

Key NGO messages to be delivered at the High Commissioner's Dialogue on IDP Protection (11-12 December 2013)

This document has been drafted in consultation with a wide range of NGOs and attempts to reflect the diversity of views within the NGO community.

NGOs commend the High Commissioner for deciding to focus this year's Dialogue on IDPs. Below are eight overarching messages to be considered throughout the Dialogue and three proposed workstreams to follow the Dialogue.

Key Messages

In terms of overarching messages, NGOs urge participants to promote:

1) The meaningful involvement of IDPs and host communities. IDPs and host communities are the first to respond. They have their own coping mechanisms and develop their own solutions. States, UN agencies, and NGOs should *complement* their efforts and ensure their *active participation* in processes affecting them. Strengthening participation and ensuring their leading role can contribute towards rebuilding self-confidence, self-esteem, self-reliance, resilience and durable solutions.

2) National responsibility and effective protection. States hold the primary responsibility for IDP protection and assistance. Building on the Guiding Principles on Internal Displacement and the Kampala Convention, NGOs urge States to: a) develop and enact effective domestic legal and policy frameworks compliant with regional and international standards; b) ensure IDP legislation incorporates provisions that allocate adequate resources and designate structures to support putting those resources in place; and c) provide effective and timely coverage of IDPs' fundamental needs, their access to services, and respect for their human rights.

3) UNHCR's institutional commitment and leadership in responding to the needs of IDPs. UNHCR plays a central role in IDP protection. UNHCR's commitments to IDPs should not be a secondary priority for the agency relative to its other populations of concern - refugees, stateless persons and returnees. In addition, UNHCR's role on IDPs should not be limited to the cluster system. NGOs call on UNHCR to: a) ensure IDPs are given the same consideration based on needs as other beneficiary populations within its Global Strategic Priorities and Country Operations Plans; b) allocate resources based first and foremost on rights, needs and vulnerabilities, particularly in protracted situations; c) establish a full-time position for a senior-level "focal point on IDPs" to lead a section devoted to IDP protection; and d) continue to hold and coordinate policy debates on IDP protection with the widest range of actors to reinforce UNHCR's position as "agenda setter" and IDP advocate. NGOs also call on UNHCR's Executive Committee to enable and support UNHCR in fulfilling its IDP role and responsibilities.

4) A strong, well-coordinated humanitarian architecture giving due weight -- based on need -- to the protection of IDPs at strategic and operational levels. The Emergency Relief Coordinator, who is mandated by the General Assembly to play a central role on the coordination of IDPs, is the head of the Inter-Agency Standing Committee and appoints Humanitarian Coordinators. NGOs call on the ERC to expand her work with NGOs, the major operational actors engaged in the protection of IDPs. NGOs also call on OCHA to

strengthen its advocacy and capacity on IDP issues. Finally, NGOs encourage the IASC to establish an instrument designed to measure States' effective exercise of responsibility against the benchmarks of the *Framework on National Responsibility*.

5) Predictability of leadership in natural disasters. The cluster approach aspires to clarify responsibilities in complex emergencies. This has largely been attained in most displacement situations arising from conflicts and violence. However, predictability of leadership remains less clear in situations of natural disasters. UNHCR is the only UN agency with both on-the-ground experience and capacity to effectively and consistently respond to the variety of protection concerns that are present in the aftermath of natural disasters and to ensure the response is duly coordinated and appropriately funded. NGOs encourage UN Member States to agree that, as a general rule, UNHCR should lead the protection cluster in a natural disaster unless UNHCR has no or limited presence in the country and another agency has expertise and capacity on the ground.¹ NGOs find it encouraging that UNHCR promptly took the protection cluster co-lead in response to Typhoon Haiyan disaster in the Philippines.

6) Support for the mandate of the Special Rapporteur. NGOs reiterate the importance of the mandate of the Special Rapporteur on the Human Rights of IDPs and his role as a powerful voice on IDP protection at the global level. NGOs call on States, humanitarian, development, and peace building actors to facilitate, support and strengthen his work and mandate, establish a dialogue with him, and provide him access to situations of internal displacement as needed.

7) Rigorous consideration of age, gender and diversity. NGOs call on States, UNHCR, and humanitarian and development actors to ensure adequate consideration to age, gender, and diversity concerns, including specific needs, in programming. Identification of specific needs and strengthening of the capacities of IDP women and girls can be improved, as evidenced in the recent report by the Special Rapporteur on the Human Rights of IDPs on IDP women presented this year at the Human Rights Council. Given that 47% of IDPs are children, we welcome UNHCR's Framework for the Protection of Children as a useful tool to address the protection needs of IDP children and call on States to fully apply and resource the Framework. We also look forward to collaborating with UNHCR in its current initiatives on community-based protection and improving response to specific needs of groups less frequently mentioned or addressed such as youth, older persons, persons with disabilities, and pastoralists.

8) Comprehensive durable solutions. NGOs call on humanitarian, peace building, disaster risk reduction, and development actors to support the search for durable solutions in a more collaborative and integrated manner. This should include livelihoods support, the fulfilment of housing and tenure security rights, and the development of commonly agreed indicators on the achievement of durable solutions. NGOs encourage UNHCR and UNDP to work together in leading and implementing the Secretary General's decision on durable solutions and its accompanying framework on ending displacement in the aftermath of conflict.² This should include extending support to countries wishing to join the pilot exercise and developing guidance to implement the IASC Framework on Durable Solutions.

¹ High Commissioner António Guterres' 17 January 2011 letter to UNHCR's Executive Committee Chair.

² The Secretary General's 4 October 2011 decision #2011/20.

Proposed Work Streams

NGOs encourage the High Commissioner to announce in his concluding remarks three work streams to carry on the momentum of the Dialogue:

1. UNHCR will conduct a review to determine how it could better institutionalize its attention to IDPs and propose an action plan. NGOs have called on UNHCR to: a) ensure IDPs are given the same consideration as other beneficiary populations within its Global Strategic Priorities and Country Operations Plans; b) allocate resources based first and foremost on rights, needs and vulnerabilities, particularly in protracted situations; c) establish a full-time senior-level “focal point on IDPs” to lead a section devoted to IDP protection; and d) continue to hold and coordinate policy debates on IDP protection with the widest range of actors to reinforce UNHCR’s position as “agenda setter” and IDP advocate. UNHCR could also convene an Informal Consultative Meeting with its Executive Committee to allow for the reconsideration of more predictable UNHCR leadership in natural disasters that recognises its particular expertise, including vis-à-vis other protection mandated agencies within the UN system.

2. UNHCR will work with regional actors and NGOs to support country ratification and implementation of the Kampala Convention. The entry into force of the Kampala Convention, just one year ago, opened an excellent window of opportunity to work with national and regional actors towards the domestication and implementation of legal standards on the protection of IDPs. Country-based and regional institutions and organisations (such as the AU, ECOWAS, CoE, etc.) should advocate for the adoption of national instruments, since they are well-placed to detect cultural sensitivities, identify political trends, and understand local dynamics that may influence the processes. UNHCR, with the support of NGOs, should promote a sufficiently inclusive process that includes IDPs, community-based organisations, and people affected by displacement.

3. UNHCR and UNDP will operationalize the Framework for Durable Solutions and extend the piloting of the Secretary General’s Framework for Ending Displacement in the Aftermath of Conflict. The Framework for Durable Solutions -- taken alongside existing IASC guidance on reach durable solutions for both IDPs and refugees -- offers criteria and conditions that serve as benchmarks to guide national processes towards durable solutions and to assess the level of attainment of durable solutions in given contexts. Collection of evidence-based data (e.g. through profiling) on achievement of durable solutions should inform UNHCR and other relevant stakeholders’ programming. UNHCR can play a pivotal role within the Global Protection Cluster and the Early Recovery Cluster Task Force on durable solutions in further refining existing guidance and developing operational/monitoring tools with clear performance indicators. Additionally UNHCR should collaborate with other relevant actors from humanitarian, development and peacebuilding sectors to establish and implement national and regional operational strategies and allocate adequate funding to contribute to meet the objectives set out in the SG Framework for Ending Displacement in the Aftermath of Conflict through its Country Offices in Cote d’Ivoire, Afghanistan and Kyrgyzstan. Furthermore, UNHCR can promote the extension of the SG Framework to include displacement in the aftermath of natural disasters.