

Access to humanitarian assistance is one of the most pressing problems affecting internally displaced persons. Section 4 of the *Guiding Principles* sets out the roles and responsibilities of national authorities and international organizations in providing humanitarian assistance to internally displaced persons. These principles recognize the paramount responsibility of national authorities to assist their citizens, but they also affirm an important role for international humanitarian organizations and other appropriate actors.

## **RESPONSIBILITY OF AUTHORITIES**

The *Guiding Principles* clearly state that the primary duty and responsibility for providing humanitarian assistance lies with national authorities. This same obligation adheres to insurgent groups with regard to civilian populations under their control. Both authorities may provide assistance directly to internally displaced persons. When doing so, they should carry out the assistance in accordance with principles of humanity and in a manner that demonstrates impartial-

ity and is without discrimination. If they are unable or unwilling to provide aid, they must grant rapid and unimpeded access to other appropriate actors who are willing and capable of undertaking aid programs. When international humanitarian organizations and other appropriate actors offer their services on behalf of internally displaced persons, national authorities and insurgent groups shall not regard their offers as unfriendly acts or interference in their internal affairs and must not withhold consent arbitrarily.

## **HUMANITARIAN ASSISTANCE ROLE**

The *Guiding Principles* make clear that international humanitarian organizations and other appropriate actors have the right to offer their services in aid of internally displaced persons. These actors include, but are not limited to, the International Committee of the Red Cross [ICRC], which has explicit responsibilities during armed conflicts and the UN High Commissioner for Refugees [UNHCR], which is sometimes asked to act on behalf of internally displaced persons. Other international agencies, such as UNICEF, the World Food Programme, the UN Development Programme, and the International Organization for Migration play important roles, as do national authorities of other countries (including military units that transport food and other assistance, provide logistical support, and deliver humanitarian services); and international and local nongovernmental organizations.

*An impartial humanitarian body, such as  
the International Committee of the Red Cross,  
may offer its services to the Parties to the conflict.*

*Geneva Conventions*

Article 3

As with national authorities, these agencies must carry out assistance programs in a manner that is humane, impartial, and without discrimination. They should respect relevant international standards and codes of conduct. Such codes commit subscribers to provide assistance on the basis of need, irrespective of the political or religious views of the recipients.

*The right to receive  
humanitarian assistance,  
and to offer it,  
is a fundamental  
humanitarian principle  
which should be enjoyed  
by all citizens of all countries. . . .*

*When we give humanitarian aid,  
it is not a partisan or political act  
and should not be viewed as such.*

*Principles of Conduct for the  
International Red Cross  
and Red Crescent  
Movement and NGOs  
in Disaster Response Programmes*

## **PROTECTION ROLE**

Certain international organizations, such as the ICRC and UNHCR, are specifically mandated to carry out a protection role. Other international organizations and nongovernmental organizations should give due regard as well to the protection of internally displaced persons. In the course of delivering assistance, field staff often become aware of violations of rights, insecurity of persons, and other protection problems. The *Guiding Principles* stress that humanitarian agen-

cies have a responsibility to take appropriate measures when confronted with these violations.

## **SECURITY OF HUMANITARIAN PERSONNEL**

Increasingly, humanitarian personnel are being subjected to threats and attacks leading to injury and death. Such attacks ultimately restrict humanitarian access to internally displaced persons. The *Guiding Principles* stress the need to protect the safety and security of those delivering aid as well as the assistance provided. The responsibility for ensuring the safety of aid workers lies with the authorities who are in control of territory in which aid workers operate. Aid workers should not be the object of attack or other acts of violence.

The growing number of attacks on aid workers necessitates the development of plans to enhance their security. The planning process should consider preventive measures as well as ways to evacuate personnel who are endangered. Safety has been enhanced, for example, when field staff keep colleagues informed of their whereabouts, maintaining frequent contact through radio or other means of communication. Other measures can be found in the *Convention on the Safety of UN and Associated Personnel*, adopted by the United Nations in 1994.

The *Guiding Principles* also call for respect and protection for transport and supplies. In particular, humanitarian assistance should not be diverted to political or military purposes. Unfortunately, this principle is too often abridged. In some cases, entire shipments of food and other supplies are captured by government or insurgent military forces for their own use. In other cases, military forces tax or otherwise appropriate parts of supplies before civilians receive them.

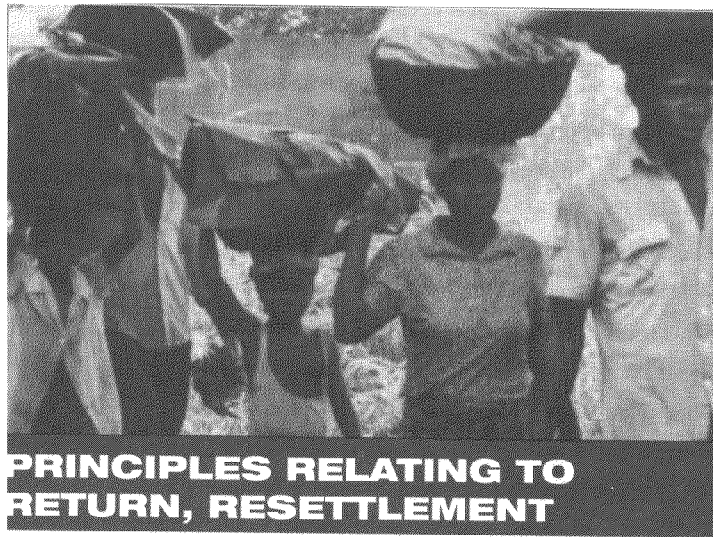
## What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, in providing humanitarian assistance to internally displaced persons are:

- *Design assistance and protection measures to ensure impartiality, ensuring that neither displaced nor host populations are discriminated against in program design.*
- *Design assistance programs in full respect for the dignity and rights of the individual.*
- *Advocate and establish codes of conduct for humanitarian operations with donors, governments, international organizations, and other relevant entities.*
- *Establish regular consultation systems among humanitarian agencies working with the displaced to ensure consistency in humanitarian assistance policies, developing and enforcing uniform policies regarding diversions of humanitarian assistance for military or political purposes.*
- *Assist in the preparation of NGO registration laws or other legal mechanisms to facilitate the work of humanitarian organizations working with the displaced.*
- *Support, technically and financially, attempts by cognizant authorities to fulfill their humanitarian assistance responsibilities to the internally displaced.*
- *Advocate vigorously for humanitarian access to all displaced populations, documenting and reporting impediments to full and free access as well as attempts to divert aid from the civilian population.*
- *Utilize nontraditional methods of access—such as mobile teams, air transport, or cross-border operations—to reach internally displaced persons.*

- *Monitor human rights and protection needs* of displaced populations during humanitarian assistance operations, communicating regularly with organizations advocating for human rights and protection issues of the displaced.
- *Design plans to protect aid personnel*, including plans to prevent violence and to evacuate personnel who are endangered.

Adapted from *Manual on Field Practice in Internal Displacement*



Finding durable solutions is the ultimate goal for internally displaced persons. Solutions may be achieved when displaced persons resume stable, secure lives by returning to their places of origin or settling in another location. Principles 28 through 30 set out standards for return or resettlement and reintegration of internally displaced persons.

## **RIGHTS OF RETURNEES AND RESETTLED PERSONS**

### **Right to Return or Resettle**

Internally displaced persons have the right to return voluntarily, in safety and with dignity, to their homes or to resettle voluntarily in another part of the country. This right is a logical extension of the right to liberty of movement and freedom to choose one's residence. Respect for this right is particularly important when the conditions that caused the displacement cease and internally displaced persons may leave their place of refuge. Once conditions permit, internally

displaced persons should be able to return home unless compelling reasons prevent such return from occurring. Similarly, internally displaced persons should not be forced to return home against their will. Should an internally displaced person wish to move to another location within the country, that is his or her right.

### **Protection from Discriminatory Treatment**

Wherever displaced persons choose to reside within the country, they should not face discrimination as a result of having been displaced. They have the right to participate fully and equally in public affairs at the local, regional, or national levels. They also have the right to equal access to public services.

### **Right to Return of Property or Compensation**

Upon return or resettlement, the formerly internally displaced person has the right to regain his or her property and possessions. When recovery is not possible, he or she should be compensated for the loss or receive another form of just reparation.

## **RESPONSIBILITY FOR RETURN, RESETTLEMENT AND REINTEGRATION**

### **National Authorities**

National authorities have the primary duty and responsibility to ensure that durable solutions are found for internally displaced persons. These authorities must establish the conditions under which safe and dignified return becomes possible. They must also provide the means for securing safe return or resettlement. The authorities should make every effort possible to facilitate the reintegration of returned and resettled internally displaced persons. The authorities



must also help returned and resettled displaced persons recover their property and possessions. If recovery proves impossible, the authorities should help the internally displaced obtain compensation or other reparations.

In practical terms, the responsibility of national authorities includes: seeking peaceful resolution of conflicts; taking measures to ensure respect for human rights and humanitarian law; providing safe transit for internally displaced persons; and offering adequate assistance and protection of physical safety during transit and upon relocation. Some responsibilities are difficult to discharge because the conflicts that cause internal displacement often lead to the destruction of infrastructure. People may be returning to places with no health clinics, roads, schools, food stores, or other basic services. It may be months or years before the communities become self-supporting. In the meantime, there may be tensions among different populations: internally displaced persons, refugees who have repatriated, and residents who stayed through the conflict. Some of these residents may now live in property abandoned by the internally displaced persons. For reintegration to succeed, community-based programs are often the most effective in ensuring that all residents of the community become self-supporting, that infrastructure is rebuilt, and that efforts are taken to achieve reconciliation. Such efforts must include the reestablishment of the rule of law, the creation of mechanisms to promote and defend human rights, and restoration of judicial processes that can resolve property and other disputes.

### **International Organizations**

Recognizing the complexity of these situations and the vast needs, the *Guiding Principles* urge authorities to grant rapid and unimpeded access to international humanitarian organizations and other appropriate actors. International aid takes many forms, including trans-

port of internally displaced persons, food and other emergency assistance, reconstruction and rehabilitation assistance, conflict resolution, democracy-building, human rights promotion, and longer-term economic development. In assessing the assistance and protection needs of returnees and resettled persons, international organizations, along with national authorities, should assess: the security situation, including presence of landmines; attitude of the local population towards the return of the displaced; the availability of food, shelter, clothing, and medical care; condition of buildings and infrastructure for schools, health clinics, roads, bridges, and sanitation systems; the effectiveness of judicial systems and other methods of protecting human rights; economic opportunities for the short and long term; and other factors affecting reintegration.

## What You Can Do

Among the steps that field staff can take, in coordination with agencies with designated responsibilities in the field, to assist in the return, resettlement and reintegration of internally displaced persons are:

- *Assist representatives of displaced communities to assess conditions* in potential areas of return or resettlement by supporting visits and by visiting areas of potential return or resettlement to independently assess conditions.
- *Convene consultations with leaders of displaced groups* prior to return or resettlement, ensuring representation of women and all important segments of the displaced community to determine that return or resettlement is voluntary.
- *Convene consultations among leaders of displaced communities, local authorities, and international organizations* involved with return or resettlement to ensure that the move will be conducted with safety and dignity.
- *Prepare landmine removal or awareness campaigns* where landmines are a concern in areas of return or resettlement.
- *Conduct environmental impact studies* of return or resettlement plans and seek ways to minimize environmental damage from the return process and to plan for environmental repair at displacement sites when necessary.
- *Identify and help eliminate potential conflicts* between communities by convening consultations between internally displaced persons and populations residing in areas of return or resettlement, considering the needs of resident—as well as returnee—populations in program design, and taking steps to prevent stigmatization or resentment.
- *Assess legal statutes* or other relevant documents to determine returnees' claim to land and property upon return, designing programs to ensure that internally displaced persons' property rights are protected and they gain access to legal assistance if needed to reclaim property.

- *Prepare for well-organized transport*, with active participation of the displaced community, so they can travel with dignity to their homes or places of resettlement.
- *Design programs to rebuild community infrastructure* in areas of return or resettlement.
- *Design programs for women-headed households* and other special groups in areas of return or resettlement.
- *Implement programs to monitor human rights conditions* in areas of return or resettlement, with international presence if required.
- *Plan for longer-term reintegration activities*, recognizing that the economic and social disruption of return or resettlement may be present for years.

Adapted from *Manual on Field Practice in Internal Displacement*

## CONCLUSION

The strategies outlined in this *Handbook* aim to prevent the conditions that give rise to forced displacement, provide national and international protection once persons are displaced, and promote lasting and durable solutions. Drawing on the normative standards encompassed in human rights and humanitarian law, the *Guiding Principles* spell out the responsibilities of national authorities, international organizations, and all other groups and persons, including insurgent forces, in their relations with internally displaced persons. In providing this blueprint for action, we hope to mobilize the humanitarian community and help field personnel find practical solutions when confronted with the assistance, protection, and reintegration needs of the internally displaced.