



ICRC

ICRC POSITION ON
INTERNALLY DISPLACED PERSONS (IDPs)
(May 2006)

CONTENTS

I.	Introduction	2
II.	Definition of IDPs and overview of their protection under the law	2
III.	The humanitarian needs of IDPs.....	3
IV.	ICRC operational approach and cooperation within the Red Cross and Red Crescent Movement	4
V.	Complementarity with other humanitarian organizations and ICRC commitment to a collaborative approach.....	6

I. INTRODUCTION

The displacement of people within their own countries has been a recurrent problem in recent years. This, coupled with a better understanding of the severe plight endured by the millions affected, has resulted in growing concern within the international community. This concern is amply justified: all too often, internally displaced persons (IDPs) suffer extreme deprivation that threatens their very survival, and they are all too often exposed to considerable danger - during their flight, while they are displaced and even upon their return or resettlement. The death toll among IDPs often reaches extreme proportions, particularly among physically weaker persons, such as children, the elderly or pregnant women. The hardship experienced by those left behind and by host communities further compounds the problem.

Internal displacement is frequently the consequence of violations of international humanitarian law (IHL) during armed conflict. When civilians flee a conflict zone, this is a good indication that the warring parties are indifferent to their protection or, worse, are deliberately targeting them. Every effort must be made to prevent such displacement. Wherever IDPs find themselves and whatever the reason for their displacement, they remain, in situation of armed conflict and other situations of violence, first and foremost civilians and, as such, are entitled to every protection afforded that category of individuals under IHL.

The role of the International Committee of the Red Cross (ICRC) is to protect and assist persons affected by armed conflict and other situations of violence. To that end, the ICRC takes direct and immediate action in response to emergency situations, while at the same time promoting preventive measures, such as the dissemination of IHL and its incorporation into national legislation. IDPs have, therefore, always been major beneficiaries of ICRC activities.

The purpose of this document is to explain the ICRC's position on the issue of IDPs. It discusses the operational challenges of responding to the plight of IDPs, the best ways of protecting and assisting IDPs, and the ICRC's contribution to the policy debate on this issue.

II. DEFINITION OF IDPS AND OVERVIEW OF THEIR PROTECTION UNDER THE LAW

There is no legally binding definition of an "internally displaced person." Nor does the ICRC have its own definition. Similarly, there is no definition of the end of displacement and there are no commonly agreed criteria for determining when a person ceases to be an IDP. Consequently, in the majority of contexts, no reliable numerical data on IDPs as a group is available.

The definition most commonly used within the international community is the one provided by the representative of the United Nations secretary-general on internally displaced persons for the UN's Guiding Principles on Internal Displacement (hereinafter "the Guiding Principles"). This definition, which is broad, includes "...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."¹

¹ On the ICRC's involvement in the drafting of the Guiding Principles, see Jean-Philippe Lavoyer, "Guiding Principles on Internal Displacement: A few comments on the contribution of international humanitarian law," *International Review of the Red Cross*, No. 324, September 1998, p. 467.

The Guiding Principles are a very useful and important tool as they bring together existing norms of IHL, human rights law and refugee law in a way that covers all the phases of internal displacement. Although the Guiding Principles are not legally binding, they provide a valuable benchmark.

Unlike refugees, IDPs are not the subject of a specific international convention. They are nevertheless protected – although not expressly referred to therein – by various bodies of law, including, most notably, national law, human rights law and, if they are in a State affected by armed conflict, IHL.

Under IHL, the displacement of civilians should not occur in the first place, and if it does, their protection is ensured. Indeed, IHL expressly prohibits any party to an armed conflict from compelling civilians to leave their places of residence. Exceptionally, temporary evacuations may be carried out if the security of the civilians or imperative military reasons so demand.

In addition to this express prohibition, the rules of IHL intended to spare civilians from hostilities and their effects also play an important role in preventing displacement, as it is often violations of these rules that cause civilians to flee their homes. Of particular relevance are:

- è the prohibition on attacking civilians or civilian property and on indiscriminate attacks;
- è the prohibition on the starvation of civilians as a method of warfare and on the destruction of objects indispensable to their survival;
- è the prohibition on reprisals against civilians and civilian property;
- è the prohibition on collective punishment, which, in practice, often consists of destroying homes and thus leads to displacement;
- è the obligation for all States, including those party to a conflict, to allow the unhindered passage of relief supplies and assistance necessary for the survival of civilians.

While they are displaced, IDPs are entitled to the same protection from the effects of hostilities and the same relief as the rest of the civilian population.

Return is only expressly addressed by IHL in the context of evacuations. In such cases, displaced persons must be transferred back to their homes as soon as hostilities in the area have ceased. A right of return can arguably be inferred a fortiori following unlawful displacement.

III. THE HUMANITARIAN NEEDS OF IDPS

Civilians often become increasingly vulnerable when they are displaced, whatever the cause of their displacement, including natural disaster. IDPs are deprived, often brutally, of their ordinary living environment in terms of security, community support, the ability to earn a livelihood and access to food, water and shelter. This directly threatens their ability to meet their most basic needs, all the more so when families are split apart or when family members are killed or go missing.

As all vulnerable people, IDPs are entitled to assistance and protection as required. It is of paramount importance to take account of all their needs at every stage of the displacement, particularly in the area of protection.

Important IDP-related protection issues include the following:

- è risk of tension between host communities and displaced persons;
- è increased risk of sexual violence;
- è increased risk that families will be split apart and that children, in particular, will be separated from their parents or other relatives;
- è use of displacement as a tool or even as a method of warfare by parties to a conflict.

Primary responsibility for protecting IDPs and resolving their problems lies unequivocally with the State or other authorities in control of the territory where the IDPs find themselves. The return of those displaced, whether IDPs or refugees, very often presents a formidable challenge to the authorities and resident communities. Too often, however, the authorities are unable or unwilling to provide protection and assistance for IDPs. In this case, humanitarian organizations must step in to ensure their survival.

Limited access by humanitarian organizations to those requiring assistance – often the result of deliberate obstruction by parties to a conflict – seriously hampers the implementation of the law and of aid work in general.

Another grave problem is inadequate security for humanitarian workers. The lack of political will to fully comply with humanitarian law and other applicable rules remains the main obstacle preventing civilians (including IDPs) from receiving protection and assistance in times of armed conflict or internal violence.

IV. ICRC OPERATIONAL APPROACH AND COOPERATION WITHIN THE RED CROSS AND RED CRESCENT MOVEMENT

The ICRC's overall objective is to alleviate the suffering of people who are caught up in armed conflict and other situations of violence. To that end, the organization strives to provide effective and efficient assistance and protection for such persons, be they displaced or not, while taking into consideration the action of other humanitarian organizations.

On the basis of its long experience in different parts of the world, the ICRC has defined an operational approach towards the civilian population as a whole that is designed to meet the most urgent humanitarian needs of both displaced persons and local and host communities.

The ICRC has, on numerous occasions, expressed its concern about the increasing tendency within the humanitarian and donor communities to consider the needs of IDPs and those of the resident population separately. Indeed, segmenting the humanitarian response and splitting beneficiaries into categories – such as IDPs – entails the risk that certain groups of affected persons, possibly those in greatest need, may be neglected.

The ICRC has developed a multidisciplinary approach in order to respond to the basic needs of all civilians, including IDPs. It has at its disposal a broad range of means and skills that it uses according to its objectives and operational strategies in each given context, combining the modes of action² it considers most appropriate. This explains why the ICRC's way of operating may differ from one context to another.

In addition to promoting compliance with IHL, the ICRC helps IDPs by tailoring its response to the different phases of displacement:

- è displacement as such;
- è arrival and temporary settlement, for example in camps or a host community;
- è longer-term settlement in camps, an urban environment or elsewhere;
- è final resettlement (other than in the place of origin);
- è return to the place of origin.

This requires both the ability to deploy rapidly and work in emergency situations and the ability to meet longer-term commitments. To achieve that end, the ICRC adopts flexible strategies and bases its activities above all on field assessments.

² The ICRC's modes of action are: persuading the authorities to shoulder their responsibilities, providing the authorities with support, substituting for the authorities when they are unable or unwilling to fully assume their responsibilities, mobilizing third parties, and exceptionally, in accordance with ICRC policy, public denunciation.

As far as protection³ is concerned, the ICRC's main mode of action consists in persuading the authorities and armed groups, through confidential dialogue, to fulfil their obligation not to displace civilians or commit other violations of the relevant bodies of law that would result in displacement. If displacement occurs, the authorities must ensure that IDPs are protected, their rights respected and their essential needs met. They must also promote voluntary return whenever it is safe and whenever adequate living conditions are in place. The ICRC also acts as a neutral intermediary between warring parties in order to facilitate the conclusion of agreements aimed at resolving humanitarian issues, including the plight of IDPs.

In addition, the ICRC conducts a wide range of assistance activities designed to preserve or restore acceptable living conditions and enable people (whether IDPs, returnees or residents) to maintain an adequate standard of living and a socio-cultural environment that is as close as possible to their habitual one until their basic needs can be met by the authorities or by themselves. The ICRC also supports the relevant local authorities and existing structures.

These activities, often carried out in close cooperation with the National Red Cross or Red Crescent Society of the country in question and, in many instances, National Societies from other countries, focus on providing direct services and material aid. They include:

- è the distribution of essential items, such as food, water, seed and farming tools;
- è micro-economic initiatives;
- è hygiene and health-care programmes;
- è efforts to keep family members together or restore family links once they have been severed;
- è mine-action programmes, covering prevention, first aid, surgery and limb-fitting services, wherever people are exposed to landmines or unexploded remnants of war.

In addition, the ICRC leads and coordinates the efforts of the other components of the International Red Cross and Red Crescent Movement in situations of armed conflict and internal violence, and it leads all of the Movement's efforts to restore family links, an essential activity wherever people have been displaced.

In its humanitarian response, the ICRC always seeks to strike a balance between action undertaken to meet the specific needs of IDPs and more general efforts aimed at broader segments of the population. Support for an entire population may be necessary, especially since residents often share any available resources with IDPs and are in just as much in need as they are.

Promoting self-reliance among affected communities is one of the major aims of ICRC assistance programmes. One way of achieving this is to help the resident population meet its needs so that displacement is avoided and, if necessary, improve its capacity to host IDPs. In fact, the resident population often requires additional support when it is hosting IDP camps or individual IDPs.

In parallel, the ICRC strives to preserve existing coping mechanisms used by residents or IDPs and avoids worsening the situation by increasing the disparities between various segments of the population, which can create or exacerbate tensions. It also facilitates return if the circumstances allow.

Long-term displacement requires different approaches and raises difficult questions for humanitarian organizations in terms of type and duration of response. Exit strategies often

³ In its broadest sense, the concept of protection encompasses all activities aimed at ensuring that States and other parties to armed conflict fully respect the rights of individuals and fully comply with their obligations under the relevant bodies of law, in accordance with both the spirit and the letter of the law. For the ICRC, protection, in its strictest sense, encompasses all activities aimed at preventing or putting an end to violations of the rights of individuals by States and other parties to conflict and preventing or putting an end to disregard by those parties for their obligations under IHL and other fundamental rules protecting individuals in situations of violence, in accordance with both the spirit and the letter of the law.

include advocacy and the mobilization of other parties. Clearly, providing emergency-type assistance is inappropriate when the problem becomes one of socio-economic development.

In view of this, the ICRC's action may differ from one context to another.

V. COMPLEMENTARITY WITH OTHER HUMANITARIAN ORGANIZATIONS AND ICRC COMMITMENT TO A COLLABORATIVE APPROACH

Given the scope and magnitude of the problem of internal displacement, it is generally recognized that an effective and comprehensive response to the needs of IDPs and returnees is beyond the capacity of any single organization. For decades, the ICRC has therefore endeavoured to step up its coordination with other humanitarian organizations in this domain.

As standing invitee to the meetings of the Inter-Agency Standing Committee (IASC), the ICRC has taken an active part in the cooperative approach promoted by the IASC, encouraging a broad range of UN and non-UN players to work together in a transparent manner, taking into account their individual mandates and expertise.

The ICRC is fully committed to implementing effective coordination with other players while preserving its independence, neutrality and impartiality. On several occasions, it has also reiterated its will to develop efficient operational complementarity with other humanitarian organizations – on the basis of real resources and capacities rather than intentions – with a view to providing the best possible assistance for those in need.

Among other measures, the United Nations emergency relief coordinator launched the concept of "clusters" in mid-2005 to improve the predictability, accountability, timeliness and effectiveness of the humanitarian response for "all the people and communities affected by crisis."⁴ The cluster approach, which assigns the responsibility for key sectors to different agencies, is also aimed at strengthening the cooperative approach to IDP crises. Among the nine clusters that were specifically created to boost the humanitarian response to crises, three clusters led by the Office of the United Nations High Commissioner for Refugees (namely protection, camp coordination and management, and emergency shelter) relate only to conflict-generated IDPs.

The ICRC has closely followed efforts to develop this new cluster approach, particularly in situations of armed conflict where civilians, including IDPs, are protected by IHL and are the traditional beneficiaries of ICRC activities. However, the ICRC does not intend to take the lead for any cluster or be a cluster member, as this would entail accountability to the United Nations.

In the field, the ICRC continues to coordinate its activities with those of a broad range of UN and non-UN players. Its delegations maintain contact with the UN humanitarian coordinator and are already coordinating with cluster leaders in order to ensure efficient operational complementarity and a better humanitarian response to the needs of people affected by armed conflict and other situations of violence. They also aim to uphold the ICRC's recognized operational framework and implement the organization's context-driven approach, guided by the best interests of these people. Coordination is intended to increase the response capacity of the humanitarian community and improve the services it provides.

The ICRC is currently exploring new ways of extending the scope of its cooperation with other humanitarian players in order to provide the most comprehensive response possible to the plight of IDPs and returnees. For example, the ICRC might consider establishing local or

⁴ This includes both complex emergencies and natural disasters. The cluster approach should enhance humanitarian cooperation and improve the humanitarian response to new major crises (for up to 500,000 beneficiaries) and to current major emergencies. See Final Outcome Statement, IASC Principals meeting 12 September 2005.

headquarters agreements with humanitarian agencies or implementing enhanced forms of cooperation in given situations so as to direct other agencies towards needs that it cannot cover. The ICRC might also take part in training programmes or encourage other agencies to draw attention to IHL and encourage its implementation. At the local level, the ICRC could take part in joint evaluations of specific problems affecting IDPs and returnees. It could help identify specific or general weaknesses in the humanitarian system, for example where the needs of a specific group of IDPs or returnees are not being met. The ICRC could also comment on the findings of other humanitarian players regarding IDP issues in specific contexts.