HUMANITARIAN PRINCIPLES

Principles 24 to 27 of the *Guiding Principles* cover humanitarian assistance to the displaced, and humanitarian access, with a particular focus on the rights and responsibilities of international humanitarian agencies. The Humanitarian Principles affirm that:

Humanitarian assistance is to be provided impartially, without discrimination and without diversion for political or military purposes;

Humanitarian assistance is primarily the duty and responsibility of national authorities; this principle notwithstanding, international humanitarian organizations have the right to offer services on behalf of the internally displaced without the arbitrary denial of consent by national authorities;

Relevant authorities shall grant and facilitate passage for agencies engaged in humanitarian assistance; persons engaged in such work shall be protected and shall not be attacked;

International humanitarian organizations engaged in providing assistance to the internally displaced should give due regard to protection and human rights issues, taking appropriate measures in this regard.

To promote these humanitarian principles, the following activities may be undertaken, in coordination with agencies with designated responsibility in the field:

- Disseminating the *Guiding Principles*, and information about the *Guiding Principles*, especially in languages used by the internally displaced and relevant authorities; advocating widely for the application of the *Guiding Principles*;
- Supporting training programs on the *Guiding Principles* and on international humanitarian and human rights law for staff, for the displaced themselves, and for relevant authorities and partner organizations;
- Designing assistance and protection measures to ensure impartiality; particularly, ensuring that neither displaced nor host populations are discriminated against in program design;
- Advocating with donors, governments, international organizations, NGOs and other relevant entities for codes of conduct for humanitarian operations; establishing such codes of conduct;
- Establishing regular consultation systems among humanitarian agencies working with the displaced in order to ensure consistency in humanitarian assistance policies; in particular, developing and enforcing uniform policies regarding diversions of humanitarian assistance for military or political purposes;
- Supporting, technically and financially, attempts by cognizant authorities to fulfill their humanitarian assistance responsibilities to the internally displaced; assisting in the preparation of NGO registration laws or other legal mechanisms to facilitate the work of humanitarian organizations working with the displaced;

■ Advocating vigorously for humanitarian access to all displaced populations; documenting and reporting impediments to full and free access; utilizing nontraditional methods of access—such as mobile teams, air transport, or cross-border operations—to reach internally displaced persons;

■ Monitoring during humanitarian assistance operations the human rights and protection needs of displaced populations; communicating regularly with organizations advocating for human rights and protection issues of the displaced;

■ Designing assistance programs in full respect for the dignity and rights of the individual.

Field-based examples of such practice include:

46. EFFORTS TO BALANCE THE PRIORITIES OF DISPLACED AND HOST COMMUNITIES IN CONFLICTIVE ENVIRONMENTS: [BURUNDI]

The large-scale internal displacement crisis in Burundi has been characterized by continued mistrust between ethnic groups and multiple attempts to politicize the needs assessment and aid distribution processes along ethnic lines. Particularly volatile was the hostility between Tutsi internally displaced persons in Burundi and the estimated 160 thousand Rwandan Hutu refugees who entered Burundi in 1994. Displaced Burundian Tutsi individuals associated the Hutu refugees with the prior genocide in Rwanda.

Efforts by UNHCR to meet its responsibilities for care and protection of the Rwandan refugees had to be balanced—in this very volatile milieu—with the perception by Burundian displaced communities of an aid disparity in favor of the Hutu population. Although suspicion and violence—both intercommunal violence and violence directed against aid organizations—could not be avoided, UNHCR carefully monitored and analyzed the relationship between the refugee and internally displaced groups and attempted to direct food and other resources to the internally displaced populations to show balance and impartiality.

47. INVOLVEMENT OF HOST COMMUNITIES TO HELP BALANCE ASSISTANCE BETWEEN THE DISPLACED AND OTHER VULNERABLE POPULATIONS: [MOZAMBIQUE]

In Mozambique between 1985 and 1990, more than 60 percent of the total population lived beneath the poverty line, according to UNDP data, and many communities were war-affected. In this socioeconomic milieu, relative levels of need between displaced communities and locally affected communities blurred, and many host communities sharing limited resources argued that no special treatment should be directed to the internally displaced. Even the assignment of program categories such as "internally displaced," "returnee," or "vulnerable" became the source of controversy.

Under these circumstances, WFP staff focused on involving the local population in the design, implementation, and monitoring of relief and reintegration activities to avoid exacerbating tension within and among communities. WFP staff encouraged the inclusion of local leaders ("tradicionais"), local NGOs, and the local community in the various steps of project assistance.

48. INITIATIVES TO MODIFY NGO REGISTRATION LAWS TO FACILITATE THE WORK OF AGENCIES WITH THE INTERNALLY DISPLACED: [AZERBAIJAN]

With one-half million internally displaced persons spread across virtually the entire country, Azerbaijani government officials have generally cooperated with international humanitarian agencies. With the notable exception of the militarily contested Nagorno-Karabakh enclave, international agencies have enjoyed reasonable access to displaced communities and opportunities to assess needs. Nonetheless, NGOs and others working in Azerbaijan have found their programs constrained by cumbersome and time-consuming registration laws at the national level.

To address this situation, UNHCR, the Open Society Institute, and the International Centre for Not for Profit Law assisted the government to draft new legislation on NGO registration. The draft law is intended to bring government policy more in conformity with prevailing guidelines in other nations. When enacted, the new law will facilitate the efforts of humanitarian agencies working with the internally displaced in Azerbaijan.

49. DEPLOYMENT OF SPECIALIZED NATIONAL STAFF TO INCREASE HUMANITARIAN ACCESS TO THE INTERNALLY DISPLACED: [SUDAN]

The placement of specialized "IDP Coordinators" in conflict zones helped enable UNHCU in Khartoum, in coordination with colleague agencies, to negotiate humanitarian access at the field level. The IDP Coordinators, trained in international humanitarian principles and negotiating skills, have made a contribution during the difficult discourse that occurs between humanitarian agencies and government actors, including security forces. the military and local civilian authorities. To gain local knowledge, cultural awareness, and communications skills, UNHCU recruited Sudanese nationals as IDP Coordinators, backing them with international staff on short-term field assignments. Working on behalf of sister agencies, the IDP Coordinators served as troubleshooters on such issues as travel permits, project agreements, requests for noninterference, and defense of international privileges and immunities.

50. "MAPPING" URBAN AND PERI-URBAN NEIGHBORHOODS TO IDENTIFY AND ACCESS CONCENTRATIONS OF INTERNALLY DISPLACED PERSONS: [PERU]

During Peru's long internal conflict in the 1980s and 1990s, many of the estimated 600 thousand internally displaced fled to urban shantytowns around Lima and other major cities. Some groups of displaced settled with others from the same home locale, while others dispersed in vast squatter communities. Fearful of being singled

out as deserters from self-defense forces or as traitors, many did not readily identify themselves or their origins, some going so far as to destroy their personal identity cards in a quest for anonymity. To target resources to the neediest communities, international NGOs working in Peru were required to conduct community surveys and interviews—with sensitivity to the legitimate security concerns of individuals—to map concentrations of internally displaced persons in urban areas.

51. EFFORTS TO MAINTAIN BALANCE BETWEEN NATIONAL SOVEREIGNTY AND INTERNATIONAL EFFORTS ON BEHALF OF THE INTERNALLY DISPLACED: [SRI LANKA]

Given that internally displaced persons are the primary responsibility of their own governments and, at least nominally, subject to the authority of those governments, international organizations working with the internally displaced will repeatedly confront issues of national sovereignty. In Sri Lanka's Jaffna Peninsula, UN staff working with displaced communities were asked by military authorities to comply with onerous new reporting requirements in 1998, despite complete compliance with the government ministries' parallel reporting systems. UN officers noted the inappropriateness of the new reporting requirement and were able to persuade the military to obtain information on international activities through established civilian reporting channels. Through engagement with national authorities, civilian and military, agencies were able to maintain an appropriate balance between legitimate national sovereignty and freedom of international humanitarian response.

52. AIRDROPS TO DELIVER EMERGENCY ASSISTANCE TO DISPLACED COMMUNITIES WHEN OTHER METHODS ARE UNAVAILABLE: [BOSNIA]

As lead agency in the massive displacement crisis in former Yugoslavia, UNHCR faced a particularly difficult problem in "enclave" areas. Throughout former Yugoslavia, pockets of land controlled by

one of the protagonists had been surrounded by opposing forces, effectively cutting the enclaves off from land contact with the outside. Often these enclaves attracted large numbers of displaced persons—fleeing ethnic cleansing elsewhere—who overwhelmed facilities and food supplies within the enclaves. By the winter of 1993, these internally displaced persons, along with original residents of enclaves, faced starvation.

UNHCR responded with a two-pronged strategy: continued negotiations and exertions to deliver relief supplies by overland convoys to the enclaves; and airdrops—delivery of supplies by parachute from aircraft. The latter strategy was widely credited with staving off starvation in several enclaves, as overland convoys faced increased harassment and interdiction. Coordinating a large-scale, long-term airdrop campaign (with military aircraft provided by NATO countries), and relying on precision drops into relatively small geographic areas, demanded technical and communications skills unprecedented in relief operations. UNHCR organized an air operations cell to determine the required supplies and communicate the needs to military planners.

53. CREATION OF MOBILE "HEALTH BRIGADES" TO REACH ISOLATED RETURNEE COMMUNITIES AND COMMUNITIES AT RISK OF INTERNAL DISPLACEMENT: [COLOMBIA]

Given the generally rural nature of the conflict in Colombia and related problems of insecurity in the countryside, isolated communities face two types of threats: first, they may face direct attack or threats from armed groups; second, insecurity limits their essential links with the outside world by restricting access to markets, health care, and other important services. Both types of threats enter into the community calculus of whether to flee and join the ranks of the displaced and whether, after return, to remain in their home area.

Mobile "health brigades," supported by the ICRC, partially address the issue of access to health services in isolated communities. In both the Caguan river valley in the south of Colombia and along the Atrato river in the northwest, ICRC "health boats" ply the waterways to reach communities in regions of conflict. Provided in cooperation with the Colombian Red Cross and the Departmental Institute of Health, these health boats remain on the river for weeks at a time and have served more than 11 thousand patients. In addition to their humanitarian mission, the availability of these health services may support community resolve to avoid internal displacement. As of 1998, twenty-two such brigades had been organized, focusing on the most isolated communities, those beyond the reach of regular health care facilities.

54. CROSS-BORDER OPERATIONS IN HUMANITARIAN ASSISTANCE: [SOMALIA]

Access to affected populations is a key operational consideration in addressing the needs of internally displaced persons. In situations of armed conflict and insecurity, agencies need to develop creative ways to ensure humanitarian access. UNHCR's cross-border operation between Kenya and Somalia in the early 1990s offers several useful lessons.

As security conditions in parts of Somalia were not conducive to the establishment of offices, humanitarian operations were launched from bases in the areas of Kenya bordering Somalia. Apart from minimizing security risks to staff, the crossborder operation also created an impetus for partnership with Somali NGOs and helped to stabilize affected populations within their communities.

55. OPERATION LIFELINE SUDAN [OLS] NEGOTIATION OF "GROUND RULES" FOR HUMANITARIAN ACCESS: [SUDAN]

Humanitarian agencies working with the displaced and other conflict-affected populations in southern Sudan negotiated with rel-

evant authorities—including nonstate entities—a concrete agreement setting out principles of humanitarian access. The Agreement on Ground Rules specifies the responsibilities of relevant authorities to provide for the secure access of international agencies seeking to assist internally displaced persons.

The OLS Agreement on Ground Rules says, in part: "Local authorities assume full responsibility . . . for the safety and protection of relief workers in areas under their control. This responsibility includes:

i. Providing an immediate alert to relief workers in potentially insecure areas;
ii. Facilitation of safe relocation when necessary;
iii Protection from any form of threat, harassment, or hostility from any source.

Relief workers are not expected to pay for such protection either of themselves or of their property."

The Ground Rules offer additional specific guidance on the protection of humanitarian agencies' compounds and other issues relevant to humanitarian access.