

The Guiding Principles in national legislation and policy documents

Although non-binding as such, the Guiding Principles have gained considerable authority in several countries where national authorities have used them when designing national laws and policies for the protection of IDPs. Below are examples of how the Guiding Principles have been referred to in legislation and policies at the national level, thereby becoming an official tool of reference for national authorities.

Angola – Norms on Resettlement of the Internally Displaced Populations (2000)

Angola was the first country to enact elements of the Guiding Principles directly into its national law. In October 2000, the Angolan Council of Ministers used the Principles as its guide in formulating its "Norms on Resettlement of the Internally Displaced Populations". The Norms placed primary authority in overseeing resettlement and return with provincial governments and a "Subgroup on Displaced Persons and Refugees", consisting of governmental entities, NGOs, humanitarian organisations and other institutions. The Norms also provided that returning and resettling populations would be given at least one half-acre of arable land, in sites cleared for mines with proper sanitation facilities, as well as "resettlement kits" including seeds and tools. The Norms called on provincial and national entities to establish and maintain a "presence" in the sites of resettlement and return to monitor progress there.

The government later elaborated on the Norms with the "Regulamento" which fleshed out the provisions of the Norms with more specific requirements. The Norms were also supplemented on the provincial level by local plans for the protection of returning and resettling persons ("Provincial Emergency Plans for Resettlement and Return"), developed in conjunction with humanitarian assistance organisations.

Burundi – The Framework of Consultation for the Protection of IDPs (2001)

On 7 February 2001, the Minister of Human Rights and the UN Humanitarian Coordinator signed the Framework for Consultation on Protection of Internally Displaced Persons. It established an open forum to discuss issues related to IDPs, particularly access and protection, to facilitate assessment and rapid intervention mechanisms and to support the implementation of the UN Guiding Principles on Internal Displacement.

The Framework consists of two main bodies: a high-level Committee on the Protection of IDPs and a Follow-Up Technical Group. Membership of the Committee, which should meet on a monthly basis, includes the Burundian Minister of Human Rights (President), the Minister of Defence, the Minister of the Interior, the Minister for Reinstallation and Reintegration of the Displaced and Returnees and the President of the National Human Rights Commission, as well as the UN Humanitarian Coordinator (Co-President), the head of the OCHA Office, the country representatives of UNHCR and the UN High Commissioner for Human Rights, the representative of a consortium of international NGOs based in Burundi and the Burundian human rights NGO "Ligue Iteka", in representation of international and national NGOs respectively.



Colombia – Judgements by the Constitutional Court (2000 and 2001)

The Constitutional Court delivered several judgments which cite the Guiding Principles in support of actions in favour of the internally displaced. In one of these judgements (SU/1150, August 2000), the Court, while noting that the Guiding Principles do not constitute an international treaty, stated that they clarify the gaps and grey areas in existing international law and have been widely accepted by international human rights organisations and should, therefore, be used as the parameters for the creation of rules and for the interpretation of the national law regarding forced displacement, adopted in 1997.

Peru - Law No. 28223 on Internally Displaced People (2004)

Building on the UN Guiding Principles on Internal Displacement, the law defines the rights of citizens with regard to protection against forced displacement, and to assistance during displacement for a period of six months, and during the return, resettlement and integration phases. The law makes it the state's responsibility to prevent displacement, particularly of indigenous and Andean communities who have special ties to their land. It also provides for the creation of a database for the collection of IDP-related information. Implementation of the law falls under the responsibility of the Ministry of Women and Social Development (MIMDES).

Uganda – National Policy on Internal Displacement (2004)

On 25 August 2004, the government of Uganda approved the National Policy on Internal Displacement (IDP Policy). This creates a framework for the government and its international partners to address the protection concerns of IDPs, as well as preparing for the anticipated voluntary return of IDPs to their areas of origin, security permitting.

The policy guarantees voluntary resettlement and return, makes protection of internally displaced persons a key government objective, and requires national and local governments to provide humanitarian assistance, shelter, assistance in recovering land, education, and other fundamentals. The policy provides for a number of policy and technical committees to carry out its provisions. It also recommends the dissemination of the Guiding Principles, in particular among the police and armed forces.

United States (USAID) – Assistance to Internally Displaced Persons Policy and Implementation Guidelines (2004)

As the acknowledged lead US government agency for addressing internal population displacement, USAID has adopted a policy document to coordinate the policy and response of the US government to the problem of internal displacement. The policy provides that in countries where the problem exists or is likely to develop, bureaus and Missions must incorporate the IDP issue in emergency relief, transitional aid and long-term development assistance. It states that USAID supports the goals of the Guiding Principles, and encourage its partners and host governments to use them as a practical reference.

The Implementation Guidelines provide detailed approaches that USAID programmes could incorporate as appropriate to each country situation. They provide an illustrative list of protection activities that support all phases of displacement, from prevention to activities related to return, resettlement and reintegration.

The documents mentioned in this handout can be found on the Global IDP Database of the Norwegian Refugee Council (www.internal-displacement.org) or can be obtained upon request from jdmc@nrc.ch.