



Twenty Years of the Guiding Principles on Internal Displacement

This **Editors' briefing** provides an overview of the content of FMR 59's feature theme, with links to the relevant articles.

In the 20 years since they were launched, the **Guiding Principles on Internal Displacement** have assisted many States in their responses to internal displacement, and have been incorporated into many national and regional policies and laws. However, adoption and implementation have been patchy, the scale of internal displacement remains vast, and the impact on those who are displaced is immense.

In the year that the Guiding Principles were launched, the name of FMR's predecessor – the Refugee Participation Network newsletter – was changed in order to explicitly incorporate internally displaced people into its remit. In 2008 we published a special issue of FMR on Ten Years of the Guiding Principles on Internal Displacement and this latest issue now marks their **20th anniversary**.

In this issue, authors acknowledge the applications and successes of the Guiding Principles while reflecting on their limitations, the challenges to their implementation, their relevance to contemporary incidences of internal displacement, future challenges, and the potential application of new understandings and new approaches.

Visit www.fmreview.org/GuidingPrinciples20 to access this **Editors' briefing** (English only) and the full issue and all articles (English, Arabic, Spanish and French). For printed copies, please email the Editors at fmr@qeh.ox.ac.uk.

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Impact of internal displacement

The **Special Rapporteur on the human rights of internally displaced people**, Cecilia Jimenez-Damary, introduces the issue by focusing on the traumatic, life-changing and often life-threatening **impact of internal displacement** on the individuals who experience it. Different sectors of the population suffer in different ways and to differing degrees, demanding greater awareness on the part of those responding and greater disaggregation of data ([JimenezDamary](#); [Baal-Kivela-Weihmayer](#)).

Despite the progress made over the last 20 years, **rates of internal displacement** continue to increase, with some 48.5 million people in 2017 estimated to be internally displaced ([Bilak-Shai](#)). Conflict, political instability and climate change ([Connell-Coelho](#)) will continue to trigger (or increasingly trigger) displacement. And when internally displaced persons (IDPs) struggle to find a durable solution, or return prematurely to their homes, they may be displaced once more internally or become refugees in another country ([Bilak-Shai](#)). This makes internal displacement not just the business of States experiencing it directly but of all States – in other words, a **global issue** with implications for many ([JimenezDamary](#)).

Marking the 20th anniversary

On the 20th anniversary of the Guiding Principles, a multi-stakeholder Plan of Action has been launched – the **GP20 Plan of Action** – to galvanise renewed action to reduce internal displacement in line with the Guiding Principles ([JimenezDamary](#); [Walicki-Eyster-Caterina](#); [Bilak-Shai](#)). Its reach is broad, incorporating not only international humanitarian organisations but also IDPs, host communities, local civil society, host governments, and development and peacebuilding stakeholders, and covering causes such as climate change, natural disasters and development in addition to conflict ([Walicki-Eyster-Caterina](#)).

The Plan of Action focuses on **four priorities**:

- engaging IDPs in decision-making processes
- promoting, developing and implementing national laws and policies
- enhancing the quality of data and analysis
- addressing protracted displacement while seeking durable solutions

Engaging IDPs

Several articles look at how IDPs can/should be more involved in decision-making processes that affect them ([Majidi-Tyler](#); [Kemp](#)). As part of this, **IDPs need to know** about the Guiding Principles and their rights. One article discusses how the Protection Cluster team in Niger has been running training sessions for national/local stakeholders and also disseminating radio messages about the Guiding Principles among IDPs and translating the Principles into local languages ([Walicki-Eyester-Caterina](#)). (Note that the Guiding Principles are currently available in [54 languages](#).)



22-year-old woman from Maiduguri, Nigeria: "Insurgents attacked my neighbourhood. Both my father and mother were killed. My siblings and I managed to flee in different directions. I don't know where they are now. Aid agencies found a room with a host family for me but I just miss my own family."

Another article focuses on the need to pay more attention to the **language and communications needs** of those at risk of, experiencing or recovering from internal displacement; a case-study from Nigeria vividly brings to life the language challenges for both IDPs and aid workers ([Kemp](#)) and examines the key role of data collection and sharing in overcoming communication challenges on all sides. Data collected by IOM's Displacement Tracking Matrix ([Kemp](#); [Habte-Kweon](#)) could be usefully supplemented by NGOs/INGOs adding standard language-related questions to needs assessment surveys. Capacity building for translators and humanitarian staff will be important; ultimately, new technologies should enable automated translation facilities.

National laws and policies

The launch of the Guiding Principles in 1998 was followed by the growing adoption of national instruments on IDPs, reflecting the recognition of internal displacement as a global phenomenon. A **Global Database on IDP Laws and Policies** contains 27 laws and 55 policies specifically on internal displacement, developed between 1992 and 2018, with most having been adopted since 1998 ([Nicolau-Pagot](#)). But there are many **gaps**, in geographical coverage (there are only two policies, for example, in the Middle East), in the causes of displacement (only seven laws/policies in Asia refer to disasters) and in the displacement phases addressed. Most identify conflict/violence as a cause but fewer address development-induced displacement and only one third recognise disasters, despite this being the main driver of new

displacement in 2017. An increasing number of laws and policies, however, although they do not exclusively address internal displacement, do include provisions on disaster-induced displacement. Most laws and policies address post-displacement; only one-third address pre-displacement and the avoidance of displacement.

The **right not to be arbitrarily displaced**, and the duty of States in this regard, is the focus of one article examining the contribution of the Guiding Principles to the development of the **Kampala Convention** ([Adeola](#)). The Kampala Convention heavily reflects the Guiding Principles but has been adapted to reflect the **African context**, including by incorporating elements of the African Women's Protocol and its support for reproductive rights and prohibition of harmful practices such as female genital mutilation and breast ironing.

The **implementation** picture remains mixed ([Orchard](#)) with fewer than a third of laws and policies implemented without significant difficulties; eleven have not been implemented at all (DRC, Nepal, for example) while the development of others has come to a standstill (CAR, Yemen, Burundi). Factors negatively affecting implementation include: lack of State capacity; domestic opposition; reputational concerns driving commitment in name only; and lack of follow-through by external institutions. Factors assisting successful implementation include: strong State capacity (Azerbaijan, for example), although this does not necessarily require significant domestic resources (Liberia, Sierra Leone); accountability to other domestic institutions, most notably the courts (Colombia, Georgia); and accountability to the domestic population (Sri Lanka, Georgia, Croatia). International actors can help by providing support and training to governments and independent domestic institutions.

The Guiding Principles substantially add to international **human rights law** in at least two areas – explicit recognition of the right not to be displaced ([Adeola](#)) and the right to property restitution ([Sonmez-Murray-Clutterbuck](#)) – yet are infrequently invoked by international and regional human rights bodies ([Casalin](#)). Reasons for this need to be examined further. However, UN human rights treaty bodies do tend to recommend compliance with the Guiding Principles in their broader concluding observations on the human rights situation in a particular country, which may encourage their further use in individual decisions ([Casalin](#)).

In accordance with the the notion of '**sovereignty as responsibility**', internal displacement must be dealt with first and foremost by the responsible authorities within the country concerned ([Cotroneo](#); [Majidi-Tyler](#)). International actors, however, frequently step in to support State authorities which lack capacity or the will to respond. **Sub-regional and regional engagement** can encourage constructive dialogue with and between displacement-affected States (for example, in Africa) to identify common displacement patterns and cross-cutting IDP issues around which States can share their expertise, experiences and concerns, and reflect on how to implement the Guiding Principles to address protection and assistance gaps ([Cotroneo](#)).

Case-studies

Several authors present case-studies to explore how the Guiding Principles have been implemented in different countries and how they have also been the basis on which other conventions/frameworks have been developed.

The Government of **Niger** has set up an inter-ministerial committee to develop a draft law on internal displacement; meanwhile, the GP20 Plan of Action is being adapted to the local context of Niger – which is experiencing both protracted and emerging internal displacement – through regional workshops ([Walicki-Eyster-Caterina](#)).

Colombia has drawn on five decades of experience with internal displacement and identified several key aspects important to address the issue, which align with the priorities of the GP20 Plan of Action. Compiling its experience and the best practices emerging from this process could help in other settings ([Walicki-Eyster-Caterina](#)).

In **Georgia**, there have been three main obstacles to full implementation of the Guiding Principles: political sensitivities; focus on provision of **durable housing** to the exclusion of other needs; and desire to achieve quick, visible results (and concomitant exclusion of IDPs in policy making and implementation). A recent government reshuffle of ministerial responsibilities has put on hold welcome proposals to move from a status-based approach to a needs-based one (with individually tailored support) ([Funke-Bolkvadze](#)).

In **Afghanistan**, drafting of a National Policy on IDPs was led by an international consultant, to the detriment of **national ownership**; meanwhile, obstacles to implementation include the failure of provincial plans to progress beyond two pilot provinces, the lack of a nationwide system of IDP registration, difficulties in coordination and cooperation between government actors, and lack of political will ([Majidi-Tyler](#)). Other constraints include the ongoing Taliban insurgency; lack of ministerial resources, capacity and political clout; and issues over land rights ([Orchard](#)). Steps taken in 2018 by the international community are addressing some of the obstacles but potentially at the expense of national ownership. Suggested lessons: an enhanced mandate for the Special Rapporteur on the human rights of IDPs to enable stronger and more sustained support and follow-through for IDP law and policy making; greater involvement of civil society; and longer-term funding commitments to build national capacity ([Majidi-Tyler](#)).

In **the Philippines** the government's response to internal displacement caused by terrorism-related conflict has been based on a **disaster management framework**. Limitations of this approach are evident: a focus on structures rather than rights and standards, on response actors rather than IDPs. More participative processes and more human rights commitments – aligned with the Guiding Principles – at the institutional level could greatly improve the responses to internal displacement in this case ([Bermudez-Temprosa-GonzalezBenson](#)).

In **Iraq** the government has made significant efforts to facilitate returns; however, mechanisms for the recovery of **housing, land and property** and for obtaining compensation for losses have been neither effective nor

timely. Property rights play an important role at every stage of the displacement cycle. More effective application in Iraq of the Guiding Principles, the **Pinheiro Principles** and the **IASC Framework** (both of which were developed to provide more practical guidance on how to apply the Guiding Principles) will require greater recognition of the pluralist nature of Iraqi society, the diversity of HLP rights and the lessons of Iraqi history. Women, minority groups and all branches of the legal system must be included, and the impartial support of government authorities is needed ([Sonmez-Murray-Clutterbuck](#)).

Promising policy developments are underway in **Asia and the Pacific** to address climate and disaster-related displacement, yet the governance structures required to embed and coordinate protection are not yet in place, especially for **planned relocation**. Governments (for example, Fiji, Vanuatu, Nepal, the Maldives, Vietnam) are starting to address relocation challenges, and some are developing specific policy instruments to do so; however, there needs to be greater emphasis on assisting governments to set up inter-ministerial structures equipped to deal with complex cross-cutting issues ([Connell-Coelho](#)).

Data and analysis

There are significant **gaps in the data** currently available on internal displacement ([Baal-Kivela-Weihmayer](#); [Habte-Kweon](#)). Data collection meets with various challenges: lack of common agreement on definitions (exacerbated in some cases by political sensitivities), restricted access to certain areas, narrowed focus on timescale/cause/geographic area – all of which may lead to an incomplete picture of displacement, plus omission of some vulnerable groups, thereby affecting the ability to plan and respond. And **data challenges** mean that official numbers for IDPs may well be underestimates ([Bilak-Shai](#)). The findings obtained via **profiling** exercises can help avoid discrimination towards IDPs (as required by the Guiding Principles), while **disaggregated data** are needed to support both IDPs in their choices and authorities in their responses. In all this, IDPs should be involved in shaping and implementing data gathering, and should have access to the evidence produced – however, this rarely happens; data for assistance provision is usually prioritised over data for IDPs' information needs ([Baal-Kivela-Weihmayer](#)).

Lack of government leadership of or participation in data collection can lead to a disconnect between data and decision making at the national level ([Baal-Kivela-Weihmayer](#)). Data systems and collection need to be linked to national statistical systems in order for data to be incorporated into **national planning and policy making**. Investment is required in longer-term partnerships with government authorities and statistical agencies at all levels. The new Expert Group on Refugee and IDP Statistics (EGRIS) will work to develop international recommendations.

Durable solutions

The **Sustainable Development Goals** do not include specific targets on IDPs (or refugees) but do acknowledge displaced people as a vulnerable group and recognise

the factors that risk jeopardising progress towards development, including global health threats, more frequent and intense natural disasters, spiralling conflict, humanitarian crises and forced displacement itself ([Zeender](#); [Bilak-Shai](#)). In practice, several countries – including Afghanistan, Iraq, Nigeria and Ukraine – have included the needs of IDPs in their plans to reach the SDGs, even if specific targets for IDPs are not specified. More needs to be done to support governments to include IDPs in their national development plans and SDG roadmaps, for example by designating high-level coordination focal points and helping to improve national statistical systems. Finally, greater cooperation between humanitarian and development actors from the outset of a crisis is essential ([Zeender](#)). The 'leave no one behind' mantra needs to become a reality for IDPs as well as others ([Cazabat](#)).

Monitoring can help draw attention to internal displacement, inform development and humanitarian actors, and help ensure government accountability. However, monitoring of progress towards the SDGs through **Voluntary National Reviews** tends to be overlooked and varying. Factors may include the complexity of the SDG monitoring framework and the use of standardised household surveys which exclude many IDPs; the latter challenge may be addressed through introducing specific surveys of 'invisible groups' and/or including additional questions in existing household surveys ([Cazabat](#)).

Restitution of **housing, land and property** rights can help pave the way to sustainable durable solutions: it is a means of legal redress, it assists IDPs to return, and it prevents new cycles of displacement. Iraq offers a useful case-study ([Sonmez-Murray-Clutterbuck](#)).

In **Ethiopia**, a **regional durable solutions** strategy has been developed, aligned with the Guiding Principles, the IASC Framework and the Kampala Convention, adapted to the Ethiopian context; this has in turn prompted greater engagement at the national level. Challenges include: bringing all stakeholders on board under the leadership of the government; addressing the reality of limited resources and limited regional technical capacity; and, significantly, lack of data and analysis. Recommendations include expanding functions of information management

systems such as IOM's Displacement Tracking Matrix. The international community is also helping the Ethiopian government implement the **New Way of Working** approach ([Habte-Kweon](#)).

Through the **Transitional Solutions Initiative** in Colombia 2012–2015, communities developed plans for return, relocation and urban integration, and succeeded in increasing visibility and empowerment of communities, local authorities and institutions; improving security of tenure and social infrastructure; and facilitating recovery of traditions for indigenous communities ([Walicki-Eyster-Caterina](#)).

Armed non-State actors

With millions of IDPs living in areas controlled by armed non-State actors, direct humanitarian engagement can help these actors improve their understanding of and compliance with the Guiding Principles. Commitments by ANSAs – mostly made in the framework of peace and ceasefire agreements – to protect displaced persons tend to be concerned with return and reintegration; few refer to unlawful forced displacement or protection of displaced people's rights. Challenges to be addressed include: addressing ambiguity over who qualifies as 'authorities', with attendant obligations; surmounting difficulties for untrained ANSAs in navigating international laws and norms; identifying responsibilities of ANSAs with limited means; and avoiding creation of parallel services. Direct engagement and training are key to addressing the challenges ([Ruta-Ruauadel-Bongard](#)).

Challenges ahead

The final article ([Bilak-Shai](#)) warns that **sustained high-level engagement** will be needed if the momentum created during the 20th anniversary of the Guiding Principles is to have significant, long-term impact. In particular, it will be crucial to: ensure the engagement of affected States; better understand drivers and impacts; think more creatively about data collection and analysis; better coordinate operational responses; enhance support for peace building and other development-related initiatives; integrate internal displacement into development and climate change adaptation planning; and attend to host communities' needs.

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