

REPORTS AND DOCUMENTS

Movement policy on internal displacement

Document prepared by the International Committee of the Red Cross in consultation with the International Federation of Red Cross and Red Crescent Societies for the Council of Delegates of the International Red Cross and Red Crescent Movement, Nairobi, Kenya, 23–25 November 2009

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Introduction

For decades, severe and sudden crises have caused massive displacements¹ of population groups within national boundaries.² These have required an urgent humanitarian response. The International Red Cross and Red Crescent Movement (the Movement) has developed a combination of humanitarian responses and every year comes to the aid of several million displaced people with varying needs and vulnerabilities, in acute emergencies and in protracted situations. The Movement alone cannot meet all the needs caused by displacement but it must make the best use of its combined means and capacities. It must concentrate on needs after giving due consideration to the specific situation involved, and avoid as far as possible inhibiting competition, either between different components of the Movement or between the Movement and other organizations.

When large groups of people are displaced within a country, the public authorities – who have the primary duty of care – can find their resources overstretched and weakened. The components of the Movement have the mission to provide essential humanitarian aid, either alone or in partnership.

The Movement sees displacement as a dynamic and often recurrent process with several phases.³ Displacement has serious consequences for many different groups. It is covered by the legal framework (national law, international humanitarian law where applicable, and international human rights law) protecting the displaced themselves, those left behind and the host communities who share their resources with the displaced group.

The Movement's primary goal is to protect people against arbitrary displacement⁴ and to reduce the risk of displacement caused by natural and man-made hazards. If people are nevertheless displaced, the Movement takes action particularly during acute crises when essential needs are no longer met, regardless of the duration, for the purpose of alleviating the suffering of the individuals. When basic needs are covered by existing services and infrastructure but insufficiently so, such as in chronic crises, the aim is to facilitate progress towards a durable response to the victims' plight.

In its approach to internal displacement, the Movement has the advantage of having deep roots in the community and a privileged access to the authorities. It takes impartial, humanitarian action to directly meet the urgent needs of people at risk, while supporting authorities in an auxiliary capacity and, if necessary, reminding them of their obligation to care for the affected population.

The policy guidelines on internal displacement build on and complement Movement resolutions relating in particular to action to help refugees and internally displaced people (IDPs)⁵. The policy acknowledges that forced

- 1 The definition of internal displacement used by the Movement is set out in the Guiding Principles on Internal Displacement, which states that "internally displaced persons (IDP) are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border". (UN Doc. E/CN.4/1998/Add.2 of 11 February 1998)
- 2 In 2009, more than half of the people who had been affected by a severe and sudden crisis said that they had experienced displacement, having been forced to leave their home and live elsewhere. See summary report: Afghanistan, Colombia, Democratic Republic of the Congo, Georgia, Haiti, Lebanon, Liberia and the Philippines, opinion survey, 2009. Our World. Views from the field. IPSOS/ICRC 2009.
- 3 Protection against forced displacement is the phase in which the causes of displacement may be eliminated or reduced. Understanding the events that cause displacement is critical in efforts to prevent their recurrence. Acute displacement is the phase of displacement characterized by frantic flight by people taking often desperate measures in search of solutions that frequently prove extremely difficult. Stable displacement is characterized by a relative 'settling' of the IDPs in order to wait out the crisis (in camps, with hosts, or independently). Sustainable durable solutions depend on a resolution of the crisis or can be considered when conditions which are conducive to restoring 'normalcy' in the lives of the IDPs have been restored.
- 4 Article 6(1) of the Guiding Principles on Internal Displacement states that every person has the right to be protected against arbitrary displacement from his or her place of habitual residence. Evacuation and permanent relocation must be used as measures of last resort predicated on absolute necessity, imminent threat to life, physical integrity and health. They should be taken in keeping with IHL and human rights.
- 5 The Movement has established a number of policies and regulations to govern its emergency operations and its activities in protracted conflict and other disasters. Among the more recent are the *Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief*, the *Principles and Rules for Red Cross and Red Crescent Disaster Relief*, the Seville Agreement and other mechanisms in force for coordination within the Movement. More specifically regarding IDPs, the 2001 Council of Delegates adopted a major resolution on the Movement's work to help refugees and IDPs,

displacement may be linked to migratory phenomena and that a coordinated approach is important in order to allow for possible connections between the challenges of displacement and migration. The International Federation's 2009 policy on migration⁶, together with the (draft) policy on displacement, will serve to harmonize and strengthen the work of the Movement in addressing the needs and the vulnerabilities of both migrants and displaced persons.

The policy guidelines set out below recall the Movement's commitment to individuals and communities affected by internal displacement as well as the specific nature and strength of the Movement's work. They reaffirm the value of a Movement-clear coordinated response to displacement crises. The guidelines provide clarity, focus and guidance for the Movement's approach to displacement. They also cover coordination with other entities dealing with displacement. These guidelines aim to create greater consistency in the Movement's response to internal displacement, to reaffirm its role and to maximize the positive impact it can have on those at risk.

Policy principles and guidance

- 1. We in the International Red Cross and Red Crescent Movement serve all those affected by internal displacement – the people actually displaced, host communities and others – and make decisions according to the most pressing needs for humanitarian services.**

The vulnerability and needs of the individuals or groups affected by crises take precedence over all other considerations. IDPs may not always be the most at risk. Those left behind may be just as vulnerable or even more so. Host communities and resident communities are often as vulnerable as the displaced themselves.

We must therefore:

- ensure that all our choices and priorities for action are driven by needs and reflect our fundamental principle of humanity and impartiality;
- ensure that our response covers assistance and protection needs and identifies sectors of the population that are particularly vulnerable to the risk and effect of displacement and whose specific needs and rights must be promptly recognized and responded to;
- ensure that our responses are based on the concept of overall health,⁷ are multidisciplinary in nature, and aim to meet the essential needs of the affected group;

calling for a strategy to guide that work. A further resolution in 2003 included a document entitled *Minimum elements to be included in operational agreements between Movement components and their external operational partners*. It was intended to boost the Movement's image and credibility.

6 The International Federation's new 2009 Policy on Migration replaces the earlier Federation policy on refugees and other displaced people.

7 The WHO's definition of health implies physical, psychological and social well-being. This definition has often been used as a reference by the Movement.

- ensure that IDPs and affected communities can progress to at least relatively “stable” situations in which their essential needs are met, pending a durable solution;
 - make clear that policy of forced confinement in camps is generally not favoured and that alternatives to camps should be considered to the extent that they are feasible and will work satisfactorily;
 - do everything possible to ensure that people affected by internal displacement are informed of the situation and the whereabouts of their loved ones so that family links can be restored and, if possible, people reunited with their relatives.
- 2. We make full use of our privileged access to communities at risk and as well as to decision-makers.**

With our network of Red Cross and Red Crescent staff and volunteers, we are anchored in the community and often have privileged access to decision-makers. Being viewed as relevant, credible and sure to deliver on promises is crucial for our acceptance by all concerned and for obtaining access and providing protection and assistance to those who need them most.

We must therefore:

- develop and maintain contacts with all those having a significant impact on the course of the crisis;
- secure from the decision-makers, to the fullest extent practicable, unrestricted access to persons and communities affected by internal displacement;
- facilitate a substantial exchange of information on security matters in order to reduce the risks, including risks for our staff and volunteers.

3. We seek to prevent displacement while recognizing people’s right to leave of their own accord.

Displacement is usually caused by imminent threats to the physical safety or survival of individuals or whole communities. Our first choice is to help people stay in their homes, but only as long as their safety, physical integrity and dignity are not jeopardized and staying is in accordance with their wishes.

We must therefore:

- promote our respective mandates, international humanitarian law and the auxiliary role of the National Society⁸ in relation to its country’s government in order to obtain special access to the communities and to all authorities in

⁸ See Resolution 2, *The specific nature of the International Red Cross and Red Crescent Movement in action and partnerships and the role of National Societies as auxiliaries to the public authorities in the humanitarian field*, 30th International Conference, Geneva, 2007.

place – an important advantage to be used in support of both practical action and dialogue with the parties concerned;

- enhance disaster-preparedness and risk-reduction programmes, with the backing of the International Federation and the ICRC.
- 4. We support the safe, voluntary and dignified return, relocation or local integration of IDPs, on the basis of our independent assessment of their situation.**

The authorities are responsible for restoring essential conditions including security guarantees. Before engaging in any activities aimed at durable solutions, National Societies, the ICRC and the International Federation, each in accordance with their respective mandates and with the expertise and resources available to them, must:

- verify by means of an independent assessment that those initiatives will guarantee the safety and protect the dignity of the IDPs;
- verify that IDPs' decision to participate in such solutions is truly voluntary.

- 5. We seek to empower individuals and communities. We do this by ensuring their participation in the design and implementation of our programmes, by helping them to exercise their rights and by providing access to available services.**

The individuals and communities affected by displacement are often in the best position to express their needs and to evaluate the local, national, regional and international response. Understanding their specific needs is the first step towards ensuring that those are addressed.

We must therefore:

- take into account the needs as expressed by the communities themselves;
- seek, where necessary and feasible, to overcome any abuses, pressure or shortcomings, including cases where these are on the part of public services;
- take proactive measures to avoid doing harm to those for whose benefit we work;
- inform people affected by displacement about their rights and refer them to appropriate public services or specialized organizations.

In addition, host National Societies should, to the extent possible, offer people in affected communities the opportunity to join the Movement as volunteers and to serve within their own environment.

- 6. We coordinate with the authorities and all others concerned. Whenever necessary, we remind them of their obligations, as set out in the applicable normative framework.**

In the event of forced displacement, national legislation is the primary source of relevant law and should contain guarantees of assistance and protection for

the affected populations. IDPs are part of the civilian population and entitled to protection as such. However, national legislation does not always contain provisions to deal with displacement, nor does it always even envisage the extraordinary circumstances in which internal displacement occurs.

It is the responsibility of the relevant authorities to put in place the conditions needed to ensure that Movement personnel can undertake their work safely and to uphold the protective nature of the red cross and red crescent emblem.

In armed conflicts, the ICRC has the special role of working for the faithful application of international humanitarian law and performing the tasks devolved upon it by the Geneva Conventions. The ICRC also supports the other components of the Movement in this respect.

We must therefore:

- promote knowledge of the relevant rules of national, international humanitarian law and international human rights law, as applicable, for the benefit of people affected, during all phases of displacement;
- whenever necessary, make the authorities aware of the need to comply with these rules;
- support the ICRC in the fulfillment of its mandates.

7. We, the National Societies, as auxiliaries to our authorities, support those authorities in meeting their responsibilities in the humanitarian field as far as our resources and capacities allow and provided we can do so in full compliance with the Fundamental Principles and in keeping with the mission and Statutes of the Movement.

By their very nature, programmes for IDPs are carried out on a large scale, and may last a long time. These programmes serve people often forced to leave their homes under threat to their lives, health and dignity. Inter-communal and political tensions in such contexts may be high, and it is therefore necessary for National Societies to have a clear and constructive dialogue with their authorities.

We must therefore ensure that:

- our dialogue with the authorities stresses the need for National Societies to respect the Fundamental Principles and the Movement's Statutes;
- the authorities are aware of the limits to the National Society's ability to carry out activities for which the State is responsible and activities which may exceed the Society's capabilities;
- from the outset we discuss with the authorities proper guarantees regarding handover strategies.

8. We seek to limit the extent to which we substitute for the authorities in discharging their responsibility to meet the needs and ensure the well-being of the population within the territory under their control.

The authorities have primary responsibility for ensuring the well-being of any population affected by internal displacement and for providing the services needed. The Movement's work is undertaken in such a way as to avoid discouraging the authorities, as those primarily responsible, from meeting their obligations to respect, protect and safeguard the rights of individuals.

Therefore, when the authorities will not or cannot shoulder their responsibilities, we must ensure that any substitutive activity we engage in is regularly discussed with those authorities with a view to their taking action to meet their obligations towards their population.

9. We give priority to operational partnerships within the Movement and seek to play our complementary roles, shoulder our responsibilities and marshal our expertise, all to the full.

By definition, emergencies call for a rapid response. National Societies, which have their roots in communities and a structure that ideally covers the entire national territory, are often well positioned to alleviate the suffering of affected individuals and communities rapidly and effectively. However, emergencies caused by large-scale displacement often exceed the capacities of the various components of the Movement, even where they have a specific mandate in the area concerned. The fact that we share the same identity through the emblems we use and the principles we apply and the policies and guidelines to which we have agreed means that we should give priority to partnerships and effective coordination within the Movement.

We must therefore:

- ensure that the collective action taken by different components of the Movement is as consistent as possible, eliminate gaps and overlaps, adopt common positions and send common messages, and maximize the impact that can be achieved with the available resources;
- do as much as we can in situations where a link exists between internal displacement and flight across international borders to ensure a humanitarian response that is coordinated by a cross-border strategy.

10. We coordinate with other entities on the basis of their presence and abilities on the ground, the needs to be met, the capacities available, and the possibilities for access, while ensuring that we remain (and are perceived as remaining) true to our Fundamental Principles.

The growing number and increasing diversity of agencies responding to internal displacement creates both opportunities and risks that the Movement addresses

through an analysis of the specific situation, the agencies present and their respective roles.

We must therefore:

- welcome cooperation and coordination with all other humanitarian entities and call for tasks to be assigned according to the expertise, abilities and effective resources of each organization.
- resist any attempt, whether military,⁹ political, ideological or economic, to make us depart from the course of action dictated by the requirements of humanity, independence, impartiality and neutrality or to persuade us to act in ways that would harm the image of the Movement.

Annex 1

Commentary on the Policy principles and guidance

1. **We in the International Red Cross and Red Crescent Movement serve all those affected by internal displacement – the people actually displaced, host communities and others – and make decisions according to the most pressing needs for humanitarian services.**

IDPs make up a large proportion of the people that we assist. People forced to flee their homes are most likely to be in dire need since they have often been brutally pushed out of their usual environment. This directly threatens their ability to meet their most basic needs,¹⁰ especially when communities or individual families are torn apart or when relatives are injured, killed¹¹ or go missing. In keeping with the principle of impartiality, the Movement must give priority to the most urgent cases of distress. The purpose of the principle of humanity is to protect life and health and to ensure respect for human dignity. The Movement does not dissociate

9 See Guidance Document on Relations Between the Components of the Movement and Military Bodies, 2005 Council of Delegates, Resolution 7.

10 Common threats to the safety of IDPs are:

- direct attacks and ill-treatment
- increased risk that families will be torn apart and that children in particular, will be separated from their parents or other relatives
- increased risk of gender violence, e.g. rape or sexual violence against women and girls
- increased exposure to health hazards
- deprivation of property
- restricted access to essential goods and services, including health care
- exposure to collateral risks in attempting to meet essential needs
- risk of tension between host communities and displaced people
- presence of weapon-bearers in camps
- forced recruitment
- movement through unsafe areas and settlement in unsafe or unfit locations,
- forced return to unsafe areas

11 See in particular the Movement Strategy on landmines and on explosive remnants of war, to be updated by the 2009 Council of Delegates.

assistance from protection. Protection-related activities are a major asset for the Movement, which is viewed as a legitimate actor in this field. It should therefore identify, in addition to the assistance priorities, those linked to protection issues. “Protection” and “assistance” are intrinsically linked and are inseparable elements of the ICRC’s mandate. The ICRC defines protection as 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. Of course, national laws are also relevant bodies of laws.

There are four groups of relevant rights:

1. rights relating to physical safety and integrity (e.g. the right to life and the right to be free of torture, assault and rape);
2. basic rights relating to the basic necessities of life (e.g. the right to food, potable water, essential health care and shelter);
3. Other economic, social and cultural rights (e.g. the right to work, to receive restitution or compensation for lost property, and the right to education);
4. Other civil and political rights (e.g. the right to obtain personal documentation, political participation, access to courts, freedom from discrimination).

The Movement is more familiar with the two first groups of rights through its emergency activities, but National Societies could also consider discussions with relevant authorities, when feasible, on the two other groups of rights for the benefit of displaced persons.

The Movement must also consider the needs and vulnerabilities of groups trapped, for whatever reasons, in their place of origin, and cannot overlook the fact that resident populations are very often the first providers of support for IDPs. Individual families and local communities often share their own resources with displaced groups. They are therefore also affected by displacement and should receive support to help them play their key role in mitigating the effects of displacement.

The Movement must therefore strive to support host families and communities in their efforts to assist IDPs. In the event of armed conflict, IHL allows internment or assigned residence of civilians only if imperative security reasons justify it.¹² In other cases, when camps are set up to facilitate the delivery of humanitarian aid, they frequently act as a magnet because of the services and comparative safety they provide. This creates new problems, which are complex to address and may compound the vulnerabilities and risks to which IDPs are exposed.

12 Principle 12 of the Guiding Principles states that “every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances”. See E/CN.4/1998/53/Add.2.

When conducting humanitarian programmes with a special focus on people affected by displacement, special care should be taken to integrate these specific operations into overall strategies based on needs and vulnerabilities.

Long-term displacement may have different types of consequences for those affected. In addition to the lasting effects of emotional trauma, IDPs may suffer new types of vulnerability arising from the disruption of their social and economic lives, separation from family members,¹³ dependency on humanitarian aid, discrimination and marginalization. Often IDPs are crowded around urban centres. In such cases, like slum dwellers, they frequently need national authorities to provide poverty relief, health care, vocational training and employment. At other times, they become long-term residents of camps, which effectively turn into makeshift villages.

2. We make full use of our privileged access to both communities at risk and decision makers.

With our network of Red Cross and Red Crescent staff and volunteers, we are anchored in the community and often have privileged access to decision-makers. National Societies, with their roots in the community, are well placed to identify all the needs and to cover those needs where a response from the Movement has an added value. We should also work to identify gaps (e.g. in education and social services) and refer unmet needs to other specialized actors. National Societies should therefore act as a humanitarian referral system for their governments and for other humanitarian actors.

Our roots within the communities may become a weakness if any of the components of the Movement is not perceived as impartial. Political constraints and security considerations may compel components of the Movement temporarily to suspend their operations in certain areas. The Movement needs to establish a dialogue with the authorities and any other parties involved. It must gain their trust through strict compliance with the Fundamental Principles, in particular impartiality, neutrality and independence, in order to secure unimpeded and safe access to the populations it wishes to protect and assist¹⁴ and to remind the authorities and the various parties of their obligations. National Societies also gain the trust of their authorities when they are perceived as reliable partners while playing their auxiliary role.

13 See the current *Restoring Family Links Strategy (and implementation plan) for the International Red Cross and Red Crescent Movement* (2008–2018), and its Annex, 2007 Council of Delegates, Resolution 4.

14 See our policy *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief*, adopted by the 1993 Council of Delegates, Resolution 6. See also *Principles and action in international humanitarian assistance and protection*, 26th International Conference, 1995, Resolution 4, E.

3. We seek to prevent displacement while recognizing people's right to leave their homes of their own accord.

A basic tenet of our approach to displacement is that it is best to avoid it in the first place and that we should support people *in situ*. The Movement's ability to take a multidisciplinary approach is a major asset in this endeavour. If displacement nevertheless does occur, steps should be taken to move towards a durable solution as quickly as circumstances allow.

Groups of people can be deliberately forced to move by the parties to an armed conflict.¹⁵ They can also feel obliged to flee their homes in order to avoid violations of human rights or humanitarian law, the effects of armed conflict and other situations of violence – for example shortages of food or water and the collapse of health-care services. Prevention of forced displacement or refugee flows is therefore part of the wider protection of the civilian population required by international humanitarian and human rights law.¹⁶

Groups of people may also be forced to flee in the face of natural or man-made disaster. Displacement may be understood as a coping mechanism resorted to when basic needs can no longer be met.

Some sudden-onset crises such as natural disasters are recurrent and to some extent predictable. Others are not. The Movement's components have developed different means of mitigating the consequences of disaster, for example through risk reduction. It is therefore important to consider the context-specific factors that prompt displacement and to identify groups of people who would be particularly at risk should displacement occur. The Movement's ability to gain access both to communities at risk and to decision-makers must be harnessed to prevent displacement where appropriate and to respond to those most in need when displacement is unavoidable.

4. We support the safe, voluntary and dignified return, relocation or local integration of IDPs, on the basis of our independent assessment of their situation.

The Guiding Principles on Internal Displacement stress that the national authorities are responsible for establishing the conditions for safe and voluntary measures, as well as providing the means to help IDPs pursue voluntarily durable solutions in safety and with dignity. It remains the prerogative of IDPs to independently seek sustainable means of improving their situation. The authorities are nevertheless responsible for facilitating the return, local integration or relocation

15 IHL contains a specific prohibition on displacement unless it is justified for the safety of the population or for imperative reasons of security (see annex on legal framework).

16 The Movement has adopted several resolutions on the dissemination and implementation of international humanitarian law. See in particular Resolution 7 of the 1993 Council of Delegates, Resolution 16 of the 23rd International Conference, 1977, and Resolution 14 of the 24th International Conference, 1981.

of IDPs seeking a long-term solution, and with helping recover property and possessions and arranging compensation for their loss if that recovery is not possible. In principle, potential durable solutions to displacement include:

- return and reintegration: the person returns to where he or she lived before the crisis;
- local integration: the person integrates into the local community in which he found himself following displacement;
- relocation: the person relocates to a yet another location within the country and integrates into the community there.

We must support the ability of people and communities affected by displacement to make informed decisions on the basis of the options available. We must also encourage opportunities for them to participate fully in the planning and implementation of the solutions they select. They should be subjected to no coercion – such as physical force, harassment, intimidation or denial of basic services. We must not support the closure of IDP camps or facilities as a means either to induce or to prevent return, local integration or relocation elsewhere without acceptable alternatives.

We must promote durable solutions based on voluntary, safe and dignified choices for the people affected.

Before taking part in any return or relocation programme, we must first make sure that the IDPs concerned are informed of the details of the programme, in particular the living conditions and risks. Components of the Movement must also seek to obtain adequate knowledge of the situation in the place of return or relocation so as to avoid supporting any steps that might harm the persons concerned during and after their return.

National Societies should ask their authorities and public services about arrangements made and see if there is any way in which they might assist the groups concerned.

Depending on local conditions in the place of return, permanent local integration or relocation, a variety of programmes may be organized and means used, always focusing on the most vulnerable groups first. They may include:

- activities to strengthen the ability of the local branch of the National Society to provide adequate services;
- return kits containing food and hygiene items;
- help in resuming a livelihood (tools, seeds) and generating income;
- shelter materials;
- means to rebuild social networks;
- strategies to clear explosive remnants of war;
- restoring family links;
- activities aimed at enhancing community development;
- protection work aimed at ensuring full respect for the letter and spirit of the relevant law and the rights of the individual.

- 5. We seek to empower individuals and communities. We do this by ensuring their participation in the design and implementation of our programmes, by helping them to exercise their rights and by providing access to available services.**

IDPs can provide valuable information on their displacement, its cause and scope as well as the protection problems they face. In any case, programmes for the benefit of people affected by a displacement have a better chance of sustainability if those people's own views are taken into account.

In our effort to protect people's dignity, we proactively seek the input, analysis and recommendations of those affected, on their lives and circumstances. However, respect for the individual implies that each person is regarded as autonomous (i.e. entitled to make his or her own choices).

Respect for people who provide humanitarian organizations with information requires that, as far as possible, they be given the opportunity to make an informed decision about whether or not to provide personal or sensitive data. The person concerned should be informed about the circumstances in which the data provided can be transmitted to the authorities or another party.

We take measures to ensure that people have access to accurate information and have opportunities to participate in and influence decisions made on their behalf, as well as to ensure that meaningful choices are offered them in what are often dire circumstances.

We see ourselves as accountable first to those at risk and we will, to the extent possible, put in place systems to ensure that our accountability is transparent and can be monitored. We take proactive measures to avoid doing harm to those for whose benefit we work. We are guided by the desire to do, at all times, what is in the best interests of those at risk. We therefore attach importance to direct dialogue with them.

Programmes for people affected by displacement must be designed in such a way as to empower the beneficiaries, to promote self-reliance and to strengthen resilience. When drawing up emergency plans, components of the Movement must bear in mind their possible long-term consequences and work out with the affected groups mechanisms to help ensure self-reliance.

- 6. We coordinate with the authorities and all others concerned. Whenever necessary, we remind them of their obligations as set out in the applicable normative framework.**

Unlike refugees, IDPs are not covered by a specific international convention. This sometimes gives rise to an assumption that there is a gap in the legal framework for the protection and assistance of IDPs. However, although the relevant law may contain no specific references to IDPs, a legal framework can always be referred to for the protection of people who have been displaced, people who have been left behind, and other groups affected by the events concerned. The authorities and, in the event of conflict, the warring parties must be reminded of their obligations

towards people affected by displacement, and those affected should be aware of the rights that can protect them.

The Movement needs to establish a dialogue with the authorities and any other parties involved. It must gain their trust through strict compliance with the Fundamental Principles, in particular impartiality, neutrality and independence, in order to secure unimpeded and safe access to the populations it wishes to protect and assist and to remind the authorities of their obligations. National Societies also gain the trust of their authorities when they are perceived as reliable partners while acting in their auxiliary role.

The Movement must know the rules of international law governing all phases of displacement, in particular international humanitarian law and international human rights law, for the benefit of people affected. In addition, national law must be taken into account and be interpreted in such a way as to comply with the international law binding on the State. At no time should the Movement's activities fall short of the standards set by international law. International law applicable to displacement can be found in many treaties. They include the universal and regional human rights treaties, the Geneva Conventions of 1949 and their Additional Protocols of 1977, as well as customary international law. There are also newer developments specific to the problem of displacement, such as the Great Lakes Protocol on Internally Displaced Persons. These and other potential normative developments can complement and strengthen the existing international legal framework.

All components of the Movement should be aware of the applicable legal framework when engaging in displacement-related activities because the protection provided by international law (and national law where applicable) must constitute the minimum benchmark for all our work (see annex 2 on the legal framework).

The ICRC plays a particular role in upholding international humanitarian law and should provide support for the other components of the Movement in this respect.

7. We, the National Societies, as auxiliaries to our authorities, support those authorities in meeting their responsibilities in the humanitarian field as far as our resources allow and provided we can do so in full compliance with the Fundamental Principles and in keeping with the mission and Statutes of the Movement.

In any emergency that overstretches their resources, the authorities will look for reliable partners. The more they trust their National Societies, the more readily they will entrust them with matters that are the responsibility of the State. At times a government's trust may be based more on the National Society's reliability as a provider of services than on its respect for the Fundamental Principles of the Movement. The auxiliary role often confers an operational advantage but it is essential that the National Society uphold the Fundamental Principles, and preserve its independence in decision-making and action, particularly when the State authority is a party to a conflict in the country of operation.

In their role as auxiliaries to their respective public authorities, National Societies must strive for a balanced relationship with clear and reciprocal responsibilities and work to maintain and enhance a constant dialogue at all levels within the agreed framework for humanitarian action.¹⁷

8. We seek to limit the extent to which we substitute for the authorities in discharging their responsibility to meet the needs and ensure the well-being of the populations within the territory under their control.

Resident populations and local communities are very often the first to help IDPs. Local, regional and national authorities nevertheless have primary responsibility for providing affected people and communities with coordinated and sustainable support.

The Movement should avoid substituting its activities for work that should be carried out by the authorities in cases where doing so might discourage the authorities from fully meeting their obligations and responsibilities. In countries where State structures are weak, there may be a tendency to ask National Societies to take over a wide range of undischarged responsibilities. It may be useful to distinguish between cases where a State is labouring under a shortage of capacity from those where it lacks political will. Where the State lacks the political will to shoulder its responsibilities, National Societies should resist pressure to become substitutes and should assess the support available to them in the light of their own capacities. National Societies should be extremely wary of agreeing to substitute for the authorities without first advocating alternatives that are in accordance with the Fundamental Principles and the Movement's Statutes.

The Movement's components should support affected communities in their desire to fall back on their usual coping mechanisms and should develop programmes that focus on restoring self-reliance.

9. We give priority to operational partnerships within the Movement and seek to play our complementary roles, shoulder our responsibilities and marshal our expertise, all to the full.

The Movement has long been active in meeting the needs and diminishing the vulnerabilities of IDPs, refugees, asylum-seekers and other migrants, and has developed a number of policies¹⁸ in this field.

17 See Resolution 2 of the 2007 International Conference.

18 In recent decades, the Movement has established a number of policies and regulations governing its emergency operations and its activities in protracted conflicts and disasters. In 2001, the Council of Delegates adopted a major resolution on the Movement's work to aid refugees and IDPs. The resolution called for a strategy to guide that work. In 2003, the Council of Delegates adopted a document entitled *Minimum elements to be included in operational agreements between Movement components and their operational partners*, which aims to strengthen the Movement's image and credibility. The Movement has also developed an important body of policies, regulations and guidelines on coordination and cooperation within the Movement (endorsed through resolutions adopted by the International Conference, the Council of Delegates and the Federation General Assembly) based primarily on the Geneva Conventions, the Fundamental Principles and the Movement's Statutes.

Thanks to the different but complementary mandates of the Movement's various components, their combined efforts provide a comprehensive response to displacement. In armed conflict and other situations of violence, two distinct components of the Movement, the host National Society and the ICRC, have concomitant mandates.¹⁹ In any other case, the host National Society is well placed to play a crucial role, especially in the early-warning phase and the first stages of a crisis, as well as in the later phase during which most other agencies withdraw. Through the bulk of the crisis, the variety of expertise within the Movement's components is combined to provide a substantial response. The Movement has know-how in the use of contingency-planning mechanisms that play a significant role in an effective humanitarian response. In addition, it has developed an effective system for the rapid deployment of humanitarian staff.

In the interests of optimal use of resources, the National Societies and, in case of international relief operations, the ICRC and the International Federation, must strive to establish and adopt a coordination framework for the Movement and share it with all their partners. Where it is able to do so on the basis of a realistic assessment of its capacities, the host National Society coordinates the Movement's response on its territory. Otherwise, that Society is the primary partner of the agency on which this coordination responsibility devolves. In order to strengthen their common identity and respect for the Fundamental Principles, the components should assign priority to (operational) partnerships within the Movement. Careful consideration must be given to maintaining or strengthening the capacity of the National Society of the country concerned. Its overall capacity and role should not be sapped by large-scale operations for displaced groups.

The International Federation has the lead in ensuring that the National Society concerned receives adequate capacity-building support from other components of the Movement. The ICRC contributes to the development and preparedness of National Societies in areas related to its mandate and core expertise. It will in particular support the endeavours of National Societies to strengthen their operating capacity in the fields of tracing and restoring family links, including the management of human remains and forensic identification, spreading knowledge of the Movement's Fundamental Principles, and activities to reduce the impact of weapon contamination. To this end, the ICRC will do its utmost to provide possible technical advice and resources.

In order to ensure that those providing resources and support can do so as part of a well-organized response, the different components of the Movement must coordinate their resource-mobilizing strategies and appeals, in particular in the initial phase of an emergency.

In accordance with existing policy, National Societies must channel their international appeals primarily through the ICRC or the International Federation, as appropriate.

¹⁹ According to Articles 4 and 5 of the Movement's Statutes, National Societies in their own countries and the ICRC have complementary and concomitant mandates in international and other armed conflicts or internal strife.

10. We coordinate with other entities on the basis of their presence and abilities on the ground, the needs to be met, the capacities available, and the possibilities for access, while ensuring that we remain (and are perceived as remaining) true to our Fundamental Principles.

Given the magnitude of internal displacement, a comprehensive response is generally beyond the powers of any single humanitarian organization.

In many places where there is a need for large-scale humanitarian operations, the number of agencies involved has grown. As a result, all the organizations involved need to systematically coordinate their efforts as far as possible and find ways of making the best possible use of their resources, capacities and expertise in order to maximize their overall impact.

IDPs are increasingly viewed as a specific vulnerable group in need of specific protection and a specific status. The issue is high on the agenda of United Nations agencies and many non-governmental organizations working in the field.

There are many advantages to cooperating with UN agencies, especially if we seek areas of complementarity in which they can provide specific expertise (e.g. WHO, UNFPA, FAO) and aid (e.g. WFP, UNICEF, UNCHR) for IDPs and in which, for example, National Societies can make available their own extensive national network and their direct access to the authorities.

Our relations with the UN agencies must be guided by the same general principles that inspire all components of the Movement in their relations with any other humanitarian entities. This is particularly true in armed conflict and other situations of violence where it is of fundamental importance for all components of the Movement to maintain, and be perceived by others as maintaining, a strictly neutral and independent humanitarian approach vis-à-vis all actors, even if National Societies can simultaneously act as auxiliaries to their authorities.

In armed conflicts and other situations of violence, a clear distinction must be drawn between the UN as a whole (peace-keeping, peace-making and political bodies) and its specialized agencies. While cooperating with specialized agencies, particular attention must be paid to preserving the Movement's identity and ensuring respect for the Fundamental Principles.

Cooperation agreements with local and international non-governmental organizations are possible, provided that their work is understood, that they subscribe to values similar to our own and that cooperation with them does not distort the perception that communities and authorities have of the Movement's work.

When negotiating or reviewing operational agreements between Movement components and external organizations, the components must refer to existing guidance on relations with organizations outside the Movement.²⁰

20 See *Minimum elements to be included in operational agreements between Movement components and their operational partners*, 2003 Council of Delegates, annex to Resolution 10 and Guidance Document on Relations between the Components of the Movement and Military Bodies, (Council of Delegates, 2005, Resolution 7).

Annex 2

Legal framework

All components of the Movement should be aware of the applicable legal framework when engaging in activities concerning displacement because the protection provided by international law (and national law if applicable) must provide the minimum benchmark for all activities. The ICRC plays a particular role in upholding international humanitarian law and should support the other components in this respect.

Broadly speaking, the international legal framework applicable to displacement includes the following main bodies of law and principles:

- a) **National law:** National law provides the legal framework for each specific situation. As the majority of IDPs are nationals of the State in which they find themselves, they are entitled to the full protection of national law and the rights it grants to the State's citizens, without adverse distinction resulting from displacement. Some displaced persons, however, are not nationals. They are nonetheless protected under international human rights law, and most rights must be granted to them without discrimination. National law must be in accordance with the minimum standards provided by international human rights and humanitarian law. Where this is not the case, work to promote knowledge of the law can help bring national legislation and policies in line with international law and principles.
- b) **International humanitarian law:** During armed conflicts, IDPs are civilians and are entitled to the same protection from the effects of hostilities and to the same relief as the rest of the civilian population.

Respect for basic rules of IHL would prevent most displacement since it occurs mostly as a result of violations of those rules, such as the obligation to distinguish at all times between civilians and combatants and between civilian objects and military objectives, the prohibition on making civilians or civilian objects the target of attacks, the prohibition on indiscriminate attacks, the obligation to take precautions in attacks to spare the civilian population, the prohibition on acts or threats of violence to spread terror among the civilian population, the prohibition on starvation as a method of warfare, the prohibition on the destruction of objects indispensable for the survival of the civilian population, the prohibition on reprisals against the civilian population and civilian property, fundamental guarantees such as the prohibition on ill-treatment, and the prohibition on collective punishments.

In addition, IHL contains a specific prohibition on displacement unless it is justified for the safety of the population or for imperative reasons of security. It also stipulates that, if they are displaced, civilians must be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and members of the same family unit must not be separated. It further states that displaced persons have a right to safe and voluntary return and that their

property must be respected. Finally, IHL stipulates that the parties to a conflict must allow and facilitate the rapid and unimpeded passage of humanitarian relief (for civilians in need), which is impartial in character and conducted without adverse distinction, subject to their right of control.

- c) **International human rights law:** The rights enshrined in international human rights law must be granted to everyone without discrimination, including people, such as IDPs, who have to leave their ordinary places of residence. Human rights are universal and inalienable and States must respect and guarantee the civil, political, economic, social and cultural rights of all persons at all times. International human rights law is, in particular, reflected in the Universal Declaration of Human Rights of 1948 and in the universal and regional human rights treaties. These can be supplemented by other human rights instruments, such as declarations of human rights principles or other declarations, the most relevant one being the Guiding Principles on Internal Displacement mentioned below (paragraph d). International humanitarian law in particular guarantees respect for the right to life, freedom from torture and other forms of ill-treatment, respect for private and family life, respect for property, freedom of expression, belief, conscience and religion, and the right to a standard of living adequate for the health and well-being of oneself and one's family, including food, clothing, housing and medical care. An important right is that of everyone living lawfully within the territory of a country to freedom of movement and to choose his or her place of residence.

Respect for these fundamental human rights would prevent displacement in the first place. But this law also protects people once they are displaced. For instance, their family life and their property must continue to be respected.

While these human rights are, of course, not without limitation, the authorities may not restrict them unless this is necessary for legitimate reasons and the limitation is not excessive as compared to the aim that they seek to achieve.

- d) **The Guiding Principles on Internal Displacement:** The Guiding Principles provide guidance for States and international organizations. They are a compilation of recommendations, drawn from public international law, international humanitarian law, human rights law and refugee law, which aim to restate the fundamental protection to which IDPs are entitled. The Guiding Principles are not binding in themselves but provide a useful tool. They bring together applicable norms that already exist but that might be 'forgotten' as they are found in different bodies of law. They spell out in detail rules that may be unclear in binding instruments, such as rules governing return.