples are well known to OCHA's Inter-Agency Internal Displacement Division. The IDD has been conducting assessment missions and issuing hard-hitting reports, apparently to no avail. In a background paper prepared for the Inter-Agency Standing Committee Working Group meeting of 22-23 June 2005, the IDD readily acknowledged "the absence of operational accountability and leadership" and that a "pick and choose approach" by operational agencies had led to "significant gaps, inter-agency competition, short-term commitments, and a lack of standard-setting, monitoring, and accountability."

The Emergency Relief Coordinator (ERC) and the leadership of the IDD

are proposing to assign 'operational accountability' for specific sectors or areas of activity – such as camp management, emergency shelter, water and sanitation and protection – to particular agencies. These assignments would be standard across internal displacement crises but the agencies assigned would not be solely responsible for implementing activities in the relevant sector. Rather, they would take the lead in ensuring that relevant activities are planned and carried out and bring gaps and concerns in the particular area to the attention of the Humanitarian Coordinator and the Country Team.

Operational accountability is not meaningful if it does not carry with it actual responsibility to implement effective programmes. Agencies will have to cajole others to join them and in the event of further failure will once again be able to deny responsibility and maintain that donors and peer agencies failed to support them. Sectors vary widely, from discrete activities such as camp management or water supply to broad activities – particularly return and reintegration – that require the mobilisation of the entire UN Country Team.

The Collaborative Response remains deeply flawed. It epitomises the maxim that no one is responsible when everyone is responsible. Developing new conceptual frameworks is a futile exercise as long as the Humanitarian Coordinators fail to lead,

leaders of UN Country Teams fail to contribute and the post of Humanitarian Coordinator continues to be filled, as is so often the case, by UN career staff without humanitarian response experience who prioritise building cooperative relations with the very governments that may share responsibility for the displacement crises. The collaborative response relies on voluntary cooperation in a UN system riven with institutional rivalries over influence and scarce resources, rivalries that are exploited by agency staff, donors and host governments.

Tweaks are not enough

Summoning the cash and political will to create a new dedicated IDP agency seems an insurmountable challenge in the current international environment. And even if the political will could be mustered, the more logical move would be in the direction of consolidating existing emergency response and protection capacities into a single overarching humanitarian agency rather than creating yet another separate institution. However, the UN Secretary-General has passed up an opportunity to offer a comprehensive restructuring of the UN's humanitarian capacity. His far-reaching report on reinvigorating the UN for the 21st century² has bold initiatives such as the Peacebuilding Commission and the Human Rights Council but merely promises new measures to address the problem of internal displacement. The subsequent proposal of sector accountability within the framework of the Collaborative Approach lacks vision.

One way to accomplish unifying responsibility for the protection and material needs for internally displaced persons is to designate a lead agency for each major IDP crisis. The ERC would appoint a lead agency in consultation with the Resident Coordinator or the Humanitarian Coordinator in the country, with the heads of the operational agencies and, in especially urgent or politically sensitive cases, with the Secretary-General. The lead agency model has the major advantage over the Collaborative Approach of clarifying from the outset which agency is primarily responsible for meeting the protection and material needs of IDPs. This agency would also be expected to be the leading advocate within the Country Team and with

donors for a joint agency response to the crisis.

While designating a lead agency does not in and of itself guarantee an effective response, it greatly enhances the possibility that IDP needs will not be overlooked, as is too often the case at present. The lead agency model could be seen as a variation of the Collaborative Approach in the sense that collaboration would still be essential to mobilise the strengths and capacities of individual operational agencies within the UN system. The lead agency model is easy to undermine, however, as agencies unwilling to cooperate with lead organisation would have the option of pursuing programming outside the joint framework proposed by the lead agency. Strong overall leadership and management of the process by the ERC, figuratively banging heads at the country level if necessary, would be critical for the lead agency model to be effective.

UNHCR's pivotal role

Within the UN system only UNHCR has the requisite combination of protection experience and operational capacity to make a significant contribution to addressing IDP needs. The new UN High Commissioner for Refugees, António Guterres, has already made it clear that he is willing to prepare his agency to be more aggressive in meeting the protection challenges presented by all displacement. Donor governments, the ERC and the leaders of the other operational agencies in the UN system should accept the logic of this development and agree to make UNHCR the centrepiece of the global response to internal displacement.

The great benefit of mandating UNHCR to be primarily responsible for this task is clarity. Empowered with this new mandate, the agency would proactively seek out opportunities to respond to the plight of IDPs, while donors would be expected to allocate necessary funds. While the funds available for IDP response would be unlikely to increase, they would be more concentrated within the management structure of a single agency and over time this would result in more effective programming. Furthermore, offering UNHCR the global mandate for IDP response might also be tied to an effort to shape the Guiding Principles on Internal Displacement into a formal convention

on internal displacement along the lines of the 1951 Convention Relating to the Status of Refugees.

Problems with this alternative centre on the sheer size of the IDP caseload (there are about twice as many conflict-induced IDPs as refugees), the potential for undermining access to asylum for refugees and the difficulty that UNHCR is already experiencing fulfilling its protection mandate for refugees. Despite UNHCR's institutional weaknesses, and the undermining of its effectiveness by host governments increasingly reluctant to adhere to the tenets of the Refugee Convention, the fundamental issue is whether placing the global mandate for IDP response with the agency would at least incrementally enhance IDP protection. This subject merits renewed discussion within the international humanitarian system, a discussion that should be open-minded and separated from questions of narrow institutional interest. Only the Secretary-General has the authority to organise such a debate.

With so much experience and analysis available on the failings of the Collaborative Response, the burden of proof is on its defenders. The continued failure to respond effectively to the needs of 21.3 million IDPs would be condemned as a global scandal if the public knew more about the plight of some of the world's most desperate people. Like climbers on a crumbling rock face, the Secretary-General, the ERC, the leaders of the operational agencies and donors cling to the Collaborative Response. Their position is untenable and a new approach is essential. The immediate way forward is to position UNHCR as the agency able to respond to the protection and material needs of displaced persons in most situations and organise a comprehensive system-wide response to IDP needs with UNHCR in the driving seat.

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1. See the critique of IOM in FMR22: www.fmreview.org/FMRpdfs/FMR22/FMR2224.pdf
2. *In Larger Freedom*, www.un.org/largerfreedom

Getting non-state actors to protect IDPs

by Greta Zeender

Millions of people are at the mercy of armed non-state actors. Where national governments have lost the monopoly on the use of force, and judicial systems no longer function, many crimes are committed with impunity. Can more be done to encourage non-state actors to protect IDPs?

Non-state actors (NSAs) are defined by Geneva Call¹ as “any armed actor operating outside state control that uses force to achieve its political/quasi-political objective. Such actors include armed groups, rebel groups, liberation movements and de facto governments.” NSAs considered here are those with recognisable political goals, thus differentiating them from criminal organisations, even if at times their actions are similar.

Some NSAs resemble governments, running de facto states with all the trappings of statehood except international recognition. NSAs are currently active in 28 of the 49 countries affected by conflict-induced displacement, and control part of the territory in 11 of them. Some governments exert almost no effective control outside of the capital or have formally accepted temporary

humanitarian agencies to register in areas under their control. In 2004, NSA attacks on humanitarian workers or peacekeepers were reported in a dozen countries affected by internal displacement. Targeting of aid workers has forced the humanitarian community to rely on local staff and national NGOs to assist IDPs and returnees, as in Iraq, or to resort to armed escorts to provide assistance.

Engaging NSAs

The majority of IDPs are in conflict situations of a non-international character, which are explicitly covered by Article 3 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War² and by the Additional Protocol II of 1977. The Guiding Principles on Internal Displacement, which include statements of international humanitarian law that are legally binding both on

and demobilisation of child soldiers. Few initiatives, though, have focused solely on the rights of IDPs.

The Norwegian Refugee Council (NRC) is concerned with the role of NSAs, because of their potential to hinder assistance and jeopardise staff and beneficiary security. We have involved NSAs in training workshops on IDP protection in which the Guiding Principles have been used as a framework for discussion – thus allowing the specific situation of particular groups of IDPs to be discussed in an impartial way. Workshops have examined the causes of displacement, current locations of IDPs, the main problems they face during displacement, the legal framework protecting them, potential durable solutions and the specific needs of displaced women and children. Our work leads NRC to recommend:

- **improving context-specific analysis:** training cannot be planned, nor appropriate contact persons identified, until agencies better understand NSAs’ structures and motivations, their relationship with IDPs and the kinds of violations they commit.
- **clarifying the objectives and scope of training:** essential to avoid unrealistic expectations on the part of IDPs, civil society groups and NSA representatives.
- **disseminating the Guiding Principles:** now that the Principles are available in 33 languages, it is essential that agencies distribute copies and organise workshops – both for government and NSA representatives – to discuss the Principles and their practical consequences for locally displaced people. NRC recognises this may not be easy as states invited to participate may themselves be engaged in human rights violations, can be hostile to human rights arguments or may not openly recognise their relationship to the armed group.

Engaging NSAs to protect IDPs is a formidable challenge

de facto partition of the state. NSAs often operate across borders.

NSA lack of respect for international law is demonstrated by their use of torture, sexual violence, indiscriminate attacks, abductions, forced recruitment (particularly of children), forced labour, looting and burning of property. IDPs are viewed by both governments and NSAs as collaborators with their adversaries and are often attacked for their real or perceived sympathies. NSA presence in IDP camps or among other civilians blurs the dividing line between combatants and non-combatants. They hamper delivery of humanitarian assistance and may impose bureaucratic obstacles by forcing

states and NSAs, constitute the basis on which NSAs can be reminded of their responsibilities towards civilian populations.

Many actors have engaged with NSAs. ICRC works with the rest of the Red Cross/Crescent network to promote humanitarian law through workshops and courses which include NSAs. The UN Security Council has imposed sanctions against specific armed groups. UN Special Rapporteurs have discussed human rights concerns with NSAs and UN agencies have entered into dialogue with them to secure access to vulnerable populations. In some countries affected by internal displacement, this engagement has led to demining

- **getting commitments from NSAs** and clarifying whether and how NSAs work with national and international organisations on IDP assistance and protection needs.
- **encouraging go-and-see visits:** especially when led by the UN, these can provide space for national and international NGOs to take up issues with NSAs while sheltering them from harassment or threats of expulsion.
- **encouraging the UN to engage with NSAs:** the UN needs to follow up on the success of Francis Deng (former Representative of the UN Secretary-General on Internally Displaced Persons) in persuading some NSAs and de facto authorities – notably in South Ossetia, Abkhazia, southern Sudan and the Philippines – to recognise the relevance of the Guiding Principles.
- **promoting information sharing:** agencies should bring violations to the attention of the ICRC and

human rights organisations: since NGOs cannot jeopardise staff security they should relay information obtained to organisations with expertise in pressuring violators.

- **lobbying regional organisations** to address the issue of how NSAs might protect IDPs. The European Union has led the way by exhorting NSAs to ban the use of anti-personnel landmines³ but as most IDPs and NSAs are in Africa it would be beneficial if the African Union's Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa could directly address NSAs.

Conclusion

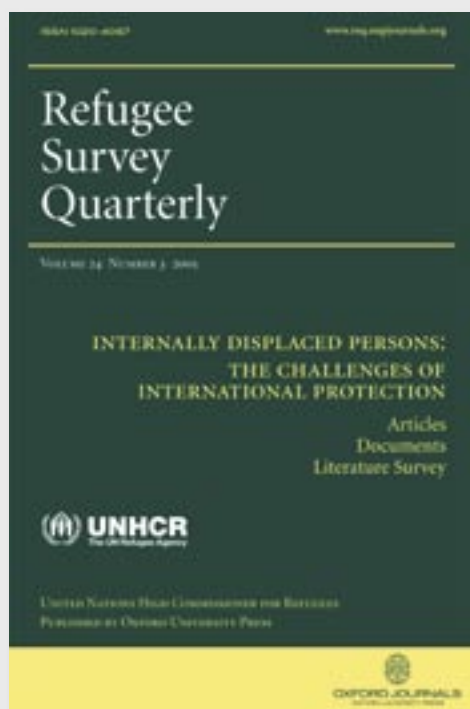
Engaging NSAs to protect IDPs is a formidable challenge. Initiatives by the UN, regional organisations and NGOs have belatedly begun to do so. The experiences of NRC and other organisations show that progress can be made, particularly in circumstances where NSAs have

some control over territory and are seeking international recognition. Clarification of NSA responsibilities for IDPs, promotion of the Guiding Principles and increased attention to the question of NSAs and IDPs can begin to change frustration into hope, and perhaps lead eventually to success.

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This article is based on a longer article 'Engaging Armed Non-State Actors on IDP Protection' in the special issue of the *Refugee Survey Quarterly* focusing on 'Internally Displaced Persons: The Challenges of International Protection', edited by Vincent Chetail (see below for further details).

1. An NGO aiming to influence NSAs to stop the use of landmines. www.genevacall.org
2. www.unhcr.ch/html/menu3/b/92.htm
3. www.genevacall.org/resources/testi-reference-materials/testi-official-documents/ep-06sep01.pdf



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Addressing IDP protection in Africa

African states must accept responsibility for addressing the human rights abuses faced by their internally displaced populations. Implementation of the Guiding Principles and better education are essential to underpin any strategies for improving IDP protection and assistance.

Since the 1990s African conflicts have witnessed massive brutality against the civilian population. Armed combatants in Somalia, Liberia, Sierra Leone, Northern Uganda, Darfur and Eastern DRC – to mention just some – have violated the Geneva Conventions' protocol on civilian protection with impunity. Civilian populations have been subjected to torture, rape, sexual and gender-based violence, destruction of property, households, farms and crops, and other abuses. The atrocities committed by armed militias and para-military groups are in part responsible for the large-scale displacement that has become a common feature of African conflicts.

Role of the Special Rapporteur

The decision by the African Commission on Human and Peoples' Rights¹ to establish the mandate of a Special Rapporteur to address issues relating to IDPs (as well as refugees and asylum seekers) was taken in response to the increase in displacement in Africa and the grave human rights abuses faced by IDPs.

The Special Rapporteur is mandated to develop and promote effective strategies to better protect the rights of IDPs and to follow up on any recommendations he/she might make. Engaging non-state actors, bearing in mind the elusive nature of their operations, is a major challenge not only for the Special Rapporteur but also for the African Union and the international community. Meeting this challenge will require input of resources and the cooperation of state parties and non-state actors alike.

Access to areas of conflict to ensure that IDPs are protected must be guaranteed by the authorities of the relevant state. The Guiding Principles on Internal Displacement need to be incorporated into the domestic laws of African states so that the obligation to protect IDPs is backed up by legislation.

The African Commission and the Special Rapporteur recognise that the Guiding Principles are well known in African states but note, however, their inadequate implementation in reality. As a result, the Special Rapporteur has proposed an initiative to help ensure that the Guiding Principles are implemented and respected in Africa. The Special Rapporteur has recommended that the Commission convene an international conference in Africa to promote the adoption of an African instrument to incorporate the Guiding Principles into domestic legislation (and to underpin state-run emergency relief programmes for IDPs).

As well as tackling the role of non-state actors, the Special Rapporteur and the African Commission have a duty to sensitise African states and their citizens about their obligations under the African Charter. Article 25 of the African Charter on Human and Peoples' Rights² obliges state parties to promote and ensure the teaching, publication and respect of the rights and freedoms contained in the Charter, and to see that the corresponding obligations and duties are understood. Article 28 requires every individual to exercise their rights and duties towards the family and society, the state and the international community.

by Bahame Tom Nyanduga

The scale of displacement and the atrocities committed by non-state actors in Africa reflect the failure by African states to incorporate international humanitarian law training into their education curricula. Human rights education would, in the long term, help develop a culture of respect for human life and human dignity. Armed combatants and militia groups are rarely the product of military colleges where international humanitarian law is taught.

As Special Rapporteur I hope that the challenge of preventing internal displacement can be addressed by requiring states to educate their people at all levels about the sanctity of human life and respect for human rights and international humanitarian law. Once displacement has occurred, however, states and non-state actors have the obligation and duty to facilitate access to ensure that IDPs receive all necessary assistance to guarantee their civil, political, social, economic and cultural rights, as well as their resettlement or integration in safety and dignity.

International cooperation is crucial. The cooperation of the African Union and African states in the work of the Special Rapporteur and the African Commission is vital to improve protection and assistance of IDPs in Africa. The African Commission and the Special Rapporteur will continue to appeal to state parties and non-state actors involved in African conflicts to respect their legal obligations under international humanitarian law.

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1. www.achpr.org

2. www1.umn.edu/humanrts/instree/z1afchar.htm

Protection of IDPs: an ICRC view

by Alain Aeschlimann

IDPs are of primary concern to the International Committee of the Red Cross (ICRC). Ensuring their protection lies at the core of its mandate, operational concerns and priorities.

Such a statement has to be understood in the broader frame of ICRC's endeavours to act in favour of all war victims and its wariness towards approaches by sectors or categories of victims. It should be noted that the ICRC's mission – defined in the 1949 Geneva Conventions and their 1977 Additional Protocols and in the 1986 Statutes of the International Movement of the Red Cross and Red Crescent – is “to protect the lives and dignity of victims of war and internal violence and to provide them with assistance” and “to prevent human suffering by promoting and strengthening humanitarian law and universal humanitarian principles”. Internal displacement is mainly due to armed conflict, in particular to violations of international humanitarian law, and other situations of violence. Consequently, as part of the civilian population affected by such events, IDPs are entitled to receive ICRC support.

Due to the severity of their needs and their often-greater vulnerability, IDPs may in many contexts be the object of more attention from the ICRC than the resident population. This is in conformity with the principle of impartiality, which requires that the ICRC act on the basis of needs and vulnerability. This has led the ICRC to increasingly intervene in order to prevent displacement and in favour of the already vulnerable displaced population.

The ICRC is bound by its mandate to eventually act in favour of all the victims of armed conflict and violence, and cannot therefore *a priori* delegate or forego some or all of its activities in favour of IDPs. Being essentially a situation-driven organisation, the ICRC deploys its resources based on its judgement of a given situation and after a thorough evaluation of the resulting humanitarian consequences. We are careful not to create positive discrimination or to

advantage certain categories of beneficiaries in a manner detrimental to other victims. This may lead the ICRC to assist the host populations in parallel with its activities undertaken for IDPs.

Our interventions are characterised by flexibility and concern to achieve complementarities with the efforts of other organisations. In some contexts this may lead the ICRC to focus on populations remaining in remote areas while other organisations concentrate on IDPs in camps. A case in point is Darfur where massive intervention and a proliferation of agencies and NGOs working inside IDP camps – most of which are close to provincial capitals – have not only stabilised the situation but have in some aspects improved the living conditions experienced by IDPs before their flight. Consequently, the ever-increasing level of humanitarian intervention now acts as a pull factor or at least a deterrent to return. This has prompted the ICRC to focus on the rural population that did not flee, as well as on those IDPs who fled to other villages, for in many they are worse off and more vulnerable than they were prior to large-scale displacement.

The ICRC considers it essential to adopt a holistic and comprehensive approach. Assistance and protection are interlocking aspects of our operations and simultaneously provided since need cannot be strictly divided into categories or sectors. While we share several characteristics with other humanitarian actors, what gives our interventions added value and makes us specific is our:

- strict respect of the principles of neutrality and independence: our status as a neutral intermediary is particularly relevant in acute contexts
- field presence and proximity to affected persons
- priority to establish contacts with

all authorities, warring parties and armed groups and to engage them all in confidential dialogues on issues of humanitarian concern

- mid to long-term commitment in a given context
- long-standing experience and emphasis on professionalism
- ability to work in emergencies and to deploy rapidly.

General protection considerations

The prime responsibility to provide protection and solutions falls unequivocally upon the government, authorities and others who control a given territory. Having said this, the increased global awareness that has led NGOs and other humanitarian organisations to consider protection in favour of IDPs is a significant and welcome evolution in humanitarian practice. However, it is essential to remember that protection efforts can have no meaningful impact without a corresponding political will from the concerned authorities, those who carry arms and, very often, the international community. Humanitarian endeavours mainly aimed at making power-holders shoulder their responsibilities can never be a substitute for political action. We must resist the trend to turn everything into ‘protection’ and to believe that the mere despatch of more protection officers or ICRC delegates will provide a panacea. What is the determining factor is the existence of a protection-friendly environment created by the combined efforts and resolve of all the actors concerned, each one according to its role and specificities.

In its broader sense, the concept of protection encompasses all activities aimed at ensuring the full respect of the rights of the individual and the obligations of the authorities/non-state actors in accordance with the letter and the spirit of the relevant bodies of law. For the ICRC, protection, in its strictest sense, encompasses those activities aimed at preventing and/or putting an end to the violations of the rights of individuals and the obligations of the authori-



IDP camp near
Nepalgunj,
Nepal.

ties/belligerents in accordance with the letter and the spirit of IHL and other fundamental rules which protect persons in situations of violence. These activities seek to affect the causes of abuses, not their consequences.

Based on its knowledge of the situation and the collection of information (in particular through interviews with witnesses, detainees or other victims of abuse), the ICRC defines activities according to a strategy built on a combination of appropriate modes of action (persuasion, mobilisation, denunciation, support to structures and direct services). This enables it to act at the pertinent level of intervention (responsive action, remedial action and environment building). For the ICRC the central protection activity is via confidential bilateral representations to the authorities/bearers of arms. If these confidential approaches do not work the ICRC is always able to make discreet interventions to third parties and, in exceptional cases, to resort to public representations or appeals. We also notably offer advice on improving national laws, disseminate knowledge of IHL, organise mines awareness, register IDPs, trace those who have disappeared, occasionally evacuate persons, carry out assistance programmes tailored to reduce exposure to risk and liaise with and between warring parties on specific humanitarian issues.

Any protection action is based on the rule of law. Reference to legal obligations and knowledge of the applicable normative framework are key. IDPs – although not expressly referred to – are covered by various bodies of law, including, most notably, IHL, human rights law and na-

tional laws. The most important needs are addressed and there are no significant gaps in the legal protection of IDPs. As always, the challenge lies in ensuring respect of the existing rules. The UN Guiding Principles on Internal Displacement are a very useful and important tool as they include elements of IHL, human rights and refugee law covering all the phases of internal displacement. However, as they are part of soft law, they are not legally binding. Particularly in situations of armed conflict, it seems essential to us to first invoke the peremptory rules, i.e. the obligations of IHL that are binding both on state and non-state players. There is a concern that increasing recourse exclusively to not binding principles which are specifically designed to deal with internally displaced persons could ultimately narrow the scope of the protection granted by IHL to the entire civilian population.

In many respects, the protection of IDPs does not differ from the protection of the entire civilian population. In both cases we need to constantly put the interest of affected persons at the forefront of our actions and ensure that activities do not harm the eventual beneficiaries. It is also necessary to determine that a sufficient threshold of security exists for both the persons affected and humanitarian staff. In many parts of the world security constraints are increasing and are hampering access and effective protection activities. This is especially the case where criminal interests are involved or protagonists reject, or conversely try to instrumentalise, any humanitarian presence or IHL.

Constraints and coordination challenges

Operational confusion is engendered by semantic confusion. Various stakeholders use the 'IDP' label

to denote categories of persons confronted with different situations (persons recently displaced as the result of a conflict; persons displaced, or resettled by force; displaced persons who have become integrated into the suburbs of a city; economic migrants; persons displaced as the result of a natural disaster, etc). The definition of IDPs in the Guiding Principles is not readily applicable for operational purposes, as it covers a group that is so wide and whose needs are so varied.

There is a danger that the protection focus on IDPs could be detrimental to the rest of the population and reduce the protection to which the civilian population is entitled. The risk of tensions between host populations and stigmatised displaced populations, when the plight of the former is not sufficiently taken into consideration, is often insufficiently considered.

A further challenge is to adequately react in the phase immediately following displacement, when IDPs are probably at their most vulnerable and when there is prevalence of sexual violence, increased risks of separation of families and the appearance of numerous cases of separated/non accompanied children with specific child protection issues. We must become more aware of the use of displacement as a tool or even a method of combat by warring parties. Protection must be based on recognition of any ongoing causes of displacement, consideration about the existence of minimum security conditions for viable return, and respect for the right of IDPs to freely choose whether to return, remain where they are or be resettled elsewhere.

The increasing number of organisations involved in IDP issues has pros and cons. This proliferation is raising the profile of IDPs and allowing them to benefit from the specific fields of expertise of different humanitarian organisations. The potential negative effects for the rest of the civilian population have been set out above. A coordinated approach to a given crisis is the only way to achieve coherent and worthwhile results. The ICRC has repeatedly stressed its willingness to coordinate with other organisations while insisting on the fact that

the need to preserve our neutrality and independence prevents us from being formally coordinated by other agencies or bound in advance to a specific sectorial approach. It is important that cooperation with other organisations be carried out in a manner which does not jeopardise the perception of the ICRC as a neutral, impartial and independent organisation, exclusively driven by humanitarian concerns.

As a standing invitee, the ICRC participates in the work of the Senior Network on Internal Displacement and various IASC meetings. The ICRC actively participated in the various consultations on the IDP collaborative approach as well as the recently proposed sectorial approach within the UN system. The extent but also

the limitations of our interaction within these frameworks were explained. The ICRC is genuinely committed to develop operational complementarity in order to advance the best interests of those affected by conflict and other situations of violence. This requires sustained dialogue with key partners, both at the bilateral and multilateral levels, including exchange of information on what each other plans to do.

At field level the ICRC tries to concentrate its participation to coordination meetings which are really bringing added value to work on the ground without merely adding a bureaucratic layer. Within the limits imposed by confidentiality concerning specific violations, the ICRC is taking part in a selected way in the

protection coordination meetings recently organised in some countries. It first analysed if such participation might jeopardise the confidence that the authorities and non-state actors have in the ICRC.

Let us hope that the current discussion regarding IDPs protection issues as well as international and inter-agency cooperation and coordination will finally result in a concrete improvement of protection!

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Coordination and funding: return of IDPs in the Congo

by Tim Morris

A pilot project to return IDPs by river transport has highlighted the scale of the task of return and reintegration of the Democratic Republic of Congo's estimated 2.3m IDPs.

Since the mid-1990s millions of Congolese have fled their homes to escape fighting between rebel groups and the national government in a complex conflict which has, at times, involved as many as nine neighbouring states. Close to four million people are thought to have died.

Protecting those most at risk and helping to reintegrate those already returning to the more stable parts of the country is no easy task, as

a recent report by Mark Cutts and Anne-Marie Linde of OCHA's Inter-Agency Internal Displacement Division (IDD) makes clear.

The fact that 90% of the displaced in the DRC live with host families rather than in camps makes it difficult to gain an accurate picture of their number and location. Indeed, a detailed survey of IDPs is well overdue. While some provinces have been relatively calm over the last three years, much of the eastern part of the country remains volatile and insecure, with sporadic clashes among armed groups. Widespread human rights violations continue with almost total impunity, including killing, rape, sexual exploitation, abduction, forcible conscription of children, looting, plundering of crops, illegal taxation and general harassment of civilian populations. Unpaid government troops are responsible for many of the crimes. Ethnic clashes, the presence of foreign troops, illegal exploitation of natural resources (gold, coltan and diamonds) and smuggling of goods and weapons all add to the violence. There is no functioning judicial system in much of eastern DRC. The

Young girls at an IDP camp, DRC.



slow pace of disarmament, demobilisation, repatriation, resettlement and reintegration (DDRRR) programmes have led in some areas to the remobilisation of militias.

Troops from the UN Mission in the Democratic Republic of Congo (MONUC)¹ have helped stabilise the situation in some places. However, with only 16,000 troops (UNMIL in Liberia has 15,000 in a country a twentieth the size of the DRC), it remains seriously constrained despite having a Chapter VII mandate (authorising 'peace enforcement', not simply 'peace keeping').

Some 900,000 IDPs have returned to their places of origin since the end of 2003, the great majority with little or no assistance. Some of the 380,000 Congolese refugees living in nine neighbouring countries are also coming home. An estimated 25,000 have returned on their own initiative to South Kivu, Katanga and Equateur provinces since 2003. UNHCR has assisted 12,000 returnees to return from camps in Tanzania over the last year.

The IDD report insists that if returns are to be safe and sustainable, a clear strategy and close collaboration between a wide range of government authorities and humanitarian and development actors are needed. Likewise, it says the UN must urgently assist the DRC government to develop a national return and reintegration framework and to adopt national legislation on IDPs consistent with the Guiding Principles on Internal Displacement.

On 19 May 2005 a barge belonging to the Congolese navy left the capital,

Kinshasa. It carried some 1,600 IDPs who had been living for up to nine years in camps or with host families to destinations along the Congo River. On the one hand, the barge served as a powerful illustration of the willingness of many of the DRC's displaced people to return to their places of origin if assisted to do so. On the other hand, it drew attention to the need for close cooperation between government authorities and the multiplicity of humanitarian and development actors in the country. In particular, it highlighted the need for rehabilitation and reconstruction work in areas of return.

So far, because of security concerns, logistical problems and the reluctance of donors to invest in post-conflict reconstruction activities, there has been only minimal investment in areas of return. This is particularly true in the more remote parts of the country, where logistical constraints are enormous. As the UN Humanitarian Coordinator, Ross Mountain, constantly reminds people, "You have to imagine a country the size of Western Europe, but without roads".

The Transitional Government established in June 2003 continues to struggle to affirm its authority in much of the eastern part of the country, making it hard for the international community to work with local counterparts. The proliferation of ministries in Kinshasa (more than 50 were created in order to allow all parties to obtain government posts) has complicated coordination arrangements. Return and reintegration activities are handled by at least four different ministries.

To facilitate more spontaneous returns there is a need for a substantial increase in recovery activities. The IDD report says these should include a focus on: establishment of rule of law and functioning judicial systems; repair or construction of health, education and water facilities; rehabilitation of essential infrastructure such as roads, railways and bridges; and labour-intensive public works, to encourage IDPs and ex-combatants to return. OCHA, UNDP, UNHCR, the World Bank and donors must develop closer links in order to coordinate DDRRR programmes. Only where development actors are unwilling or unable to act quickly enough should humanitarian actors step in to fill the gap.

Donors must ensure that both humanitarian and longer-term development programmes in the DRC are adequately funded. So far, this has not been the case. The 2005 Humanitarian Appeal for the DRC of \$201m was only 43% funded by late August, in spite of the fact that the DRC is a pilot country for the Good Humanitarian Donorship Initiative.² Donors must realise that support for IDP and refugee returns will not only help provide durable solutions for displaced people but also contribute to the consolidation of peace in the DRC.

Tim Morris is one of the FMR editors. For the full IDD report, see www.reliefweb.int/idp/docs/reports/2005/DRC%20mission%20report%2012-20%20May%202005.pdf

1. www.monuc.org
2. www.reliefweb.int/ghd/CAP_Pilots.html;



FMR has published two previous supplements on IDPs:

Researching Internal Displacement: State of the Art (report of conference held in Trondheim, Norway, 7-8 February 2003)

Response Strategies of the Internally Displaced: Changing the Humanitarian Lens (report of conference held in Oslo, Norway, 9 November 2001)

Both reports are available at www.fmreview.org/mags1.htm
For a hard copy, please contact the FMR editors at the Refugee Studies Centre, Department of International Development, University of Oxford, Mansfield Road, Oxford OX1 3TB, UK. Email fmr@qeh.ox.ac.uk

Darfur dilemmas: the need for leadership

Implementing the Collaborative Response to ensure protection for IDPs in Darfur requires better communication and more effective leadership.

by Daniel Turton

tional community appear partisan, at least to the nomads.

If you were designing a thought-provoking case study for a workshop on humanitarian dilemmas, Darfur has it all: IDPs living in both camp and host community settings; returnees and refugees; a complex emergency already being considered 'post-conflict'; tension between the principle of 'assistance according to need' and donor interests; a mass of agencies on the ground with resultant coordination challenges; linkages with conflicts elsewhere and attempts at their resolution; decreasing funding; considerable media attention; the fear of assistance prolonging conflict and the question of how best to maintain neutrality in a conflict. In the midst of these issues many programme decisions involve dilemmas, one of which is whether to expand assistance beyond camp settings.

One dilemma among many

Humanitarian agencies in Darfur seem to be moving away from an emergency response model, with the majority of assistance provided in camps, towards a 'post-conflict' or 'development' model, with more projects implemented in areas of origin. This shift is strongly endorsed by the government but is arguably premature, and certainly ambitious, before a peace agreement is in place. Expanding their area of operation makes it more difficult for NGOs to maintain neutrality and hold fast to the principle of providing assistance according to need.

There are good reasons for implementing activities beyond the camps. Major attacks on civilian communities appear to have ceased. Concentrating assistance within camps reduces freedom of movement at a time when families are trying to cultivate. The needs of war-affected communities living outside the camps must be taken into account as NGO access becomes somewhat easier.

But the promise of assistance should not be used to draw people out of the camps and into villages, perhaps against their better judgment. NGOs recognise that leaving people no option but to go to camps in order to access assistance is undesirable but they are hesitant to provide aid in villages of origin for several reasons. They fear that any assistance provided will be used by the government or other actors to encourage premature return for political rather than humanitarian reasons. Some NGOs feel that they have not yet achieved 'minimum standards' in their current programmes and so are hesitant to expand. Some face donor conditions stipulating that programmes only assist IDPs, making assistance in villages of return to non-IDPs problematic. For those agencies with more flexibility vis-à-vis target groups, providing assistance on the basis of need requires that the relative needs of farmers and pastoralists also be assessed. NGOs fear that providing assistance to the so-called 'Arab nomad' groups will alienate the IDPs. Not providing assistance, on the other hand, may make the interna-

The principle of providing assistance according to need dictates that the status of a beneficiary – whether or not, for example, he or she is an IDP – should not determine entitlement to assistance. This leads to a presumption that assistance should be made available as widely as possible, while the 'Do No Harm' principle requires that the risk of humanitarian activities having negative consequences, such as exacerbating tension between communities, is always considered. Evaluating the potential negative repercussions of providing assistance is further complicated in the case of return movements which may be the result of 'undue inducements'. It is not surprising, given the complexity of the situation, that NGOs may decide to avoid taking risks and concentrate instead on implementing activities within their current areas of operation. This strategy has been criticised as a policy of "humanitarian containment, not humanitarian action".¹ Others argue that it is simply the most prudent response when operating in an ongoing political crisis.

To facilitate humanitarian action rather than containment, a Letter

IDP woman and child in Darfur.



of Understanding (LoU) was signed in January 2005 by UNHCR and the Sudanese government outlining the responsibilities of each party and emphasising principles such as humanitarian access and the right to return. It is based on a standard Tri-Partite Agreement for the repatriation of refugees made between a host country, the country of origin and UNHCR. For IDPs, however, it is not as effective a tool for protection as might have been hoped. While the LoU states that the government shall ensure that IDPs “are able to decide freely whether or not to return without coercion, pressure or undue inducements”, the consequences, if any, of employing ‘undue inducements’ are not spelled out. Nor is it explained what a legitimate inducement might involve.

In repatriation operations UNHCR can cite the concerns of the country of origin in its advocacy with the host country and, in many cases, can choose to cease facilitating voluntary return. In Darfur, however, UNHCR is not facilitating return and cannot play the role of honest broker. The LoU relates only to West Darfur and does not apply to either of the states of North or South Darfur. Relief agencies are left to decide for themselves what action to take when they suspect a return movement has been ‘unduly induced’. Withholding assistance will compound any problems being faced by the unwilling returnees, while providing assistance may be seen as condoning involuntary return.

Seeing the wood for the trees

Certain major donors are concerned that the ‘bigger picture’ – deciding what will constitute achievement of long-term objectives – appears to be lacking. The Darfur situation has been dubbed a crisis of protection and its resolution will be judged in terms of protection. There seems to be consensus that, for the international community, the objective is not ‘everybody home’ (whatever ‘home’ may mean) but conditions in which people feel free to ‘stay or go’, that is, freedom of movement. To demonstrate freedom of movement, some people have to return, and if people are returning, many argue that assistance should be provided to facilitate that process. However, a strategy must be adopted which clearly distinguishes the objective of enhancing freedom of movement from possible indicators of success, such as return.

It follows that the LoU between UNHCR (charged with the protection of IDPs) and the government (accused by many of being the cause of their displacement) should be carefully explained to all stakeholders, in particular to NGOs and IDPs. It should be made clear that while there is agreement on the desirability of promoting conditions conducive to voluntary return, success will be gauged according to the benchmark of freedom of movement, and not numbers of returnees.

All protection objectives and tools, not only the LoU, need to be carefully and consistently explained to stakeholders. This is threatened, however, by ‘creative’ use of language in discussions about IDP movements, in which the term ‘enticed return’ (or even ‘incentivised return’) is increasingly being used in place of ‘induced return’. If ‘induced return’ implies the continued violation of rights, ‘voluntary return’ signals the end of the conflict in sight. The wordsmiths appear to be seeking a middle way, using ‘enticed return’ to reflect the hard political or practical motivations of those wishing to see rapid return, combined with comparatively ‘soft’ methods for instigating it.

NGOs and others are concerned that all ‘enticed’ returns are being considered voluntary. Is this because the UN is unsure of what action to take if a return – which has already taken place – is classified as involuntary? In July 2005, the UN Mission in Sudan reported

a movement of IDPs in West Darfur which took place with government ‘incentives’, implying disapproval but not classifying the movement as involuntary, inappropriate or induced.² The report does not use the language of the LoU which contrasts ‘coercion, pressure or undue inducements’ with the ‘voluntary character of return’. Does this indicate a desire, perhaps for good reason, to avoid addressing issues head on? Another cause of confusion is that, according to some, almost all movement of IDPs out of camps, even secondary displacement, is being classified as ‘return’. The LoU seems to allow this interpretation by referring to ‘regions and villages of origin, or choice of return’. While reasonable in the context of repatriation, it seems anomalous to talk of ‘return’ when it is IDPs moving to new areas. The

classification of various types of movement as return may be because UNHCR is keen to ensure that its protection mandate is engaged in every possible situation. It is confusing, however, for practitioners on the ground, who may suspect that the motive relates instead to a general desire to see more returns, because return is equated with ‘success’.

Selling a strategy

UNHCR treads a careful line with the government and NGOs, as illustrated by its response to a government plan for the rehabilitation of 76 war-affected villages. UNHCR welcomed the plan in principle but limited its support to just seven of the proposed villages. It adopted a position of ‘de-linking’ assistance from return, partly to reassure NGOs and IDPs that the objective was not to promote return, not even to rehabilitated villages. UNHCR prioritised for assistance, however, villages where return had already taken place, arguing that the presence of returnees indicated favourable security conditions. This can appear contrary to the aim of ‘de-linking’ assistance from return, especially because many actors are conscious that UNHCR’s mandate focuses on IDPs and returnees and not on assistance per se. There is a danger that anything UNHCR does will be viewed in the light of promoting return in an environment in which return is an extremely sensitive issue.

If communication is lacking, so too is leadership

Many NGOs view UNHCR’s support for government plans, if only in principle, as allowing the agenda to be driven by the government rather than proactively advocating on behalf of the displaced. UNHCR wants to be seen to be taking concrete action to improve conditions but can only do so with the assistance of the NGO community. Meanwhile, the NGOs are frustrated because what they want from UNHCR is not, for example, a list of villages in which to work but strong advocacy for IDP protection in order to fulfil a function they have difficulty discharging themselves. It is not enough for UNHCR to be using its good offices to advocate forcefully with the government if they are not seen to be doing so by the NGOs and the IDPs.

Why has UNHCR failed to win over the various stakeholders? Many



Al Junaina IDP camp, Western Darfur.

actors on the ground describe coordination in West Darfur as 'unusually good'. Nevertheless, there is significant misunderstanding between agencies and this is what lies at the heart of UNHCR's difficulties. Coordination of relief activities may be good but communication of protection strategies and forward planning is not. If communication is lacking, so too is leadership. Getting agency representatives together in a room is no substitute for intervention with potential and real abusers, and will not necessarily provide a clear statement of objectives and a strategy to achieve them. What is needed is leadership, particularly in an environment in which NGOs feel vulnerable in the face of government pressure and would appreciate the cover which can be provided by a UN agency.

OCHA's mandate to coordinate will not in itself lead to effective protection delivery. Of the two mandated 'protection agencies', UNHCR is struggling with the challenge of leadership, hamstrung by inter-agency

bickering, confusion over its mandate and limited funding. ICRC, in its largest operation worldwide, appears characteristically disengaged from the activities of other agencies.

Conclusion

The current framework for responding to the humanitarian crisis in Darfur is the Collaborative Response. Is it this methodology which is failing UNHCR, the relief agencies and ultimately the beneficiaries? In their article on the Collaborative Response in FMR 22,³ Marc Vincent and Simon Bagshaw of OCHA's Inter-Agency Internal Displacement Division describe its requirements. Effective leadership, effective communication and transparent decision making come top of the list. It is an irony that these requirements are precisely those institutional qualities which the Collaborative Response makes it most difficult to realise.

Leadership in a highly political environment requires intense communication. While the confusion inher-

ent in the Collaborative Response makes effective communication more difficult to achieve, it also makes it more essential. Objectives must be carefully explained to all stakeholders and sufficient time and resources dedicated to doing so. It is not enough for an agency such as UNHCR to have a strategy. That strategy must be shared with other actors and the agency must be given, or must mobilise, the means necessary to implement it.

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1. See Tufts' *Darfur: Livelihoods under Siege*, June 2005, p.117. http://nutrition.tufts.edu/pdf/research/famine/darfur_livelihoods_under_seige.pdf.

2. www.humanitarianinfo.org/darfur/uploads/situation/unsitreps/2005/july/04_Sit_Rep_for_14_July_05.doc.

3. www.fmreview.org/FMRpdfs/FMR22/FMR2229.pdf.

OCHA's Inter-Agency Internal Displacement Division

The Inter-Agency Internal Displacement Division (IDD) was established in July 2004 and is housed in Geneva within the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Headed by Dennis McNamara, Special Adviser to Jan Egeland, the UN Emergency Relief Coordinator (ERC), the Division's staff includes secondees from UNDP, UNHCR, OHCHR and the NGO community. IDD works closely with members of the Inter-Agency Standing Committee (IASC), in particular through the Senior Inter-Agency Network on Internal Displacement, which is chaired by the Director on behalf of the ERC.

IDD works to promote system-wide improvements in the response to the needs of internally displaced people and provides targeted support to specific country situations. Its main areas of work are protection of IDPs, field support, capacity building/training, advocacy of the Guiding Principles on Internal Displacement and public information.

In order to integrate internal displacement issues in planning and operational response at the field level, the Division maintains constant communication with a wide range of field offices, including OCHA offices and UN field missions. In addition it undertakes targeted field visits to provide assessment and guidance to UN Country Teams. IDD Mission Reports are available on the IDD website.

For more information, visit www.reliefweb.int/idp, email idpunit@un.org or contact IDD, Palais des Nations, OCHA - Inter-Agency Internal Displacement Division, 8-14 Avenue de la Paix, 1211 Geneva, Switzerland. Tel: + 41 22 917 2692. Fax: + 41 22 917 0608.



*IDPs on outskirts of Al Junaina camp,
Western Darfur.*