

# **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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## **Module IV: Preventing, or Preparing for, Internal Displacement**

### **Objectives**

By the end of this session, participants should be able to:

- Explain the rights of individuals to be protected against arbitrary displacement, as spelled out in the *Guiding Principles on Internal Displacement*
- Explain the responsibilities of governments and other authorities to prevent arbitrary displacement
- Describe practical steps that can be taken by staffs of international organizations in order to prevent unwarranted displacement
- List the actions that international organizations can take to prepare for internal displacement, when such displacement is inevitable

### **Contents**

<b>Topic</b>	<b>Page</b>
Long Term Strategies	IV-2
Sample Outline for Sectoral Components of a Contingency Plan	IV-11

# **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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## **Long Term Strategies**

The Guiding Principles are based upon various global human rights instruments that set standards for equitable human development. These instruments include:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- The Convention on the Rights of the Child
- The Convention on the Elimination of all Forms of Discrimination against Women
- The Convention on the Elimination of all Forms of Racial Discrimination

The instruments state that all citizens of the world have many rights. These include the right to an adequate standard of living, participation in government, recognition before the law, gainful employment, education, adequate nutrition, property ownership, security, personal and social development, and clean environment. These rights, however, are far from being realized for a large percentage of the world's population, especially women and children.

Long-term sustainable development works toward the actualization of these rights and forms the cornerstone for both crisis prevention and recovery from crisis. Initiatives for long term prevention are often given high profile only after a crisis, when the needs for stabilization are urgent and conditions are favorable for change. However, in view of the serious negative effects of internal displacement, actors should place more emphasis on the use of long term strategies as tools to avert crises altogether.

Developmental activities should also coexist with relief and rehabilitation assistance. Relief programs should be designed to lay the foundation for development while development-oriented programs should be planned during the emergency phase. This approach promotes a coordinated strategy for prevention that permits uninterrupted involvement of development actors in conflict or natural disaster areas.

Development actors are already on the ground when a crisis unfolds and have much to offer in terms of early warning analysis and knowledge of cultural and traditional perspectives on human rights. They can identify local actors in protection and potential points of intervention. They can ensure the continuity and relevance of long term goals.

# **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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## **Long Term Strategies (Continued)**

The challenge to development and relief organizations is to design and implement programs and projects which both acknowledge and actualize rights to equitable development. “Operationalizing” the rights requires both an understanding of the human rights conditions and specific targeted actions to address the conditions. These approaches are needed to strengthen all systems - international, national, provincial and community.

Targeted sectors are listed below with specific activities suggested to address legal, political, social and economic problems and inequities. These activities can significantly reduce impact of conditions that may lead to internal displacement. They may be undertaken through a coordinated effort of governments, NGOs and other civil groups and with support of international technical and financial assistance.

### **Supporting human rights institutions and training**

Governments should develop a plan of action to strengthen national human rights institutions such as ombudsman’s offices and non -governmental groups such as research and training institutes. A comprehensive approach may include:

1. Effective and accessible mechanisms for resolution of conflicts between and among citizens and the government. Citizens must know how to access government offices and how they can file complaints without fear of retaliation. This education is best placed close to home where officials are known and trusted.
2. Full participation of the country in international human rights systems through the ratification of international treaties, training of government staff in reporting mechanisms, media coverage and public statements listing the human rights obligations of government institutions, civil servants, police and military, and participation in regional and international human rights conferences.
3. Human rights education for the military, law enforcement officials, civil society groups and NGOs, and incorporation of human rights curricula in primary, secondary and post-secondary education

# **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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## **Long Term Strategies (Continued)**

### **Strengthening legislative capacity**

A strong legal framework under a national constitution is needed to protect human rights, encourage the free and open development of governing institutions, and promote restitution for people who have suffered violations of their rights. Laws should be brought into conformity with standards identified in UN and regional human rights instruments.

Review and reform activities should cover penal and criminal codes and regulations, laws regarding protection for minorities and women, laws affecting freedom of expression and association, immigration and nationality laws, laws relating to judiciary and legal practice, and, importantly, laws relating to security such as special procedures which derogate from international human rights standards. For example, there must be justification for such measures as “administrative detention” or martial law.

### **Strengthening tenure security**

All persons should possess security of tenure which guarantees legal protection against forced evictions, harassment and other threats. Provision of legal land titles is vital particularly to protect indigenous groups or others with a dependency on land, such as pastoralists, peasants and minorities. During crisis situations, traditional land ownership mechanisms may become ineffective, legal ownership may be de-legitimized, or property may have been destroyed or put to other use. Vulnerable persons may find their ownership rights in question, or IDPs may return home to find their land expropriated and their property rights vacated.

In addition, legislation and supporting procedures should be in place for property restitution when return is not possible. Lack of workable laws may result in tensions and conflict leading to further displacement. Removal of occupants from the homes of returning IDPs must be carried out in accordance with human rights standards.

# **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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## **Long Term Strategies (Continued)**

### **Strengthening national electoral systems**

While elections do not guarantee good governance, they are a major tool for promoting representation. Actors should support the implementation of elections and work to create conditions that promote fair elections. The systems should:

- Assure the right of everyone to take part in the government of his or her country either directly or through freely chosen representatives
- Assure equal access to public service, including elective public service
- Provide for periodic and genuine elections
- Guarantee universal and equal suffrage and secrecy of the ballot
- Secure an electoral atmosphere that is free of intimidation

#### ***ELECTORAL SUPPORT SERVICES***

*A study of the election processes in Nicaragua, El Salvador, Cambodia, Angola and Mozambique showed that international electoral assistance should focus on supporting political performances of local actors and building on national electoral capacities. UNDP and UNV can tailor assistance programs for election support. They can include material support, advisory services, funding for voter registration and media relations training programs. UNV helped with the actual balloting in Yemen, which held its first elections since the civil war in 1997. UNV can recruit personnel with experience in managing elections from a wide range of countries. The Office of the High Commissioner for Human Rights has developed a number of publication relating to human rights and elections. (<http://www.unhchr.ch>).*

### **Promoting administration of justice**

To be effective, justice systems must recognize and protect the rights of the individual, be accessible to all, and be impartial and politically independent. If a nation's justice systems are weak or corrupt, it may be difficult to achieve judicial reconciliation for citizens who have been victims of human rights violations. Security and justice systems should provide human rights training for judges, magistrates, lawyers, police, and prison officials and all who administer justice.

Justice systems should streamline court operations, while promoting due process, and make their functions and staff accessible to the public. Violations of due process must be addressed such as torture, arbitrary arrest and detention, secret detention, and deprivation of adequate legal representation. Court proceedings must be transparent except when confidentiality is necessary in order to protect individual rights as appropriate within the law.

## **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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### **Long Term Strategies (Continued)**

To increase access to justice, the judicial infrastructure must be adequate at the community level. Traditional and local systems of justice should be utilized where they support human rights and be included in development programs and training to promote international standards. Civil society can be instrumental in integrating traditional or indigenous dispute resolution mechanisms into the formal system. (Roles of international systems of justice are described in Module 2.)

#### **Enhancing public security**

To have confidence in their government's protective capacity, citizens must feel secure and have freedom of movement. Programs to improve public security include:

- ***Defining the role of the military***—If the military controls internal security, a reduction in its role may be needed to further good governance. Negative aspects of military sectors can be minimized by conversion of military assets to productive sector assets, training civil servants on security matters, military-to-military dialogs to establish legitimate mandates, and improving defense budgeting practices.
- ***Training civilian police forces***—Police should operate independently of the military. Training of police should include provision of information regarding international human rights law and domestic law relating to the legal rights of accused persons, methods of arrest and questioning, the prohibition of torture and the obtaining of forced confessions, and rules for the proper use of firearms. Judicial reforms must go hand-in-hand with and support police reforms. NGOs and the media can support public education programs to ensure that the public understands any new methods of policing.
- ***Small arms and light weapons control***— Weapons control programs can include strengthening national, regional and international mechanisms to regulate the manufacture, transit and transfer of weapons; weapons collection and destruction mechanisms and disarmament programs; and public information and advocacy against small arms and support to ensure compliance with humanitarian law.
- ***Disarmament, demobilization and reintegration of former troops***—Disarmament of demobilized soldiers must be combined with other programs of weapons control. The ex-soldiers should be given initial support packages, skills training, and education to promote their reintegration and prevent their transfer into crime or mercenary activities.

## **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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### **Long Term Strategies (Continued)**

- ***Mine clearance***—The presence of land mines acts as a major obstacle to the resumption of normal economic activities. External assistance can help to pay the high costs of de-mining and can help create a national capacity to carry out clearance operations. Community-based mine awareness programs are essential components of a long-term program.

### **Promoting economic and social development**

Programs that promote economic and social development of individuals and societies form the foundation for peace and security and create confidence in national capacities. Key programs are those which strengthen infrastructure for provision of basic services, such as water and sanitation, and those which provide social safety nets, such as government support for the most vulnerable groups. Other priority program options include:

***Macro-economic reform***— National programs may need strengthening to promote sustainable livelihoods and reduction in poverty and inequality. These include programs to revise fiscal and budgetary policies, control inflation, regulate taxation and foreign exchange, and promote investment and trade. These programs should avoid threatening livelihoods or essential social safety nets and services. For countries emerging from conflict, conditions for economic reform are usually stipulated in a peace agreement.

***Agricultural development***—Agricultural development contributes to self-sufficiency in food production and is an important source of employment. FAO's agricultural emergency and development activities are designed to reduce vulnerability by promoting strategies for improved nutritional security such as crop and livestock diversification, improved rangeland and water management, soil conservation, improved coastal fishing practices, pest and disease control measures and nutritional education. Equitable land policy is important in promoting equal access to agricultural and natural resources.

***Environmental protection*** —Environmental protection programs promote good land use practices, conservation of natural resources, and preservation of biological diversity. They protect the environment and population against the effects of natural and human-made hazards. They can help to create mechanisms by which states and local cultures interact in decision-making for sustainable and equitable use of resources.

***Education and training***—Programs to improve knowledge and skills can significantly reduce a population's vulnerability. Education programs in schools and communities are strategic tools for building a culture of tolerance and generating awareness of human rights.

## **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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### **Long Term Strategies (Continued)**

**Health care** — Development of health resources to address emergency needs as well as strengthening the normal health care system quickly enhances social mobility and participation, particularly of women.

**Sustainable livelihoods promotion**—Unemployment may increase dramatically if government economic policies are weak, during periods of structural adjustment, or conflict and disasters, or when demobilized combatants are reintegrated. Development of sustainable livelihoods can help to avert social tensions and conflict. Measures may include training and job creation, expansion of the private and informal sectors, and credit schemes.

### **Constraints to long term prevention**

The development of long term preventive strategies is a work-in-progress for all actors. No ready-made solutions exist—particularly for conflict-prone societies—and elaboration of best practices is on-going. Constraints (and possible responses from actors to overcome them) include:

**Limited time and resources for prevention** –Hindsight often governs the planning process, and foresight is limited by available time and resources. But if preventive measures are weak, recovery is often prolonged. The longer it takes a society to recover from a crisis, the more its citizens come to depend on resources and support from external sources—resources that will eventually be withdrawn. This makes it more difficult for them to regain local self-sufficiency. Several years are usually required to effect political, social and economic changes in order to avoid relapse into crisis. Meanwhile, funds generally decrease or run out before recovery is complete.

International resources for long-term development have been dwindling over the past 20 years. At the same time, donor response to emergencies is often generous, motivated by public outcry. Unfortunately, these donors may earmark their contributions without regard for the need for prevention. Thus far, development actors have been only marginally successful in making the case for the cost effectiveness of preventive development. There has been insufficient attention to gather and disseminate lessons learned and to develop joint guidelines for prevention and mitigation measures.

Possible responses from actors:

- State clearly during the planning phases of programs that there will be a focus on addressing inequities and assisting the most vulnerable in all development activities. Write appeals to incorporate human rights language or humanitarian principles
- Address the need for prioritization of response in terms of who is at greatest risk in the short, medium and long term. Use worst case scenarios to determine protection strategies. Develop and use lessons learned to support strategic interventions.

## **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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### **Long Term Strategies (Continued)**

- Identify strategies for informing donors about inequities and shifting their focus from immediate relief needs to long term projects that will reduce vulnerability. Substantiate time periods for recovery that are realistic and will provide needed stability.

**Lack of access to developmental resources** – A society’s ability to develop individual potential depends to some degree on having resources such as education and training, political processes, and infrastructure that offers protection and security. Vulnerable people who must be at the center of the development process often lack understanding of their basic rights and the means to access these resources.

#### Possible responses:

- Identify persons or groups with the least access to programs and security. Determine ways to support them without increasing tensions in the community.
- Coordinate with implementation partners and share methods for human rights education and increasing security.
- Seek creative and practical ways to address problems of access to resources getting input from vulnerable persons on means to address inequities and security problems.

**Need for development alternatives** – Individuals depend on states to protect them; assistance agencies work through central governments. However, situations of collapsed states such as in Somalia and Afghanistan have revealed the tremendous capacities of community and civil groups to mobilize prevention and development initiatives. Development actors need the flexibility to take advantage of all local opportunities and resources to enhance prevention. They need to have a variety of methods which enable them to successfully confront human rights abuses and work around possible interference.

#### Possible responses:

- Identify effective local organizations and determine how they can be supported without endangering them.
- Collect priorities from persons under threat or who fear future insecurity. What ideas do they have to promote cooperation and coordination?
- Determine what types of programs are most acceptable to authorities. How might such programs be utilized or expanded to address inequities? How can actors avoid antagonizing authorities without sacrificing human rights principles?
- Form alliances to increase the political power or protection and security of informal networks. What other individuals or groups will lend support to such networks?

## **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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### **Long Term Strategies (Continued)**

- Project the types of problems that may be encountered and adapt past experiences and lessons learned from other situations to plan appropriately.

**Weak Coordination** – Coordinated efforts for preparedness and response have improved significantly in recent years, as partnerships have developed and multi-actor plans have been initiated. However, coordination for preventive development is not as widespread. Cooperative development most often occurs in the context of post-disaster actions rather than as preventive actions. Actors tend to pursue their own objectives in a non-crisis situation, working through their own channels and bureaucracies. Actors may not be aware of their actual or potential role in prevention.

#### Possible responses:

- Create a working group to focus specifically on issues of inequity and human rights standards.
- Select a leader in the development of collaborative programs and projects to address inequities and risk factors.
- Develop arguments to convince organizations and people that pursuing objectives related to the prevention of protection problems serves their own best interests.

### **Training questions**

1. When long term needs seem so overwhelming, how can actors prioritize actions for prevention?
2. How can actors ensure that focus on long-term solutions is maintained during the pre-crisis, crisis and post-crisis phases?
3. How can you sensitize donors to the importance of prevention and protection issues? How might they be informed about the realities, in terms of inequities and vulnerabilities, faced by people in their every day lives in their communities?

# **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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## **Sample Outline for Sectoral Components of a Contingency Plan**

### **1. Management and overall program coordination**

- Who is responsible for:
  - Emergency Coordinating Committee and arrangements?
  - Regional coordination?
  - Implementing agencies and arrangements?
  - Staffing arrangements?
  - External relations, public information, ongoing coordinating arrangements?
  - Administrative arrangements including premises, communications, transport etc.?
  - Preparedness training?
  
- What arrangements exist for updating the plan?

### **2. Protection and Registration**

- Who is responsible for security of the refugees?
  - Police?
  - Monitors?
  - Advisors?
  - Refugee community groups?
  - Have major protection concerns been identified, and planned for?
  - Access?
  - Determination of status, structures and procedures?
  
- Are registration arrangements in place for incoming refugees?
  - Staff?
  - Resources?
  - Administrative systems and procedures?
  - Public information materials?

# **Basic Course on Internal Displacement: Background, Program Foundations and Program Approaches for International Agency Staff**

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## **Sample Outline for Sectoral Components of a Contingency Plan (Continued)**

### **3. Food**

- Who is responsible for consultation with the World Food Programme, UN agencies, donor embassies, non-governmental organizations, other bilateral funding sources?
- Are food resources available locally, regionally or internationally?
- Which foods are culturally acceptable/appropriate for the different potential populations?
- What is the composition of the food basket?
- Higher kilocalorie requirements in colder climates?
- Are there buffer stocks, local resources? What is the impact on local market availability/prices?
- What are the special food needs of young children?
- Is a food distribution system in place?
- Will food assistance be provided to local communities as well?
- What are the storage needs? What storage is available to meet the needs?

### **4. Logistics and Transport**

- Have the following been identified:
  - normal lines of supply to key areas of asylum-seekers or displaced persons?
  - international air and sea ports?
  - customs and clearing agents?
  - storage facilities/capabilities?
  - transport systems (road, train, air) and requirements, including availability and cost of in-country transport?
  - fuel availability, storage, and restrictions?
  - conditions and maintenance of roads?
  - availability of spare parts for vehicles?
- Are there any prohibitions or conditions on the imports or donations of relief supplies?

**Sample Outline for Sectoral Components of a Contingency Plan  
(Continued)**

- What is the likely impact on existing air and port facilities in the event of arrival of large tonnages of relief supplies?
- What is the likely impact of weather conditions on logistics systems?
- Who is responsible?

**5. Domestic needs and household support**

- Which items will be required and/or provided? (What if arriving refugees bring goods or come empty-handed?)
- Are buffer stocks necessary? What are the existing local resources?
- Are there blankets, water carriers, cooking/heating fuel, stoves, cooking/eating utensils and clothing?
- Does a distribution system exist?
- What is the storage availability?
- Who is responsible?

**6. Water**

- What is the water policy, infrastructure, technical and implementing capacity? Who are the responsible personnel?
- Do water systems/distribution systems exist?
- What if it is winter or the dry season, or what if water sources are polluted?
- What if the numbers of asylum-seekers are more than the existing system can support?
- What is the likely impact on existing water systems operated by local communities?
- What equipment is needed? Should buffer stocks be established or do local resources exist?

**Sample Outline for Sectoral Components of a Contingency Plan  
(Continued)**

**7. Environmental sanitation**

- Who is responsible (public or private sector)?
- Are sanitation education programmes necessary?
- Are sanitation plans culturally appropriate?

**8. Health and Nutrition**

- What is the existing health policy towards asylum-seekers, if any?
- What is the description of the existing health care system and access of asylum-seekers to the system?
- Are vaccines for measles immunization available?
- What are the likely requirements for supplementary feeding (children, pregnant or lactating women) or other special nutritional programmes)?
- Who is responsible for preventive health care and public health education? What is the role of international agencies?
- What if it is winter weather?
- What if living conditions are crowded?
- What if there are many children?
- What types of medicines and medical equipment will be required and are they available in-country? Is there a need for international supply?
- Do cold chain systems exist?
- Are storage facilities available?

**9. Shelter and other infrastructure**

- What is the policy on refugee sites, shelter, infrastructure?
- Have likely new sites been identified?
- How will site selection be carried out? What are the implications of local land ownership? What is the impact on the local community?
- Is there existing shelter which could be used?

**Sample Outline for Sectoral Components of a Contingency Plan (Continued)**

- What are the implications of summer vs. winter conditions?
- How will the terrain affect shelter requirements?
- Are there locally available building materials?
- Is a stockpile of tents, building materials, plastic sheeting needed?
- What type of design is appropriate for new communities or camps?
- Who will be responsible?

**10. Community Services**

- Have community leaders been identified?
- Are there adequate community workers for the refugee population?
- Has an assessment of community needs and structures been carried out?
- Have vulnerable groups been identified?

**11. Education**

- How were the refugees' traditional education systems structured?
- Are there educators in the refugee community?
- Are there special needs for the education of girls and boys?
- Is skills training appropriate for the adults?

**12. Economic Activities (Agriculture, Livestock, Income Generation)**

- What are the skills/trades that the refugees bring with them?
- Is land available for farming or grazing?
- Are there concerns about tension between the refugee community and local people?