Monitoring the Rights of the Internally Displaced

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Introduction

In his concluding remarks to the 2001 edition on monitoring mechanisms, which he co-edited, Gudmundur Alfredsson noted that “for pushing governments towards compliance, the reliance has been on the embarrassment factor rather than enforceable obligations”. It seems to me he must have read the minds of those who have worked since the early 1990s to advance the rights of the internally displaced.

The Guiding Principles

In 1997, in an article on monitoring the rights of the internally displaced included in the 2001 edition on monitoring mechanisms, I explained the drafting history and the rationale of the Guiding Principles on Internal Displacement (hereinafter “the Guiding Principles”), which had just been issued. The Guiding Principles were a comprehensive attempt to include in one concise document the rights that the internally displaced must enjoy at any time. They were based on studies compiling and analysing applicable legal norms, which were determined to be significant because they address best the greatest

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needs of the internally displaced. In turn, these needs were identified on the basis of field reports and the field experience of experts from different humanitarian agencies.

The Guiding Principles provide clarity to governments, non-governmental organisations and the internally displaced themselves. As the current Representative of the Secretary-General on the Human Rights of Internally Displaced Persons Walter Kaelin recently observed, "the Guiding Principles go beyond a simple compilation and restatement of those human rights and humanitarian law guarantees that are applicable to situations of internal displacement. They provide a fully-fledged framework for identifying protection needs and for planning, implementing and monitoring protection activities."4

Ten years later, the Guiding Principles have fulfilled the most optimistic hopes of their drafters as to what could be achieved with their adoption. They have been subjected to further academic scrutiny and analysis,5 have been widely disseminated to humanitarian workers and are used to design programmes for the internally displaced. They have been recognised by governments,6 have been translated into more than 40 languages and have formed the basis for national and even regional legislation.7 The Guiding Principles are generally viewed as a "compact, usable document" for better protection of internally displaced persons.8 Importantly, they provide a yardstick for monitoring the rights of the internally displaced and a tool for measuring progress.

**Monitoring by the Representative on the Human Rights of Internally Displaced Persons**

While work on the translation, dissemination and promotion of the Guiding Principles was taking place worldwide, the mechanisms through which the rights of the internally displaced could actually be monitored within and outside the United Nations (UN)

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5 Kaelin, supra note 2.

6 See General Assembly resolution 60/168, UN Doc. A/RES/60/168, 7 March 2006, op. paras. 8, 9.
