

- ♦ persons to be displaced should have access to adequate information regarding their displacement, the procedures of compensation and relocation, effective remedies and, where appropriate, compensation for loss of land or other assets, and efforts should be made to obtain the free and informed consent of those to be displaced; and
- ♦ establishment of a right not to be arbitrarily displaced should specify the impermissible grounds and conditions of displacement and the minimum procedural guarantees which must be met should displacement occur.

The report notes that the development of Guiding Principles (E/CN.4/1998/53/Add.2) was intended to address internal displacement in all phases, including prevention, provision of protection and assistance during displacement, and promotion of durable solutions. The Principles, in draft form:

- ♦ revise the definition of internally displaced persons: eliminating temporal and quantitative criteria, for example, "suddenly or unexpectedly in large numbers"; continuing to cite specific causes of internal displacement but not in such a way that the list compiled is exhaustive;
- ♦ explicitly define and detail the right to be protected against arbitrary displacement from one's home or place of habitual residence;
- ♦ enumerate the guarantees to be met when authorities undertake displacement after having ensured that no alternative courses of action exist;
- ♦ stipulate that displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty or security of those affected;
- ♦ underline that states have a particular obligation to provide protection against displacement to indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands;
- ♦ seek to address the specific needs of internally displaced women and children as well as those of particularly vulnerable categories of persons among them, such as expectant mothers, mothers with young children, female heads of households and unaccompanied minors;
- ♦ call for special efforts to ensure the full participation of women in the planning and distribution of relief supplies;
- ♦ explicitly protect women and children against rape, gender-specific violence, forced prostitution, contemporary forms of slavery — such as sale into marriage, sexual exploitation and forced child labour — and the forcible recruitment of children;
- ♦ specify that for internally displaced persons the right to respect of family life includes that family members

should be allowed to remain together during the course of displacement and that families separated by displacement should be reunited as quickly as possible, particularly when children are involved; and

- ♦ are intended to apply both to governments and non-state actors and provide a benchmark against which to monitor and measure the treatment of the internally displaced.

The commentary on the institutional framework to address the needs of internally displaced persons notes that there are serious gaps in existing arrangements, including: the lack of one international organization mandated to assume responsibility for the internally displaced; the ad hoc nature and constraints arising from problems of coordination and neglect of protection in the current collaborative approach based on inter-agency coordination; and the fact that the provision of protection and assistance to internally displaced persons remains one of the humanitarian issues that falls in the gaps of the existing mandates of various agencies. The report then states that, in the absence of a comprehensive, systematic and effective response on the part of the UN system to situations of internal displacement, one of the key features to the mandate of the Representative will be, in future, to ensure that developments in the normative and institutional frameworks are translated into effective action on the ground.

On that basis, a number of activities are proposed for the mandate, including: dissemination of the normative standards on internal displacement and promoting their use by governments, international organizations and non-governmental organizations; assisting in the development and delivery of the UN Complex Emergency Training Initiative (CETI) training module on internally displaced persons so that UN staff can become better informed about how to address situations of internal displacement; fostering more collaborative institutional arrangements, both at headquarters and in the field, with respect to the internally displaced; bringing cases of internal displacement to inter-agency meetings and closely monitoring the more than 35 countries with serious problems of internal displacement; promoting more effective responses to situations of internal displacement by national, regional and international actors, in particular by developing closer relationships with regional organizations; undertaking missions to countries where the situation of internal displacement is particularly severe; conducting follow-up activities to these missions; devoting specific attention to the needs of women and children; and preparing periodic reports to the Commission and the General Assembly detailing developments in all of these areas of activity.

Legal Aspects to the protection against arbitrary displacement

This report (E/CN.4/1998/53/Add.1) is the second part of the Representative's compilation and analysis of legal norms related to internally displaced persons (see