



**ЭКОНОМИЧЕСКИЙ
И СОЦИАЛЬНЫЙ СОВЕТ**

Distr.
GENERAL

E/CN.4/2004/77/Add.4
17 February 2004

RUSSIAN
Original: ENGLISH

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ КОМИССИЯ
Шестидесятая сессия
Пункт 14 с) предварительной повестки дня

КОНКРЕТНЫЕ ГРУППЫ И ЛИЦА

МАССОВЫЕ ИСХОДЫ И ПЕРЕМЕЩЕННЫЕ ЛИЦА

**Доклад Представителя Генерального секретаря по вопросу о внутренних
перемещенных лицах г-на Фрэнсиса Денга**

Добавление* **

**КОНФЕРЕНЦИЯ ПО ПРОБЛЕМАМ ВНУТРЕННЕГО ПЕРЕМЕЩЕНИЯ
В СУБРЕГИОНЕ МЕЖПРАВИТЕЛЬСТВЕННОГО ОРГАНА ПО
ВОПРОСАМ РАЗВИТИЯ (МОВР), СОВЕЩАНИЕ ЭКСПЕРТОВ
(30 АВГУСТА - 1 СЕНТЯБРЯ 2003 ГОДА)**

* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад содержится в приложении к резюме и распространяется на том языке, на котором он был представлен, и на французском языке.

** Настоящий доклад представлен с запозданием в связи с необходимостью включения в него как можно более свежей информации.

Резюме

30 августа - 1 сентября 2003 года в Хартуме, Судан, было проведено совещание экспертов по проблемам внутреннего перемещения, совместно организованное Межправительственным органом по вопросам развития (МОВР), канцелярией Представителя Генерального секретаря Организации Объединенных Наций по вопросу о перемещенных внутри страны лицах и Отделом по внутренним перемещенным лицам Управления по координации гуманитарной деятельности Организации Объединенных Наций (Отдел по ВПЛ УКГД). Принимающей стороной совещания выступало правительство Судана как Председатель МОВР. Это совещание экспертов являлось подготовительным этапом Конференции по проблемам внутреннего перемещения в субрегионе МОВР, состоявшей из двух частей, кульминацией которой было совещание министров стран - членов МОВР по проблемам внутреннего перемещения, состоявшееся в Хартуме 2 сентября 2003 года.

Цели конференции включали: а) рассмотрение причин, обстоятельств, последствий и тенденций внутреннего перемещения в субрегионе МОВР; б) обсуждение Руководящих принципов по вопросу о перемещении лиц внутри страны и путей их применения к соответствующим проблемам; с) стимулирование процесса укрепления стратегий, законов и институтов на национальном уровне для решения проблемы внутреннего перемещения; и d) изучение той роли, которую мог бы играть МОВР в деле содействия повышению эффективности национальных и региональных мер по решению проблемы перемещения.

В работе совещания экспертов участвовали около 100 человек, в том числе делегации всех государств - членов МОВР, представители внутренних перемещенных лиц, неправительственных организаций (НПО) этого региона, Африканского союза, Организации Объединенных Наций и других международных учреждений, международных НПО, правительств-доноров, а также региональные и международные эксперты по проблемам внутреннего перемещения.

Настоящий доклад содержит краткое изложение существа дискуссий, состоявшихся в ходе совещания экспертов. Рекомендации экспертов были официально одобрены в конце совещания и затем препровождены участникам Конференции министров стран - членов МОВР, состоявшейся 2 сентября 2003 года. На этой встрече министры от имени МОВР одобрили рекомендации экспертов и приняли "Хартумскую декларацию о внутренних перемещенных лицах в субрегионе МОВР" (имеется на вебсайте www.brookings.edu/fp/projects/idp/conferences/contents.htm). Впоследствии это решение было одобрено на Министерском саммите стран - членов МОВР в Кампале в октябре 2003 года.

Annex

**SUMMARY REPORT OF THE EXPERTS' MEETING OF THE CONFERENCE
ON INTERNAL DISPLACEMENT IN THE INTER-GOVERNMENTAL
AUTHORITY ON DEVELOPMENT (IGAD) REGION (KHARTOUM,
30 AUGUST-1 SEPTEMBER 2003)**

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Summary		2
I. OPENING SESSION	1 - 6	5
II. GLOBAL OVERVIEW OF INTERNAL DISPLACEMENT	7 - 11	5
III. OVERVIEW OF INTERNAL DISPLACEMENT IN THE IGAD SUBREGION	12 - 19	7
A. Causes of displacement	13 - 15	7
B. Needs of the displaced	16 - 19	8
IV. THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT	20 - 31	8
A. Origins and content of the Guiding Principles	21 - 25	9
B. Status of the Guiding Principles	26 - 29	10
C. The Guiding Principles and local legal traditions	30 - 31	11
V. PROTECTION AND HUMANITARIAN ACCESS	32 - 39	11
VI. PARTICULARLY VULNERABLE DISPLACED PERSONS	40 - 53	13
A. Women and children	41 - 49	13
B. The elderly and the disabled	50 - 53	14
VII. DURABLE SOLUTIONS: RETURN, RESETTLEMENT AND REINTEGRATION	54 - 59	15

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
VIII. RESPONSE BY NATIONAL AND LOCAL GOVERNMENT	60 - 67	17
IX. RESPONSE BY CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANIZATIONS	68 - 72	19
X. RESPONSE BY REGIONAL ORGANIZATIONS	73 - 79	19
XI. INTERNATIONAL RESPONSE: UNITED NATIONS AGENCIES, INTERNATIONAL NGOs AND DONORS	80 - 85	21
XII. CONCLUSIONS	86 - 90	23

I. OPENING SESSION

1. Dr. Mustafa Osman Ismail, Minister of Foreign Affairs of Sudan and current Chairman of the Inter-Governmental Authority on Development (IGAD) Council of Ministers, opened the first IGAD conference on the issue of internal displacement by asserting the need for a shared vision across the subregion to respond to the issue but also underlining the primary responsibility of the Government of each IGAD member State to provide protection and assistance to internally displaced persons (IDPs). He called for a new chapter of cooperation and solidarity between member States and with the international community to solve the problems facing internally displaced persons (IDPs).

2. Dr. Attallah Hamad Bashir, the Executive Secretary of IGAD, noted that, owing to both natural and human-made reasons, the IGAD subregion held the “world record” in terms of the number of displaced persons and that the leaders of IGAD’s member States had therefore made special reference to the issue of IDPs in the Agreement Establishing IGAD, providing the organization with a clear mandate to address the issue. He affirmed the readiness of the IGAD secretariat to implement recommendations arising from the conference for further involvement in displacement issues.

3. Dr. Mukesh Kapila, United Nations Resident/Humanitarian Coordinator for Sudan, noted that the response to the needs of IDPs should be premised on their fundamental rights as outlined in the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex). He cautioned participants not to think of IDPs as a “problem” or “statistics” but as human beings deserving of dignity.

4. Dr. Francis Deng, the Representative of the United Nations Secretary-General on internally displaced persons (“Representative”), emphasized that while addressing the problem of internal displacement is first and foremost the responsibility of the Government of the State concerned, solidarity and mutual assistance at the next level of responsibility, the regional neighbourhood, could provide crucial assistance. He commended IGAD member States for convening this meeting, and thereby acknowledging, individually and collectively, their responsibility to the internally displaced.

5. Roger Winter, Assistant Administrator for Democracy, Conflict and Humanitarian Assistance of the United States Agency for International Development (USAID) noted that the United States had a major interest in the problem of internally displaced persons in all of the IGAD States. USAID was rethinking its approaches to these problems, in particular by exploring new mixes of humanitarian assistance with democracy building as well as conflict management and mitigation, and it was therefore eager to learn from the discussions.

6. The speakers also expressed their profound thanks to the Government of Sudan for hosting the conference and to the Government of Germany for its generous support.

II. GLOBAL OVERVIEW OF INTERNAL DISPLACEMENT

7. The participants began by noting that internal displacement was a global crisis, affecting some 25 million people in 50 countries and touching all continents.¹ Having been driven from their homes, internally displaced persons were frequently in need of food, shelter and other basic

assistance as well as protection from physical harm. Moreover, the impact of internal displacement extended beyond the displaced populations; it undermined the productive capacity of societies and the stability of the affected country as well as that of its neighbours.

8. Although the problem of internal displacement was not new, it had not been until the end of the cold war that the international community began to react in a concerted manner. In 1992, the Commission on Human Rights had requested that the Secretary-General appoint a Representative on the issue - a position which Dr. Francis Deng had held since that time. Dr. Deng had consistently premised his work on respect for State sovereignty, in accordance with the increasingly accepted international understanding of sovereignty as entailing a State's responsibility to protect and assist its own citizens, if need be with the assistance of the international community.

9. There were six main "pillars" of the mandate of the Representative of the Secretary-General on internally displaced persons. The first concerned raising awareness of the problem of internal displacement - an area in which substantial progress had been made at the national, regional and international levels over the previous 10 years. The second was the development and promotion of an appropriate normative framework, which had taken the form of the Guiding Principles on Internal Displacement. The third was promotion of effective institutional mechanisms of response at the international and regional levels. The fourth was dialogue with national Governments, which the Representative of the Secretary-General primarily carried out through country missions. Of the 27 country missions that the Representative had undertaken, 4 had been to the IGAD region, including several to Sudan and one most recently to Uganda. A fifth pillar concerned capacity-building partnerships, in particular with local organizations. The final pillar was research to promote greater understanding of the phenomenon of internal displacement, the plight of the populations it affected and effective means for response at all levels, from local to global.

10. The humanitarian branches of the United Nations had also begun to organize themselves to better respond to the crisis. No single agency was charged with meeting the needs of the internally displaced; rather a "collaborative approach" had been adopted between all of the various agencies to work together to ensure that these needs are met. At the field level, Resident and Humanitarian Coordinators had been tasked with coordinating this collaborative approach, while the Under-Secretary-General for Humanitarian Affairs, who was also the Emergency Relief Coordinator, had overall responsibility for ensuring coordination in the system as a whole. In 2002, an IDP Unit had been established within the Office for the Coordination of Humanitarian Affairs to assist the Emergency Relief Coordinator in his responsibilities with regard to IDPs and to support Resident and Humanitarian Coordinators at the field level.

11. The IDP Unit had four major areas of work. The first was to strengthen protection frameworks, in which connection the Unit, together with the Office of the Representative of the Secretary-General on IDPs, was finalizing a "protection survey" that would focus on how Governments as well as the international community could provide more comprehensive protection to IDPs. The second was to ensure effective international institutional responses to IDPs and, in this connection, it was preparing a matrix reflecting the results of a widely disseminated questionnaire examining efforts to ensure a coordinated response to IDPs in various countries. The Unit also provided support at the country level, including by undertaking assessment missions, providing training to government officials as well as United Nations staff,

providing support for national policies on IDPs (as it had done with Uganda's policy and was doing with the Government of the Sudan as well as the SPLM/A in the South), and fielding IDP advisers, for example, as it had just done in Sudan. Finally, the Unit engaged in advocacy on the issue of internal displacement. In this connection, mention was made of a new publication, entitled *No Refuge: The Challenge of Internal Displacement*, which dealt with issues also pertinent to this seminar, such as access, protection, and sovereignty.

III. OVERVIEW OF INTERNAL DISPLACEMENT IN THE IGAD SUBREGION

12. The participants noted with concern that one fifth of the world's IDPs, an estimated 5.2 to 6 million persons, lived in the IGAD subregion. The overwhelming majority of these were in the Sudan, which had the largest IDP population of any country in the world, with estimated totals varying between 3.7 and 4.4 million. However, with the exception of Djibouti, each IGAD member State had significant IDP populations and all were affected in various ways by the crises within their neighbours' borders.

A. Causes of displacement

13. There were many similarities in the causes of displacement across the subregion, including the frictions arising from the arbitrary national boundaries inherited from the colonial past compounded by armed conflict, inequitable distribution of wealth, human rights violations, land disputes, tribal conflicts, and natural disasters. By far the most significant of these causes was armed conflict. This included both inter-State wars, such as the recent conflict between Ethiopia and Eritrea, and internal wars with cross-border dimensions, such as the civil wars in Sudan and Uganda, which had caused massive displacement not only within their own borders, but also within one another's countries. It also included more purely internal conflicts such as that in Somalia, and situations of generalized violence, such as in Kenya, where political and ethnic clashes and looting by cattle raiders had driven over 200,000 persons from their homes. Displacement in these situations occurred sometimes as a side effect, as people fled the cross-fire between the opposing sides, sometimes as a result of direct targeting of civilians by government or rebel forces, and sometimes from the general lawlessness or "wars within wars" fostered by the larger conflicts. Ethnicity played a large role in who ended up displaced in many of these conflicts, particularly in Somalia. It was emphasized that large-scale displacement from these types of causes was still ongoing in Somalia, Sudan, and Uganda.

14. Another important cause of displacement in the subregion was natural disaster, including both droughts and floods, which had touched most of the IGAD member States, but especially those in the Horn of Africa. Droughts had been a particular burden, contributing to famines, most notably in the 1980s, and displacing hundreds of thousands from their homes. A particularly severe drought had seized the Horn in the last three years, exacerbating existing situations of displacement due to conflict. For example, according to government figures, over 270,000 persons were displaced due to drought in Ethiopia from 2000 to 2003, joining over 300,000 who had been displaced by the border conflict with Eritrea as of the year 2000. Figures were not readily available on the drought-displaced populations in Eritrea and Somalia, but it was clear that in these countries, as in Ethiopia, drought conditions combined with the ravages of armed conflict both to create displacement and to hinder return.

15. Participants also noted that displacement by these major causes was exacerbated by cross-border phenomena, such as small arms proliferation and cattle rustling. They suggested that these two areas in particular would benefit from a subregional plan of action.

B. Needs of the displaced

16. It was acknowledged that the humanitarian needs of the internally displaced often went unmet within the IGAD subregion, and that the magnitude of the problem was beyond the capacities of the member States. Moreover, although the international community had devoted substantial resources to these problems over the years, the response has been far from sufficient for meeting the identified needs. Security was also a primary problem for IDPs throughout the region. Greater efforts to protect them from theft, forced recruitment, landmines, and gender-based violence were needed.

17. The living conditions of many IDPs in the subregion remained very poor. Many IDPs lacked food, shelter, sanitation and essential services and were particularly marginalized in areas of long-term need, such as education, employment and social integration. Their conditions were worse in many instances than other affected populations, including refugees, inasmuch as the international community had responded more generously and more quickly to the needs of those who had crossed borders. In many countries, internal displacement was a long-term phenomenon, obliterating former ways of life and leading to dangerous dependencies on whatever aid was available.

18. On the other hand, participants emphasized that internal displacement had to be seen in its wider context. Demobilized soldiers, refugees, “expellees” (i.e. persons expelled by Ethiopia and Eritrea to the other country during and after the conflict between these two countries), and economic migrants shared many of the same problems of the internally displaced. Moreover, host communities bore an enormous burden in supporting the displaced, and were often themselves severely affected by the conditions leading the displaced to flee their homes. Displacement had led to overcrowding in cities, the overuse of community resources, and also had burdened the environment, with deforestation common around large encampments. Efforts to address the problems of the internally displaced should not forestall an effective response to the problems of these other affected populations.

19. Participants concurred that strong and comprehensive national policies for dealing with issues of displacement were essential. Policies should be put in place not only for the resettlement and return of those already displaced, but also to encourage preparedness for future disasters and avoid massive displacement in the first instance.

IV. THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

20. The meeting next closely considered the applicability of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex) to the issues of internal displacement faced in the IGAD subregion.

A. Origins and content of the Guiding Principles

21. It was explained that the Guiding Principles traced their origins to the creation of the mandate of the Representative of the Secretary-General on internally displaced persons by the Commission on Human Rights in 1992. The first task assigned to the Representative had been to analyse the existing “normative framework”, in other words, the rules, regulations and customs of the international community concerning internally displaced persons, and to evaluate the extent to which this framework addressed their particular needs. Working with a team of legal experts and in consultation with Governments, international organizations and non-governmental organizations (NGOs), the Representative had produced a comprehensive study of the question, entitled the “Compilation and analysis of existing norms” (E/CN.4/1998/53 and Add.1 and 2) that was presented to the Commission in two parts, in 1996 and 1998. The study had concluded that while existing international law provided considerable coverage of the needs of internally displaced persons, the relevant norms were widely diffused in different instruments and there were some gaps and grey areas in the existing law. The study had recommended that an instrument be created to compile and clarify the application of these existing norms to internally displaced persons, and, in resolutions passed by consensus, the Commission and the General Assembly had encouraged him to proceed in this regard.

22. Accordingly, the Representative and his team had developed the Guiding Principles, comprised of 30 articles restating, compiling and interpreting pertinent humanitarian and human rights law and, in some instances, employing precepts of refugee law by analogy. The Guiding Principles defined “internally displaced persons” broadly, to include all persons forced to flee or to leave their homes against their will, whether because of war, human rights violations, natural disaster or other reasons (excluding strictly economic migration) and who did not cross an international border.² This definition did not create a “legal” category like “refugee”, but rather acknowledged the particular needs of persons internally displaced by these various causes.

23. The Guiding Principles prohibited arbitrary displacement, and if authorities had to displace persons for legitimate reasons - such as to protect the safety of civilians in times of war - they had to try to minimize the negative effects and make the displacement as short as possible. Where displacement had already occurred, Governments and other groups or persons with power over the displaced were required to do what was possible to protect them from dangers such as murder, torture, rape, and slavery, ensure that they were not treated in a discriminatory manner, and provide them, where necessary, with the means to meet their basic needs for food, water, shelter, education, livelihood and dignity. If the competent authorities were unable to provide this basic assistance, they were to invite and facilitate the humanitarian community to do so in their place.

24. Finally, the Guiding Principles addressed the issue of durable solutions to displacement. Governments were called upon to facilitate return of the displaced to their homes, or if the displaced did not wish to return, to help them to integrate locally or resettle elsewhere in the country. These solutions should be carried out in conditions of safety, dignity and free will of the persons involved. Governments were also called upon to ensure the restitution of property, or, if this was not possible, compensation for losses, of persons who had fled.

25. The Guiding Principles called for particular attention to be paid to the special needs of women and children, especially unaccompanied minors, expectant mothers, mothers with young children, and female heads of household, as well as other vulnerable groups, such as the elderly and the disabled. They prohibited discrimination against these and similar groups in the application of the Principles and also discrimination against IDPs on the basis of their displacement.

B. Status of the Guiding Principles

26. It was pointed out that the General Assembly, the Economic and Social Council and the Commission on Human Rights had all passed resolutions by consensus over the previous five years which had encouraged the dissemination and use of the Guiding Principles, including by the Representative of the Secretary-General on IDPs in his dialogues with member States. The most recent Commission resolution, for example, resolution 2003/51, expressed its “appreciation of the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement welcome[d] the fact that an increasing number of States, United Nations agencies, and regional and non-governmental organizations are applying them as a standard, and encourage[d] all relevant actors to make use of them”. Similar language had been included in resolution 2003/5 of the Economic and Social Council’s humanitarian segment. IGAD member States had played an important role in the development of this international consensus. For example, Ethiopia, Kenya, Sudan and Uganda had all joined the consensus on various Commission on Human Rights resolutions pertaining to the Guiding Principles.

27. Moreover, it was noted that other regional and subregional organizations and groups had expressed their appreciation for the Guiding Principles and encouraged their use and dissemination. In 1999, the Organization for African Unity (OAU) Commission on Refugees, Returnees and Displaced Persons had taken note of them “with interest and appreciation” and had emphasized the need for promoting their dissemination and application throughout Africa. In 2000, the Economic Community of West African States (ECOWAS) ministers had adopted a declaration concerning war-affected children that had welcomed the Guiding Principles and had called upon member States to apply them. ECOWAS member States voiced continuing support for them in a seminar on migration in 2002. Likewise, in 2003, representatives of Governments from East Africa, the Horn of Africa and the Great Lakes had expressed their appreciation for the Guiding Principles in a regional seminar on international migration policy co-sponsored by the African Union (AU) held in Addis Ababa. Elsewhere in the world, organizations such as the Organization of American States, the Organization for Security and Cooperation in Europe, and the Council of Europe had made similar expressions of support, and had begun to integrate them into their work.

28. It was noted that the Guiding Principles were being increasingly used by national Governments in developing policy on internal displacement. In 2000, Angola had become the first State to use the Guiding Principles as a guide in enacting a domestic law on internal displacement. The following year, the Government of Burundi had signed a “Protocol for the Creation of a Permanent Framework of Cooperation for the Protection of Displaced Persons” making the promotion and application of the Guiding Principles a key objective. Uganda had made extensive use of the Guiding Principles in developing a comprehensive policy on internal displacement that was before the Government for consideration. Similar efforts were under way in Peru and Afghanistan, and the Government of Nigeria had commissioned a study on the

possibility of following suit. Moreover, the Sudan People's Liberation Movement (SPLM), a non-State actor, had considered adopting an internal "policy" for its treatment of the internally displaced based on the Guiding Principles.

29. During the discussions, several participants from the Government of Sudan emphasized that the value of the Guiding Principles lay in their being non-binding, and suggested that this broadened the basis of support for them. The Representative of the Secretary-General on IDPs affirmed that the Guiding Principles were not fashioned as a binding instrument, inasmuch as they were not a formally negotiated and ratified treaty. On the other hand, it was pointed out that many of their provisions restated already binding law found in treaties to which IGAD member States were parties. Fundamentally, however, the Representative of the Secretary-General emphasized that the Guiding Principles should be seen as a tool, based on widely-recognized norms, to assist Governments in developing effective and compassionate responses to the many problems of the internally displaced.

C. The Guiding Principles and local legal traditions

30. A representative of the Government of Sudan raised an additional concern about the application of international human rights standards, such as those embodied in the Guiding Principles, in the context of African societies. It was noted that, in Sudan, conflicts were rarely resolved within the judicial system and reliance was instead placed on traditional practices and customary law applied by community leaders. The application of customary law and practices should therefore be promoted as more appropriate in the local context.

31. Representatives of the Government of Uganda asserted that the Guiding Principles were useful building blocks for developing policy and could be adapted to local systems. In the case of Uganda, the draft IDP policy being developed drew extensively from the Guiding Principles which were seen as a valuable resource. Others pointed out that although customary law governed important aspects of Sudanese social relations, it was not the only source of law in the country. Exclusive reliance on customary law would mean excluding other sources of law, including Shariah, for instance. Moreover, it was argued that African States and societies had been in the forefront of the development of international human rights norms and it made little sense for them to "opt out of the world" by resisting standards they had helped to develop and that are focused on meeting real needs.

V. PROTECTION AND HUMANITARIAN ACCESS

32. Two critical needs addressed by the Guiding Principles were protection from physical harm and access to humanitarian assistance. It was observed that Guiding Principle 25 stated that the primary duty for providing humanitarian assistance resided with national authorities, but that international humanitarian organizations had the right to offer their services in support of the internally displaced and permission for them to do so should not be arbitrarily withheld when national authorities were unable or unwilling to carry out their responsibilities. Nevertheless, problems of access frequently arose in the IGAD subregion, in three ways: (a) permission of access was withheld to the international community; (b) insufficient security was provided to enable humanitarian access; and (c) local authorities and other actors could not or would not provide access or would manipulate or divert humanitarian resources.

33. Particular examples of access issues were cited for Sudan, Uganda and Somalia. In Sudan, an historic arrangement had been made between humanitarian organizations, the Government and the insurgent SPLM/A (“Operation Lifeline Sudan”) to allow humanitarian access in some areas across battle lines in 1994. The Government and the SPLM/A have continued to come together with the humanitarian community in regular “Technical Committee for Humanitarian Assistance” meetings, leading recently to an important agreement to allow shipment of food by barge down the Nile River. The Government also recently indicated that it would open up more areas under its control to humanitarian access. However, access still remained a chronic and pressing problem, even in areas with good security.

34. It was pointed out that Uganda lacked a framework for dialogue with both the Government and the rebels over humanitarian access, impeding cross-line access. Moreover, it was asserted that security provided by the Government was not always timely and sufficient causing delays in bringing assistance to IDPs and other populations in need.

35. In Somalia, the absence of a central authority made negotiations for access complex, and security uncertain. It had also encouraged local manipulation of aid, with armed actors acting as “gatekeepers” installing themselves around concentrations of displaced persons and interfering in the distribution of humanitarian assistance.

36. It was recommended that Governments ensure that their policies and activities guarantee humanitarian access, including by providing necessary security. Additionally, it was recommended that IGAD play an advocacy role on behalf of IDPs to enhance humanitarian access.

37. It was also emphasized that Governments bear the primary responsibility for ensuring the physical safety of IDPs, and that the element of protection should be incorporated into humanitarian assistance programmes focused on them. IDPs, having left behind their community support systems and familiar surroundings, were especially vulnerable, including to the effects of armed conflict, banditry, and unexploded ordinance (UXO) and landmines. Women and children were at particular risk, especially for sexual predation.

38. It was noted that the International Committee of the Red Cross (ICRC), United Nations and other humanitarian organizations could provide supplemental support to the protection responsibilities of Governments. ICRC performed this in various ways, including promotion of international humanitarian law, confidential communication and advocacy with Governments and non-State actors, visits with detained persons, and mechanisms to facilitate the reunification of families. Its efforts in this regard were complicated in situations such as in Somalia, where the flat hierarchy of the many armed factions and dependence of leaders on the approval of their fighters resulted in little or no will to implement the protections of international humanitarian law.

39. As noted above, the United Nations had attempted to address protection issues of IDPs through its “collaborative approach”, giving all operational agencies a role in protection. It was observed, however, that the collaborative approach had been imperfect and that the focus on protection in many areas remained weak.

VI. PARTICULARLY VULNERABLE DISPLACED PERSONS

40. Participants acknowledged that no discussion of the assistance and protection needs of IDPs would be valid without special reference to the needs of particularly vulnerable groups, such as women, children, the elderly and the disabled.

A. Women and children

41. It was pointed out that women and children made up the majority of virtually all IDP populations - both in the IGAD subregion and throughout the world - such that if they were not protected, then most IDPs would not be protected. Accordingly, the extent to which the protection and assistance needs of women and children IDPs were addressed was central to the effectiveness of any response to internal displacement. At the same time, it was considered important to bear in mind that IDP women and children were not all the same and that disaggregated data was essential. Factors such as age and gender in the case of IDP children, and disability, family situation, ethnicity, cause of displacement, and the current phase of displacement in the cases of both women and children, must be taken into account in assessing and addressing their particular protection, assistance and reintegration needs.

42. For children, displacement threatened health, survival and educational and social development. Malnutrition also severely affected displaced children; it was remarked that the highest rates ever recorded were suffered by internally displaced children in Sudan. In all phases of displacement, protection of the physical security of IDP children was recognized as an even greater, indeed the primary, concern. The abduction of children, often for forcible recruitment by armed actors, was noted as a serious problem in a number of countries in the IGAD subregion. Landmines and unexploded ordinance were another serious risk to which children were the most vulnerable.

43. Rape and other sexual violence were a heightened risk for displaced women and children, especially for unaccompanied and foster children as well as women heads of household, and a threat that often emanated from within IDPs' own families, as rates of domestic violence and abuse typically increased during displacement. Dependency on humanitarian assistance further heightened vulnerability to sexual exploitation, including by local officials and humanitarian workers. It was urged that the sensitivity that typically surrounded the issue of sexual violence not be allowed to be an excuse for inaction, either by the national authorities or the international community. Guidelines for the prevention and protection from sexual violence and exploitation to which international agencies must adhere had recently been adopted. High rates of HIV/AIDS were a directly related concern, although it was pointed out that HIV awareness unfortunately was limited among displaced populations.

44. Education was critical not only for children's development but also because it had an important protection function in emergency contexts. However, many IDP children were unable to attend school or were too exhausted to realize their potential as they were compelled to work long hours to help support their families.

45. The separation of families increased vulnerability of children in all areas as it deprived them of the most important form of protection and assistance for survival. Family reunification should therefore be given special priority.

46. It was pointed out that greater attention must be paid to the situation of adolescent IDPs who, unlike younger children, were often assumed to be able to look after themselves but who, in fact, could be the most vulnerable. Adolescents were exposed to particular risks, especially conscription into armed groups. Some efforts to remove persons under 18 years old from armed forces were under way in IGAD countries, but it was asserted that these needed to be expanded. HIV/AIDS awareness and prevention campaigns should be targeted to adolescents and greater emphasis should be given to ensuring secondary education, which typically was much more limited than primary education services.

47. For women, displacement increased not only the risks of sexual violence and exploitation, but also the range of their responsibilities. It was pointed out that the majority of IDP women were heads of household, either in actual fact or in essence, because their husbands were not able to provide for their families or were living at a distance. They consequently became responsible for providing for their families as well as for running the household - areas of responsibility which were often in conflict with one another. For instance, when women were compelled to be away from home for long hours in order to tend to fields or engage in income-generating activities, the children they left behind were more vulnerable to abuse and exploitation.

48. Moreover, the discrimination women often faced constrained their ability to provide for their families. For example, it was pointed out that the difficulties women faced in some IGAD countries regarding land tenure and access to land left their children more vulnerable to malnutrition. Women tended to have little say in communal decision-making, including within IDP communities, even though women and children were the majority, exacerbating their sense of being trapped in a situation over which they had little control. It was therefore deemed essential to give women and children a voice and channels for articulating themselves, including legal channels for the redress of abuse.

49. Education and training for women and girls could assist them in knowing their rights and also were key to increasing their economic productivity. Training could likewise empower them to better provide for their families and contribute to post-conflict reconstruction and development. It should not be overlooked that IDP women could play a significant role in peace-building initiatives at the grass-roots level. Moreover, IDP women had often proven very resourceful in developing strategies for coping with their own plight and that of their families. Interventions should support and enhance their resilience and could best be assured of doing so if they were developed in consultation with the displaced women themselves.

B. The elderly and the disabled

50. Participants further noted that elderly and disabled IDPs were also particularly vulnerable groups within internally displaced populations, who merited special attention and support. Flight could be difficult or impossible for them physically and they often became responsible for the care of their grandchildren - a problem which was becoming more acute as the HIV/AIDS epidemic resulted in the illness or death of the parents, which also deprived older people of their own traditional source of support and care. Older IDP women were particularly vulnerable to being deprived of any sources of care and left to face their problems alone. Traditional humanitarian assistance strategies did not always help elderly IDPs; food for work, for instance, was only for the able-bodied, not the old and frail. Moreover, in situations of limited resources,

people were compelled to make choices about who received essential assistance, such as medication, and tended to favour the young and able-bodied. In the solutions phase, elderly IDPs tended to be eager to return home, wanting to be buried on their own land. It was noted that many elderly IDPs would therefore not wait for organized return processes but would just return, though often alone, without their families, and thus would need support.

51. It was observed that “human rights don’t have age limits” and that it was critical for elderly persons to be informed about, and supported in exercising, their rights. The Guiding Principles supported this, as they stated that they applied without discrimination of any kind, including on the basis of age, and that certain groups of IDPs, including the elderly, were entitled to protection and assistance that take into account their special needs.

52. Moreover, the plan of action passed by the second World Assembly on Ageing held in 2002, recognized the right of older persons to equal access to food, medical care, shelter, legal advice and land. Likewise, the African Union’s Plan of Action on the Elderly stressed the need to ensure that assistance reach older persons in situations of conflict and identified several practical actions for doing so. UNHCR’s Guidelines on Older Refugees could also be applied to IDPs, as might HelpAge’s guidelines and the Sphere standards, based on the Sphere Humanitarian Charter and Minimum Standards in Disaster Response, which were being revised to include elderly persons as a cross-cutting issue.

53. It was recommended that special efforts be made to include elderly persons in needs assessments and that programmes take into account their poor mobility, special nutritional needs and chronic health problems. It was also important to include older persons in consultations with the displaced, especially as they had long experience and knowledge of coping mechanisms that could assist and contribute to the welfare of displaced communities as a whole.

VII. DURABLE SOLUTIONS: RETURN, RESETTLEMENT AND REINTEGRATION

54. Participants highlighted the importance of finding durable solutions to internal displacement by supporting the safe and voluntary return or resettlement and reintegration of IDPs.

55. In cases of conflict-induced displacement, a commitment to peace was deemed critically important. For solutions to be truly durable, however, it was essential not only to halt the fighting, but also to ensure a fair and just resolution of the underlying problems. The emphasis on solutions, especially return, tended to be greatest around the time of a peace agreement. However, return did not just begin when peace was formally signed but, rather, as soon as IDPs felt secure enough to go home, or became intolerant of their displacement condition, as was the case currently in certain parts of Sudan. Moreover, while the signing of a peace agreement was typically followed by an immediate first wave of return of displaced persons, many others adopted a “wait-and-see” approach. It was important for the dividends of peace to be quickly apparent in tangible improvements to the quality of life, both for the durability of new peace and also to foster return.

56. The participants agreed that an overarching principle must be to promote internally displaced persons having choices and freedom of movement. Thus, it must not be assumed that

IDPs' preference was to return. The experience of displacement changed people, often significantly, such that they might not wish to go back home. For many, the choice was likely to be a very difficult one and also was likely to be made gradually, possibly even over a period of years, as family members went back incrementally. Accurate information on the conditions in areas of return or resettlement was essential to their decision-making process. Consultation with the displaced and their participation in the planning of return or resettlement processes was necessary, not only to ensure the voluntariness of their decisions, but also to begin to build their capacity and foster reintegration. It was observed that the lack of participation in decisions that affected their lives was frequently part of the reason why displaced persons felt compelled to leave in the first place. Women and, in particular, women heads of household needed to be included in these consultation processes so as to ensure that their particular needs were addressed. It was pointed out that when internally displaced persons returned or resettled willingly and in a way that built on their own capacities, these solutions were the most sustainable.

57. Enabling environments needed to be created for return or resettlement to be real options. First and foremost, physical security must be assured and protection mechanisms put in place. The rule of law, the judicial system, police forces and civil administration must be re-established as an important part of confidence-building. Priority must be given to demining, especially of roads and agricultural lands, and to demobilization. Mechanisms should also be developed to deal with issues of property and land restitution. It should be taken into account that there may not be sufficient arable and mine-free land for everyone, so food relief might continue to be required for some time. Especially after protracted conflict, areas of return were likely to have inadequate infrastructure, limited livelihood opportunities and minimal basic services, often even inferior to what people had while displaced. Prospects for the growth and development of return areas must be supported. Moreover, reintegration efforts should holistically and equitably address the needs of the various different groups for assistance, including internally displaced persons, refugees and ex-combatants.

58. Greater emphasis must be given to supporting smooth and timely transitions of societies out of conflict and from emergency relief assistance to development. Donors were encouraged to develop funding mechanisms specifically to support transitional strategies and to ensure timely disbursements. There was a need also to address structural challenges within the United Nations in order to support the integration of humanitarian and development and ensure sufficient resources to its programmes in the post-emergency and recovery phase. Joint assessment missions by Governments, donors and the United Nations were encouraged. Stronger partnerships among these actors and with local authorities, traditional leaders and civil society would clearly be required. The overall approach should be one of working with and building the capacities of national actors as well as of the displaced - "doing with, rather than doing for".

59. The question was posed: "When does displacement end?" The Representative of the Secretary-General on internally displaced persons noted that his office was undertaking research and consultations on this issue and was developing criteria to help answer this question. The question raised a complex issue especially as the intentions of the displaced were difficult to predict; even though people might aspire to return at some level, they might not actually return. The conditions they had left might be inferior, for instance in terms of economic opportunity and public services, compared with those to which they had been exposed as a result of their

displacement. Ensuring that IDPs had choices and freedom of movement was essential. To make sure they truly had choices, conditions needed to be created to make return or resettlement an attractive option in terms of ensuring conditions of safety, dignity, equality and opportunity and encouraging the area's growth and development.

VIII. RESPONSE BY NATIONAL AND LOCAL GOVERNMENT

60. Participants recognized that the responsibility for dealing with internal displacement rested first and foremost with national and local government. Presentations and discussion focused on the responses and activities of the Governments of Sudan, Uganda, and Ethiopia.

61. Representatives from the Government of Sudan noted that it had made concerted efforts to address internal displacement for several decades. A committee headed by the First Vice-President and including all of the relevant ministries had been established to address humanitarian issues, including those of IDPs. In 1995, the Humanitarian Affairs Commission had been created to further strengthen and consolidate the Government's approach. Very recently, a minister of humanitarian affairs had been added to the cabinet to oversee these matters at the highest level. The Ministry of Foreign Affairs also had an important role in liaison with the international community. A policy was adopted early on by the Government guaranteeing the right of freedom of movement of IDPs, like all other citizens, and committing the Government to finding long-term solutions to displacement in the country.

62. Government officials further observed that, in addressing the problems of internal displacement, the Government of Sudan had acted under a number of constraints and with priorities not always well understood by members of the international community. First, it was important to realize that, although there were many negative aspects of forced displacement in terms of its causes and effects, there were positive aspects too, coming in particular from the social mixing and the improvement of services many displaced persons encountered by moving to urban settings. The Government kept these aspects in mind in its planning for return and resettlement. Secondly, political sanctions by the international community and the exclusive focus on relief rather than development assistance had not aided the Government's efforts to bring about durable solutions, in particular inasmuch as it and Sudanese society were bearing the greatest burden in caring for the displaced. Only through investment in basic services and infrastructure, investment in the economic life of areas of resettlement and return, and plans for long-term rehabilitation of IDPs and other affected populations would truly viable solutions be found.

63. Representatives of the Government of Uganda reported that it had formulated a comprehensive draft policy on internal displacement that was currently being considered by the cabinet and would likely soon be presented to parliament for adoption. The policy drew extensively on the Guiding Principles as well as other international human rights and humanitarian instruments and was designed to ensure that IDPs had the same rights and freedoms as everyone else under domestic law. Under its policy, Uganda would commit to protect citizens from arbitrary displacement, ensure that persons who are displaced receive needed protection and humanitarian assistance, promote voluntary return, resettlement or local integration, and ensure that IDPs are adequately informed about their rights.

64. The policy set forth a multisectoral and multidisciplinary institutional framework to achieve these goals. It designated the Department of Disaster Preparedness and Refugees in the Office of the Prime Minister as the lead agency on IDPs nationally, but also provided for the establishment of interdepartmental committees on internal displacement at the national, district and sub-county levels. Under the policy, the Uganda Police Force and Uganda People's Defense Force (UPDF) were charged with ensuring the security of IDPs and the personnel of humanitarian agencies. The UPDF was mandated in particular to ensure the protection of IDP camps and to deter and halt any armed attacks on IDPs. The police and armed forces were also directed to ensure IDPs' freedom of movement, ensure that resettlement and return sites were free of mines and unexploded ordinance, conduct demining and mine awareness training and to halt recruitment of children into armed conflict, as well as sexual violence against and exploitation of IDPs. The policy finally sets out coordination mechanisms between government and international and national humanitarian organizations and provides specific means for the dissemination of information to IDPs and the collection of IDP data.

65. Participants also considered the role that the Uganda Human Rights Commission (UHRC) had taken in the protection of IDPs as an example of what similar institutions in other States might do. It was noted that the UHRC had a broad constitutional mandate to investigate human rights violations, monitor standards, provide education, and engage in research. Most importantly, the Commission was mandated to provide recommendations to parliament every year on every aspect of human rights, including those of IDPs. The UHRC's activities in this regard had underlined that the State's duty to protect and assist IDPs was not merely moral but legal and a matter of IDP rights.

66. Since 1998, the UHRC had been visiting IDP camps in northern Uganda periodically and reporting back to parliament and other government officials on the conditions therein. It was noted that the visits themselves gave the IDPs a sense of hope that someone in the Government was concerned with their plight. The reports back to parliament served to raise awareness of the plight of the displaced and generated interest that contributed to the promulgation of the draft policy discussed above. The link forged by the UHRC between the IDP populations and policy makers was identified as extremely important. The UHRC successfully advocated that the new policy be based on IDPs' rights, and that the budget assigned to IDPs have a component to answer issues concerning their rights. The UHRC had already begun holding seminars on the draft policy with the aim of translating the principles it articulated into action.

67. Representatives of the Government of Ethiopia noted that it addressed internal displacement in the context of its National Policy on Disaster Prevention and Management, whose underlying principles were that (a) during a disaster, human life should not perish for want of relief assistance, (b) relief interventions would be undertaken in a way that built self-reliance and contributed to the community, and (c) development activities would be geared toward the prevention of disasters. A major focus of the Government's efforts for IDPs was to prevent displacement in the first instance. Accordingly, the Government sought to provide assistance to persons in their own villages. Where displacement could not be avoided, the policy was to avoid setting up camps but rather to encourage and assist other communities to host the displaced until they could return. This was because the Government had found that camps were expensive and led to undesirable social situations. However, there was a great need for more support, particularly from the international community, for host communities to enable them to absorb IDPs.

IX. RESPONSE BY CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANIZATIONS

68. Participants concurred that local civil society and NGOs were crucial to an effective response to internal displacement and that their role was frequently under-appreciated. It was pointed out that local NGOs were frequently the first to respond in crises, enjoyed greater access to the displaced themselves, and could serve as a link between those needing assistance and government and international humanitarian efforts.

69. It was asserted that the international community ought to make local NGOs their primary channel for assistance to IDPs because they were in a better position to mobilize people in affected areas and worked at the grass-roots level. In Sudan, for instance, the National Development Organization had helped to promote grass-roots reconciliation and return efforts in the Abyei area, leading to the return of several thousand displaced Dinka to their homes and a more peaceful and constructive interaction between the Dinka and the Missiriya Arabs. Likewise, the Sudan Red Crescent Society had mobilized community resources and other local NGOs to respond to the needs of the displaced in camps.

70. It was further asserted that local NGOs must also serve as advocates for the rights of the displaced with respect to their own Governments. In Uganda, NGOs had been doing this with regard to human rights abuses occurring within IDP camps, particularly sexual violence, absence of educational opportunities, child abduction and the spread of HIV.

71. It was suggested that the local private sector had the potential to provide service to IDPs through targeted development. NGOs and other actors should seek out cooperation from business to harness some of these resources in productive ways.

72. IGAD was urged to provide a regular forum for local NGOs to exchange information and ideas about responding to the needs of IDPs. It was also recommended that IGAD assist local NGOs in mobilizing resources to assist IDPs and to build local capacity.

X. RESPONSE BY REGIONAL ORGANIZATIONS

73. Recognizing that IGAD was not the first regional organization to address the question of internal displacement, participants deemed it important to reflect upon the experience of other regional and subregional organizations as they considered IGAD's own course. In particular, they considered the involvement of the African Union and the Economic Community of West African States (ECOWAS) in the issue.

74. The African Union's predecessor organization, the Organization for African Unity (OAU), had been one of the first multinational forums to address internal displacement, convening conferences in 1994 and 1996 that set the stage for the international community's current approach and focus on the problem. Both meetings had recommended greater OAU involvement in internal displacement, in particular through linking conflict prevention activities and programmes for refugees and the internally displaced.

75. The OAU Commission on Refugees, Returnees and Displaced Persons had also been active in monitoring situations of internal displacement in Africa and disseminating the Guiding Principles. The current Chair of the Commission informed the participants that members were discussing the possibility of drafting an additional protocol to the Convention Governing the Specific Aspects of Refugee Problems in Africa of 1969 that would focus on the rights of IDPs.

76. The African Commission on Human and Peoples' Rights had addressed the issue by a variety of means. It had passed numerous resolutions on issues of IDP protection and raised IDPs' problems in consideration of State reports. Its special rapporteur for women had raised IDP issues in connection with women and children in Burundi and Rwanda. It had also addressed IDP issues in the context of a complaint brought against a State party; in the Social and Economic Rights Action Center (Ogoni) case, the Commission had found Nigeria in violation of the African Convention on Human and Peoples' Rights in connection with actions of its armed forces forcing Ogoni persons from their homes, destroying farmlands and sowing terror.

77. The participants also reviewed the experience of ECOWAS, like IGAD, a subregional organization. ECOWAS States had placed emphasis on the prevention of conflict, which was the primary cause of displacement, as well as on the importance of undertaking commitments to address the protection, assistance and development needs of internally displaced children. In addition, five initiatives in the ECOWAS region emanating from a seminar on migration held in Dakar in 2002 were highlighted since they could be of particular interest and relevance to IGAD at this time:

- *Data collection*, including ensuring disaggregated data, on internal displacement: ECOWAS States at the seminar had decided to establish a region-wide permanent observatory on migration, including the issue of internal displacement and based on the definition of "internally displaced persons" provided by the Guiding Principles;³
- *Promotion and dissemination of the Guiding Principles on Internal Displacement*, including encouraging their use by member States as a guideline for measuring conditions on the ground, a tool for collecting data and a framework for policies and laws;
- *Training* for government officials, civilian and military, and local partners on internal displacement and the Guiding Principles;
- *The development of national laws and policies* to address the protection and assistance of internally displaced persons. To this end, ECOWAS States had considered it might be useful for the ECOWAS secretariat to draft a model national law on internal displacement; and
- *Establishing a focal point office or body* within ECOWAS to focus on the issue of internal displacement, either as an issue on its own or as part of a comprehensive approach that includes both refugees and IDPs.

78. The secretariat of IGAD pointed out that it already had a mandate to become involved in IDP issues, inasmuch as its establishing agreement made specific reference to cooperation in facilitating the reintegration of displaced persons. In addition, IGAD's mandates to address food

security, conflict prevention, early warning and economic cooperation and integration were linked to prevention of displacement and could have an impact on bringing existing displacement crises to an end.

79. In light of the foregoing, the following suggestions were offered with regard to the role IGAD might play in addressing internal displacement in the subregion:

- Provide a regular forum for member States, United Nations and other humanitarian organizations and NGOs to discuss IDP issues;
- Assist member States in developing regional strategies on internal displacement;
- Assist member States in developing national policies, plans, strategies and laws on IDP issues;
- Promote cooperation among member States in finding durable solutions and examination of the root causes of internal displacement;
- Promote the Guiding Principles and their application in the region;
- Advocate for victims of disasters, including IDPs;
- Develop a regional programme to mitigate displacement based on its existing Disaster Risk Management Programme and create a regional disaster management body;
- Mobilize resources to build the capacity of the secretariat and member States in order to address the issue;
- Establish a Unit in the secretariat to address issues related to refugees, returnees and IDPs; and
- Network with other regional organizations to share experiences on internal displacement.

XI. INTERNATIONAL RESPONSE: United nations AGENCIES, INTERNATIONAL NGOS AND DONORS

80. Given the enormity of the internal displacement problem in the region, participants recognized that national Governments, local NGOs, and the IGAD organization would not be able to fully address it without the assistance and solidarity of the international community. The approaches taken by the United Nations, other intergovernmental organizations, international NGOs and donors were therefore of great importance.

81. In this regard, it was noted that United Nations agencies and international NGOs had adopted the Guiding Principles as the overarching framework of their approach to internal displacement. The main constraints on the ground were those of security and access, as discussed above. However, the United Nations also suffered from self-imposed constraints, in particular with regard to the gaps between the mandates of various agencies and between conceptual categories of “relief” and “development”.

82. It was urged that the United Nations and other international humanitarian organizations adopt a more comprehensive approach to displacement issues, in particular with regard to durable solutions. Efforts to address the issues of IDPs should be coordinated with those for refugees, expellees (such as persons expelled by Ethiopia and Eritrea across each other's borders), demobilized soldiers, war-affected pastoralists, and others in similar circumstances. Likewise, international organizations ought to take better account of the needs of host communities. It was noted that Governments in the region were seeking to implement integrated approaches and their international partners should be prepared to assist.

83. The problems of being constrained by conceptual “boxes” and a lack of a comprehensive approach were also deemed relevant for donors. It was pointed out that donors had encouraged the Government of Eritrea, working with the United Nations country team, to develop a recovery programme integrating responses for various war-affected and drought-affected groups as part of its request for assistance. However, after it had done so, donors failed to respond, giving only 3 per cent of what had been requested for non-food items and 34 per cent of food as of the beginning of the year. It was also noted that donors' preference for relief over development aid in general, and for in-kind food assistance over non-food assistance and over the purchase of local crops, impeded national efforts to create lasting solutions. A related issue was the provision of genetically-modified products, which were unacceptable to their trading partners.

84. The representative of the United States of America noted that his country was re-evaluating and refocusing its humanitarian programmes. In order to have a larger impact, conceptual barriers between activities in the areas of humanitarian assistance, conflict resolution, promotion of democracy and good governance were being removed and humanitarian access would increasingly be used as an entry point to help promote peace processes. He noted that Sudan was an example of this new approach. There, the United States had negotiated with the Government and SPLM/A in 2001 to send a single humanitarian assistance flight into the Nuba Mountains, an area previously inaccessible to international aid. The confidence gained by the success of this initiative led to more assistance being brought in, and opened the door to the ceasefire agreement signed for the Nuba Mountain area and to the current advancements in the overall peace process. Similar opportunities in other areas were currently being sought. With regard to food aid, it was noted that United States aid officials were seeking ways to increase the amount of cash in food programmes, but that legislation would have to be changed to do so.

85. It was noted that international humanitarian NGOs greatly assisted national responses to internal displacement. They were able to be more flexible in the design of their programmes and

in their methods of operation and could mobilize additional resources from the international community, including States and other sources. However, like international organizations, they were greatly reliant on the cooperation of national authorities and found their effectiveness blunted where those authorities restricted their access, overregulated their activities, and failed to ensure their security. It was further noted that some NGOs, such as CARE - a major humanitarian actor in the region - were trying to move away from an approach exclusively focused on emergency relief, and toward one incorporating longer-term responses, in particular through mechanisms to build local capacity and the self-reliance of beneficiaries.

XII. CONCLUSIONS

86. As the above summary of deliberations makes clear, the participants in this first IGAD experts' meeting on internal displacement fully recognized the need to analyse the serious impact of massive uprootedness within the different countries in a subregional context and to seek means for member States and their partners to cooperate across borders to find solutions. Although internal displacement takes place within States, cross-border dynamics - including inter-State conflict, the impact on neighbouring States of intra-State conflicts and phenomena such as cattle rustling, arms proliferation, and drought - contribute to displacement in the subregion and also act as impediments to the search for durable solutions. Participants determined that the way forward must be pursued simultaneously by actors at three levels: the member States, the IGAD secretariat, and the international community.

87. IGAD's member States had much to share with each other regarding their experiences in addressing internal displacement, particularly in light of the agreed-upon need for the development of comprehensive national policies. Common issues identified were problems such as humanitarian access and protection, and the imperative of properly focusing on the needs of women, children, the elderly and disabled. When developing comprehensive strategies, it was urged that member States, and their partners in the international community take into account both emergency and long-term requirements, the situations of both internally and externally displaced persons, as well as the needs of host communities.

88. Participants also discussed the value of an international normative framework for internal displacement, as put forth in the Guiding Principles on Internal Displacement. While it was pointed out that the Guiding Principles are not themselves binding, many participants recognized that they could be a useful tool in the development of national policies, noting that some member States have already begun to use it in this way. In addition to the development of such policies, participants considered various means of promoting the rights of IDPs, including the use of national human rights institutions, noting in particular the example set by the Uganda Human Rights Commission.

89. Finally, the participants affirmed that a subregional strategy on internal displacement would be valuable, and noted that IGAD and its secretariat were well placed,

both in terms of their existing mandate and in their growing standing as a vehicle for cooperation among member States, to develop such a strategy and assist the member States in implementing it. They expressed their willingness to remain engaged with the issue and to support IGAD in deepening its involvement in issues of internal displacement.

90. The consensus that emerged at the experts' meetings as to how to address the issue of internal displacement in the IGAD region formed the basis of the "Khartoum Declaration on Internally Displaced Persons in the IGAD Sub-Region" (the text of the resolution is available at www.brookings.edu/fp/projects/idp/conferences/contents.htm) adopted by the Ministers on 2 September. This adoption was subsequently endorsed at the IGAD Ministerial Summit in Kampala in October 2003.

Notes

¹ These figures represent conflict-induced displacement only.

² The full definition reads as follows: "For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."

³ The ECOWAS States added explicit reference to development-induced displacement in their definition.
