Darfur's Displacement Dilemma: Operational Coordination and Aid Reform for IDP Returns

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Abstract

he Darfur region of Sudan has approximately 2.7 million internally displaced persons (IDPs), making it one of the most widespread and protracted internal displacement contexts in the world. This article analyzes the current internal displacement situation in Darfur and the challenges it poses to the security of returning IDPs and the achievement of durable solutions for return, reintegration, and resettlement. The Guiding Principles on Internal Displacement, and specifically the 2009 Framework for Return in Darfur, provide a lens through which to analyze the mandate and actions of the civilian humanitarian community (coordinated through UNHCR) and the UN/African Union hybrid peacekeeping mission (UNAMID). The article will provide recommendations on how to formalize operational-level coordination between the humanitarian community and UNAMID, and how to improve UNAMID's infrastructure contributions in the future.

Introduction

Internally displaced persons: "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 national or human-made disasters, and who have not crossed an internationally recognized State border"

Return: "the voluntary process [i.e. maintaining freedom of choice] of going back to one's place or region from where one fled"²

Reintegration: the progressive establishment of conditions which enable returnees and their communities to "exercise their social, economic, civil, political and cultural rights, and on that basis to enjoy peaceful, productive, and dignified lives"³

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Durable Solutions: "Three types of durable solutions to internal displacement exist: return to the place of origin, local integration in the areas in which IDPs initially take refuge or settlement in another part of the country, the latter two being termed "resettlement" by the Guiding Principles on Internal Displacement. In order to be considered durable, they must be based on three elements, long-term safety and security, restitution of or compensation for lost property, and an environment that sustains the life of the former IDPs under normal economic and social conditions."

Pervasive insecurity in Darfur, the ambivalent peace process, and impending elections continue to destabilize the region of Sudan. Still, these obstacles have not deterred many internally displaced persons (IDPs) from exercising their freedom of movement, particularly with regards to return. Simultaneous population movement and pervasive insecurity create problems for the hybrid United Nations—African Union peacekeeping operation (UNAMID) and humanitarian agencies attempting to protect IDPs and assist them in the return process. As national and international political pressure to see IDP return in Darfur mount, the coordination mechanisms of UNAMID and the humanitarian community come into conflict. In some cases, UNAMID forgoes

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collaboration with other agencies and intervenes with direct financial assistance in order to compensate for the failed execution of its military mandate to protect civilians.

IDPs in Darfur are uniquely vulnerable for three reasons. First, the types of movements taking place in such an insecure environment make IDP protection more difficult because it is impossible for UNAMID to follow all IDP movements. Second, the lack of coordination between leading civilian and military actors creates unnecessary complications for the return process. Third, political pressure to see return occur negatively affects the voluntary nature of return. The UN Guiding Principles on Internal Displacement are the only existing legal framework to protect IDPs and their ability to return in safety and dignity. Unfortunately,

international actors have not always adhered to these principles. The return process will be further jeopardized if UNAMID continues to blur the lines between its mandate and civilian functions. UNAMID has one of the largest operational budgets of any agency operating in Darfur and is the international military coordinating body in the region; its role cannot be underestimated. At the same time, the world's leading civilian agency on IDPs is the United Nations High Commissioner for Refugees (UNHCR),6 and it possesses the institutional knowledge necessary to facilitate the return process in Darfur. These two organizations should take the lead in establishing a standard protocol for collaboration to deal with the unique challenges of the IDP return process in Darfur.

Returning in Safety and Dignity: Pervasive Insecurity and Selective Support

In 2003, fighting broke out in Sudan's Darfur region between rebel factions and government-supported militias; civilian areas were targeted to induce panic and chaos. Darfurians fled in whichever way they could—some crossing the border into Chad, but most remaining within the delineation of the three Darfur states. By 2006, there were over two million IDPs in Darfur. These IDPs settled into various new living conditions, mainly in camps either attached to preexisting towns or established on unclaimed land. Many families remained close to their places of origin out of convenience—they sought refuge in the nearest town or camp where they felt safe. Feeling "safe" was based on relative perceptions, so some chose to move far away while others opted for the practicality of the closest main settlement.

Such was the case for Ibrahim Mohammed⁸ and his family in South Darfur. Seeking a safe place, they fled their village in mid-2003 to a rapidly growing IDP settlement on the outskirts of South Darfur's main town, Nyala. In 2004, Ibrahim registered his household, composed of his two wives, eight children, and mother-in-law, with the UN World Food Program (WFP). His older children began to attend a primary school in Nyala supported by the United Nations Children's Fund (UNICEF). As the town grew, Ibrahim sold portions of their food ration to buy essentials such as meat or soap, and made money through odd jobs such as delivering goods for local vendors or doing construction work for international agencies.

Ibrahim's income was insufficient to support his growing family in an expensive environment like Nyala. In June 2008, Ibrahim felt safe enough to join men from his village who were returning to villages to cultivate during the rainy season. His village was assisted by an organization working in rural areas, which provided Ibrahim with basic seeds and tools. He planted sorghum and millet. Since the village area remained too insecure to settle, he returned to Nyala while his crops grew. Due to this insecurity and the lack of basic services, Ibrahim did not consider moving his wife or children along with him. During the 2009 rainy season, he returned to the village with one of his wives to plant more crops and take advantage of his neighbor's unoccupied land. This time, Ibrahim and his wife stayed in the village because the security situation had improved slightly; the rest of his family, however, remained in the camp to ensure that the children remained in school and had enough to eat.

Ibrahim contemplated moving home on a more permanent basis, but lacked sufficient resources to do so. Before making plans for this transition, he needed to know how much assistance he would receive from agencies working in the area. But support mechanisms for returnees were too confusing and it was difficult for him to understand who qualified for what benefits. In the late summer UNAMID identified an area in a neighboring village to receive saplings and begin a reforestation campaign. Ibrahim and other community members could not understand why the selected settlement, which had fewer people living on-site year-round than their village, was chosen and their village was overlooked. Adding to the confusion, the organization that

provided Ibrahim and others with seeds and tools had already unveiled a reforestation project in the entire area, including the location identified by UNAMID. While this

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organization emphasized community involvement in growing trees in a nursery, UNAMID distributed saplings to individual landowners. Ibrahim knew of several people who received seedlings twice, and heard that some recipients were not landowners—instead of using the seedlings, landless recipients returned to Nyala market to sell them. Discouraged by the confusion, Ibrahim returned to Nyala after the harvesting period ended and took up another temporary construction position.

Without a coherent understanding of the type of assistance he could receive, Ibrahim did not feel that returning home was a susstainable solution. Insecurity, the lack of coordination between civilian and military agencies, and political pressure to support certain areas distorted Ibrahim's ability to make an informed decision to return in safety and dignity.

The Effects of Distance and Typology of Return in Darfur

In order to understand Ibrahim's dilemma, it is important to examine why Darfur's displacement context makes it difficult for agencies to protect and assist IDPs during the return process. The general assumption is that Darfur's vast territory and the sheer numbers of displaced people are the reasons why IDP protection is difficult. Indeed, estimates say about 200,000 refugees have left Darfur for neighboring countries, while approximately 4.7 million conflict-affected people remain in Darfur, 2.7 million of which are IDPs (this figure includes approximately 200,000 newly displaced IDPs who fled their homes in early 2008). The basic task of understanding where the 2.7 million IDPs are from is nearly impossible in a situation of such large-scale displacement. Even more difficult is ascertaining whether IDPs feel comfortable returning to their places of origin. These are major obstacles in many internal displacement situations, but Darfur's context has two specific challenges which exacerbate the problems identified in the conventional wisdom: short displacement distances and particular typologies of IDP movement.

The first challenge is the short distances between IDPs' place of origin and location of displacement, as in Ibrahim's situation. Each of the three Darfur states is large, but an estimated 90 percent of IDPs are only a two-day walk from their village of origin. ¹² This is because most IDP camps are located in or around former provincial towns; places such as Gereida (South Darfur) grew from 20,000 to almost 150,000 inhabitants. ¹³ Since short distances allow IDPs to move freely on a daily or weekly basis, both national

and international protection agencies (military and civilian) face the difficult task of attempting to protect people continuously in transit. In contrast, refugee repatriation involves a planned movement, supervised by an international agency, and generally takes place once. Security cannot be guaranteed when there are not enough resources to escort all IDPs wishing to move daily. From a humanitarian perspective, constant IDP movement also makes it difficult to produce accurate population estimates and avoid the duplication of aid benefits (or overlooking of certain groups). This, in turn, affects the types of returns common in Darfur and complicates the notion of IDP protection.

IDP Return Movement Typology

IDP return in Darfur has largely taken three forms: seasonal, partial community, and political returns. Although other return patterns may exist, these three forms present the most acute needs during the return process. The various types can be found throughout the three Darfur states, although the percentage of the population engaging in each mode of movement may differ even within a smaller administrative unit. The first and most common trend is seasonal return, which corresponds with the planting and harvesting seasons. The Secretary General's report in November 2009 noted, "The rainy season...brought a number of reports of displaced populations returning to places of origin to engage in seasonal cultivation activities, a phenomenon seen in years past." Since approximately 2006, UNAMID, UNHCR, and UNHCR's implementing partners in the rural areas have noticed seasonal returns as IDPs supplement WFP rations (and often household income) by cultivating crops in rural areas.

Obtaining data on the number of seasonal or temporary returnees in each of Darfur's three states is extremely difficult since movements can occur seasonally, monthly, or even daily. Double-counting IDPs as returnees is a common result of seasonal movement and makes service provision very difficult. Moreover, UNAMID cannot protect all IDPs who choose to move seasonally, leaving them vulnerable to further insecurity during their movement between camps and rural areas. Assisting IDPs in this context means adhering to a slow and voluntary process with fewer tangible results.

The second type of movement is known as partial community returns and is often directly related to seasonal movement. For instance, as in Ibrahim Mohammed's case, male heads of household typically return to their village of origin to protect the land from illegal occupation, maintain a presence in the rural area, and cultivate the land. This allows communities to keep their vulnerable populations (including women and children) in the camps, where they have access to health services, schools, and other aid provided by the humanitarian community. Furthermore, the camps are usually in accessible areas where police and UNAMID troops are able to provide basic security. Data from rural areas of the West Darfur State reveals that, as of 2009, approximately 45 percent of IDP households were originally from settlements where returnees were currently present. The percentage of partially-returned communities varies per Administrative Unit and within each State—for example, areas further

from the Chadian border or those which experienced extremely high levels of brutality during the conflict may have only 15 percent of IDP households from villages where returnees are present. At any given time, individuals from the same community can be considered either "IDPs" or "returnees" based simply on their physical location at the time of assessment. This inaccurate categorization may not fully capture their particular vulnerabilities and needs. Partial community return therefore represents another fluid movement trend that makes the protection of civilians and delivery of humanitarian assistance particularly difficult.

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The third category of IDP movement is political returns, characterized by government-induced incentives for groups to move to a designated location. Using returns as a sign of progress is not a new phenomenon in situations involving internal displacement; political pressure can come from host governments eager to show improvement, from UNHCR seeking to demonstrate the achievement of its goals, or from the international community's eagerness to declare a conflict "resolved."20 In Darfur, local government officials hope that showing significant IDP returns will assist them in obtaining funds and administrative positions from the central government. Although political return happens on a smaller scale than seasonal or partial community return, it is very problematic to

IDP return functioning in compliance with human security needs. Political returns are the most detrimental to a voluntary, informed IDP return process because these IDPs are often not returning to their place of origin but to a space protected and proposed by the government.²¹ Moreover, field assessments reveal that so-called IDPs were actually host community members from the local town-turned-IDP-camp to whom the local government promised tools, tents, and access to land in exchange for settling in a designated area; the "IDPs" were often from different tribes than the original inhabitants.²²

Challenges and Responses to a Volatile Context

In general, the categories of IDP return patterns in Darfur's volatile environment pose three major challenges to the proper implementation of IDP return frameworks and protection mandates: insecurity; infrastructure disagreements between UNAMID and the humanitarian community; and political pressure to "induce returns."

Insecurity

The first and foremost challenge to implementation is insecurity. As the Secretary General's report in November 2009 aptly noted, "Kidnapping, ambush, carjacking

and violent robberies of staff residences underscore the extremely difficult and volatile conditions in which UNAMID and other actors on the ground are implementing their respective mandates."²³ However, "while sustainability and threats of insecurity prevent permanent returns to some places of origin, small numbers of displaced persons have reportedly returned."²⁴ Varying IDP movement patterns outside of designated camp areas make the protection of civilians doubly difficult, but denying IDPs this mobility would be a violation of the notion of freedom of movement outlined in the Guiding Principles.²⁵ It is also nearly impossible to protect civilians in an area the size of Darfur when humanitarian and UNAMID staff are specifically targeted by armed groups and prevented from fulfilling their duties.²⁶

Most humanitarian actors consider UNAMID to be responsible for alleviating the region's security problems. In the latest Darfur Humanitarian Profile, published in January 2009, the international community asked the hybrid peacekeeping force to refocus its efforts on the protection of civilians. Consensus among the All Darfur Protection Working Group members²⁷ centered around three critical points. The first underlined the importance of seeing UNAMID implement its Chapter VII mandate—to prevent and respond to the acute and chronic protection needs of civilians through well-defined roles for the military and police actors on the ground. The second point stressed the need to ensure the consistent participation of UNAMID in Working Groups and other coordination mechanisms to promote transparency in activity planning and implementation methodology. The third point emphasized the need for increased engagement with government authorities, underscoring UNAMID's primary responsibility to protect civilians.²⁸ These priorities highlight the tension between UNAMID and humanitarian actors who expect the mission to be able to fulfill its mandate and keep both civilians and aid workers safe. Given the complexity of displacement, UNAMID's mandate is realistically difficult to achieve with the hybrid force's limited capacity, equipment, and number of troops. It is therefore impossible to guarantee all IDPs the level of security necessary to return; circumstances, rather than human security needs, dictate the areas that allow IDPs to return in safety and dignity. Circumstances conducive to supporting return are usually characterized by good accessibility, either related to security or the physical condition of the terrain.²⁹ Inaccessible return communities cannot be assisted, regardless of their human security needs.

Infrastructure Disagreements between UNAMID and the Humanitarian Community

The second challenge to IDP return in Darfur is the provision of durable solutions to the displacement situation. The most tangible manifestations of this are infrastructure projects (roads, schools, water systems, health clinics, municipal buildings, etc.), which are clearly lacking throughout rural Darfur. Infrastructure also represents the most noticeable divergence between civilian and military actors. The humanitarian community's approach to return (led by UNHCR)—promoting IDPs' right to return in safety after making free and informed choices—can clash with UNAMID's approach.

In recent months, the peacekeeping mission has concentrated on efforts to build a better bond with returnees to overcome the mission's inability to effectively fulfill its protection of civilians mandate.

UNHCR is mandated to determine if IDP return is done voluntarily and in an informed manner. Asking simple questions such as "Whose land is this?" or "Why did you feel safe to return?" helps discern the nature of return and actions needed to sustain that process safely. The humanitarian community, adhering to mechanisms such as the SPHERE Standards³⁰ and, more importantly, the Guiding Principles, then sets benchmarks for the number of people or conditions necessary for a humanitarian intervention in an IDP return area. Different types and sizes of settlements³¹ require different infrastructure investments. For example, tailoring a water project to the size of returnee settlements and implementing it in a conflict-sensitive way can actually reduce the incidence rate of gender-based violence (GBV) or intra-community clashes, thereby reinforcing the Guiding Principles.³²

In contrast, UNAMID developed a rapid-fund initiative called Quick Impact Projects (QIPs) to support the infrastructure process. The term QIP has been adopted by a myriad of organizations, both civilian and military, to denote small-scale, promptly-deployed funds to assist communities. The very definition of QIPs implies that they must be quickly implemented, so often project selection and execution is done outside of traditional, established aid practices such as proposal submission, budget review, and impact assessments. QIP policy documents warn that unless these projects are part of an "integrated strategy for reintegration, rehabilitation and reconstruction, and designed with community participation, their impact is likely to be insufficient, isolated and short-lived."³³ Despite this warning, these important steps are often bypassed in the name of expediency.

UNAMID adopted its own version of QIPs, although these projects often overlook the necessary integration mechanisms. Henry Anyidoho, UNAMID's Deputy Joint Special Representative (DJSR), said the projects "offered a way for the Mission to engage with the community to directly benefit towns and villages,"³⁴ in reference to infrastructure support to a local hospital.³⁵ Generally speaking, there are two types of QIP funding. The first type is channeled through partners—UNAMID approves a project for returnees executed by a third party. These contract-QIPs³⁶ are usually done in collaboration with NGOs or community-based organizations (CBOs). The second type of QIP funding is a community partnership where UNAMID funds communities directly based on an identified need, as with Anyidoho's hospital.

UNAMID's decision to engage in more infrastructure-based IDP return support, such as school construction or water projects, is often attributed to the lofty, unrealistic goals in the broader mandate. In practice, the reasoning behind the QIPs approach is twofold: flexible funds can better respond to emerging returnee needs and UNAMID does not want to appear disengaged with the civilians it purports to protect.³⁷ Public (IDP and returnee) opinion of UNAMID's success is generally low, given IDPs' initial expectation of disarming the Janjaweed through the now-defunct African Mission in

Sudan (AMIS)³⁸ and their inability to discern between civilian and military components of UNAMID. For instance, in coordination forums such as the Gender-Based Violence (GBV) Working Group, several NGOs in West Darfur mentioned that IDP women did not feel comfortable reporting rape cases to UNAMID because male soldiers accompanied the civilian gender officers to interviews with IDPs.³⁹ Weak divisions between military and civilian components' tasks create confusion not only for beneficiaries, who may have preconceived notions about weapons and uniforms, but also for humanitarian agencies intent upon maintaining a clearly civilian status.

While the intention of using QIPs to build a beneficiary-UNAMID relationship is understandable, tangible results are impossible to measure. Despite the fact that in 2009 UNAMID approved 117 new projects in health, education, water/sanitation, agriculture, income generation, women's empowerment, and shelter (in addition to 34 current projects),⁴⁰ no one knows if these programs are effective on any scale. The UNAMID-funded QIPs take on many different forms but have no official description beyond "small-scale projects, funded by the Mission, which can be implemented rapidly and are of concrete benefit to local communities." There are no publicly available application forms, criteria for project selection, implementation guidelines, or progress reports to demonstrate the effectiveness of the QIP approach. Many humanitarian workers in the field, both within and outside of the UN system, feel that the process of fund allocation is arbitrary and dependent on which battalion is involved and at what level.⁴² QIPs funding also complicates political return situations when the Government pressures the international community to provide support in specific areas that further its interests.

Political Pressure to Induce Return

The third challenge to IDP return-political pressure to induce return-comes from both the international political community and the Government of Sudan (GoS). Although this clearly affects the political category of returns, the pressure also contributes to inappropriate responses (usually infrastructure intervention) in what should be a voluntary and informed return process. Examples of international pressure permeate mainstream media as international political envoys make sweeping statements about displacement in Darfur. In August 2009, a Boston Globe article accused the U.S. envoy to Sudan, Scott Gration, of putting unnecessary political pressure on the return process with "insistent talk about the 'voluntary' return of some 2.7 million displaced

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persons languishing in camps throughout Darfur."⁴³ The article also highlighted the lack of "humanitarian capacity to oversee such returns and ensure their voluntary

nature," and problems arising from the fact that "Khartoum refuses to provide security in areas it controls." Gration's optimism about the feasibility of returns occurring now was juxtaposed with IDPs' views from camps that "they are being asked to return to lands without protection." While the article generalizes the state of the return situation in Darfur, it demonstrates the pressure on humanitarian actors to "complete the job." Unfortunately, pushing for return can skip over the lengthy but necessary steps in an IDP-led, voluntary process.

Political returns present yet another dilemma for international actors, in particular UNAMID, who may want to develop a better relationship with the GoS. Denying government requests to provide food, water, and other assistance to "returnees" can be a sensitive issue. In one instance, UNAMID approved funding for a school construction project in response to a government request regarding an area of West Darfur that did not have the "free and voluntary IDP returns" needed to meet standards set by the international community.⁴⁵ This approach, outlined in the Guiding Principles, stipulates that IDPs should return to their place of origin voluntarily only when they feel ready, given the information they have on security and infrastructure conditions in the return location. The key words are "voluntarily" and "information," which imply an informed and volitional process. Conflicting messages and incentivized return further complicate compliance with the Guiding Principles and IDP return support in Darfur.

The GoS is reluctant to engage with the international community on politicallysensitive topics. It believes that it is the state's prerogative as a sovereign nation to keep internal issues off the table if it so chooses. 46 UNAMID and other actors require explicit permission from the GoS to handle the protection of IDPs.⁴⁷ Supporting political return therefore serves as a rapprochement tactic. Negotiating directly with the GoS allows UNAMID to improve that critical relationship and, in so doing, to meet its mandate objectives. Official reports do not openly accuse the Government of restricting access, but patrol constraints are often referenced in Secretariat reports. In many cases, the Government does not cooperate with UNAMID or international actors on protection issues. In July 28-29, 2009, for example, the High Level Committee on Humanitarian Affairs-composed of senior Sudanese Government officials, representatives of the diplomatic community, regional organizations, and NGOs-visited Southern Darfur. The mission then proceeded to a meeting in Khartoum, which "did not discuss the protection situation in Darfur as planned, as the Humanitarian Aid Commission withdrew its presentation on protection."48 If the Government avoids discussion of these issues, provision for protection cannot proceed as planned.

Current Responses to the Challenges: "Mission-Creep" and a New Return Framework

The term "mission-creep" has been most commonly used in reference to peacekeeping operations in Somalia,⁴⁹ but the idea of a mission expanding beyond its intended goals certainly applies to the UN-AU mission in Darfur. UNAMID's "mission-creep" is most obvious in the QIPs' ambiguity, and is further compounded by high-level indecision

with regards to UNAMID's policy on IDP return. The reports on UNAMID's activities vacillate between referring sustainable and voluntary return solutions to the "lead agencies in Darfur"⁵⁰ and wanting UNAMID to take a more active role in service provision to tangibly measure the mission's impact. However, the selection process for the QIPs has not been made public and UNAMID often implements the programs itself. The danger is that UNAMID, in an effort to promote a better image of the mission, will focus on issues that are not central to the mandate's objectives. Headlines such as "Blue Helmets Think Green—UNAMID embarks on tree-planting exercise"⁵¹ represent policies that do little to protect civilians or contribute to the achievement of durable solutions. UNAMID must be extremely careful that its side projects do not detract from fulfilling its mandate in Darfur.

The other major response to IDP return challenges—improving organizations' coordinated agendas to support IDP returns—is achieving incremental results. Many coordination efforts, initiated in the latter half of 2009 and underway now, seek to

integrate UNAMID's mandate with the broader humanitarian community's objectives and the Guiding Principles on Internal Displacement. The Humanitarian Country Team⁵² endorsed the creation of a mechanism to "verify the voluntary return of IDPs, as well as to ensure safety and security in return areas, in accordance with international humanitarian principles." This mechanism, known as the 2009 Framework for Return in Darfur, was designed at the field level and endorsed in July 2009. Perhaps most importantly, the Framework incorporates an annex on the

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"information sharing roles and responsibilities" of humanitarian actors regarding IDPs' right to make free and informed decisions to return. The document advises that, in order for the humanitarian community (including UNAMID) to endorse an IDP return movement, UNHCR or the International Organization for Migration (IOM, an organization affiliated with the UN) must determine whether, *inter alia*, the "intention to return is/was genuine, the conditions for return in safety and dignity are/were met, the respective returnees are/were original inhabitants of the village/area, and IDPs make a voluntary, free and informed decision to return, irrespective of the means of return (e.g. [Government] assisted or spontaneous) is being/was made." 56

These documents are a response to the challenges created by seasonal return and political pressure to support "non-genuine" return. Their goal is to avoid situations like the political return dispute between UNAMID and the humanitarian community when UNAMID West Darfur negotiated directly with the Sudanese government, undermining the coordination strategy.⁵⁷ The Framework's effectiveness will likely be measured late in 2010, when actors can determine if the policy influenced agencies' support to the return process.

Challenges still remain with respect to insecurity, infrastructure, and the politicization of return. Despite the new Sudanese National Policy on IDPs, the Secretary General noted with displeasure the Government's unwillingness to join the international community's efforts to uphold the Guiding Principles on Internal Displacement. The proposed joint verification mechanism between the GoS and the international community used language directly from the Guiding Principles to "ensure that returns in Darfur are sustainable by enabling IDPs to exercise a free, informed and voluntary choice to return to their areas of origin in safety and dignity." The international community emphasized that the mechanism should be collaborative between the Government, the UN, civil society, and observer organizations; but as of October 19, 2009, the Government had yet to respond officially to the proposal. The reasons for the Government's recalcitrance are vague, though officials cite other priorities such as formalizing agreements with rebel groups. Regardless, a formal verification cannot proceed without Government participation and approval.

Setbacks in the process should not, however, prevent UNAMID and the humanitarian community from continuing to collaborate on IDP return issues. These are outlined in the frameworks but still require better practical application. Improving coordination and implementation requires a concrete understanding of civilian and military mandates, and particularly how they reflect the legal frameworks for IDP protection.

Civil-Military Operational Arrangements

The agency mandated to take the lead on global IDP protection is UNHCR.⁶⁰ UNHCR's strength in handling IDP return in conflict situations comes from its refugee experience, as well as its use of the Guiding Principles in fulfilling its IDP obligation. UNHCR specifically supports IDP return through a community-based, participatory, and informed approach using situation analysis and expertise.⁶¹ The mandate recognizes that IDP return and reintegration are part of a process, not an outcome, led by IDPs themselves.⁶²

It is important to note that, although UNHCR has a de facto global mandate to coordinate relief efforts for internal displacement caused by conflict, ⁶³ the GoS did not approve UNHCR's involvement in managing the IDP camps. UNHCR's mandate to protect IDPs is often viewed by host governments as an infringement on sovereign state activities. When possible, the Sudanese Government avoids signing a formal Memorandum of Understanding that commits them to protection responsibilities, and opts for a less committal Letter of Understanding. This is viewed as a legal slight toward UNHCR, in response to the UN agency's controversial protection mandate. ⁶⁴ For this reason, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) is the focal agency for camp coordination in Darfur. This, however, can create tension and confusion over "turf issues" between UNOCHA, UNHCR, and the IOM (the agency mandated to identify and categorize IDP return movement in Darfur). This has been an ongoing challenge since 2004.

When UNHCR entered Darfur in 2004, most agencies surmised that internal displacement in the region would be short-term. ⁶⁶ This assumption led the UN to create a "Framework for Return in Darfur" in January 2006, based on the formal Memorandum between the GoS and the IOM/UN and its Letter of Understanding with UNHCR. ⁶⁷ The Framework began by stressing that "an absolute pre-condition for return is that the physical and material safety and security at place of origin are ensured." ⁶⁸ This was a full two years before UNAMID was deployed with a robust Chapter VII mandate and primary responsibility for protecting civilians and providing humanitarian access to war-affected populations. ⁶⁹ The IDP return framework therefore called for increased security but did not incorporate the UN-AU peacekeeping mission into the planning and durable solutions assistance phases.

UNAMID entered into the protection picture on January 1, 2008, replacing the AMIS observer mission.⁷⁰ Although the GoS retained the right to guarantee field access for UNAMID and approve troop-contributing countries in order to maintain the mission's "predominantly African character,"⁷¹ this was a major step forward in establishing the necessary security for IDP protection and return.

The latest mandate renewal in July 2009⁷² included the important creation of a benchmark-based work plan to track UNAMID's progress.⁷³ The strategic plan, developed in consultation with the African Union, identified four priority areas for "concerted action required to realize the overall goal of the international community of achieving a political solution and sustained stability in Darfur."⁷⁴ Each area has an accompanying situational assumption that makes the goal possible; some are realistic, while others seem currently unattainable. The two priority areas pertinent to IDP return emphasize stability. The first calls for "the achievement of a secure and stable environment," assuming "the Government of Sudan will continue to cooperate with

UNAMID and permit the Mission to conduct all of its mandated activities." The second priority is aimed at "the achievement of a stabilized humanitarian situation" with the assumption that "the security situation...will enable the continued deployment and functioning of the Mission."⁷⁵

The priority areas have not achieved their goals of reinforcing UNAMID's role in maintaining good relations with the GoS and bringing about a "stabilized humanitarian situation." On the other hand, this new approach founded on prioritizing overarching goals and making assumptions about the conditions necessary to achieve these goals represents a more conscientious and integrated methodology to UNAMID's interaction with other actors within the Darfur context. UNAMID must take care, however, that the conditions do not

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raise expectations and render mandates for both UNAMID and the humanitarian community more difficult to achieve.

It is also fundamental to link UNAMID's new goal-oriented strategy and UNHCR's mandate with the Guiding Principles on Internal Displacement. William O'Neill aptly notes that "it is essential to uphold international legal principles to address the roots of conflict, otherwise relief will be misguided." In a volatile and complex IDP situation such as Darfur, the Guiding Principles keep humanitarian and peacekeeping actors grounded in the fundamental aspects of voluntary and informed return.

The Guiding Principles on Internal Displacement: Why a Legal Framework is Necessary

The Guiding Principles on Internal Displacement⁷⁷ are essentially the only legal tool that safeguards the human security of internally displaced persons. They were adopted in 1998 because of the work of Francis Deng, the Representative of the Secretary-General on Internal Displacement, himself an IDP from South Sudan. The Guiding Principles provide the most comprehensive and widely accepted norms on the protection and rights afforded to internally displaced people during conflict, despite the fact that no binding international law protects IDPs. All international actors, including peacekeepers, are obliged to uphold them.⁷⁸ Francis Deng's work was the culmination of six years of recognizing and analyzing the particular plight of IDPs.

The Guiding Principles are fundamental to IDP return in Darfur because they ground IDP movement in a free and informed process. Section V of the Guiding Principles addresses "Return, Resettlement, and Reintegration," later coined by the Brookings Institution as "Durable Solutions for Displacement." This section of the Guiding Principles emphasizes the preeminence of IDPs' right to return in safety and dignity, regardless of the circumstances surrounding their displacement.

Some literature criticizes the Guiding Principles for being too vague or unrealistic, particularly with regards to national authorities' "primary duty and responsibility to provide rights and protection to IDPs." While this obligation is a necessary aspect of state sovereignty, the Guiding Principles also detail the international community's involvement in providing aid and protection if the state is unable or unwilling to fulfill its role as the primary provider for IDPs. This is particularly pertinent in Sudan's case, where recognizing the Government's sovereignty is a prerequisite to working with Sudanese IDPs.

The GoS was able to appease the international community as well as highlight its authority by drafting a new Sudanese Policy on Internally Displaced Persons in 2009. While the Sudanese document establishes the Republic of Sudan's sovereignty, it also acknowledges that the international community "provides assistance upon request of the State...on the basis of Humanitarian principles."⁸¹ Both the Guiding Principles and the Sudanese Policy on IDPs lay the normative groundwork for UN authorized interventions to protect and assist IDPs in Darfur. The institutional framework for

improving the IDP return process exists, but improving coordination and collaboration would close the gap between the Guiding Principles and their implementation in practice.

The Way Forward

Consolidating and improving IDP protection in Darfur hinges upon each component of the international community playing its intended and essential role. IDP protection frameworks and mandates provide structure and guidance for return in Darfur on a broader level. The missing link is the establishment of viable processes in the field that allow UNAMID to demonstrate impact, and enable humanitarian agencies to uphold the Guiding Principles on Internal Displacement. Two suggestions for improvement of the complex return environment for IDPs in Darfur are to formalize coordination at the operational level between the civilian and military components (namely UNAMID and the civilian humanitarian community) and to conform UNAMID's Quick Impact Projects (QIPs) to established aid practices.

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The first suggestion addresses the lack of formalized coordination between UNAMID and the humanitarian community both in Khartoum and in the field. The second examines UNAMID's efforts at improving conditions for return and its relationship with local populations through QIPs implementation. Despite the humanitarian community's protests that UNAMID should not engage in infrastructure projects to support return, both areas of improvement are important to build a sustainable return environment for IDPs. QIPs are needed and are in place, whether the humanitarian community believes this is correct or not. QIPs allow UNAMID to demonstrate unmistakable involvement in and commitment to a post-conflict Darfur. UNAMID needs to show tangible results with regards to its new benchmarks for progress and not rely entirely on the protection of civilians in such a fragile environment as the only measure of UNAMID's success.

Formalize Operational Level Coordination

Form should follow function, and there is nothing preventing the separate components of the international presence in Darfur from speaking with one voice. The political environment surrounding IDP returns in Darfur cannot be ignored; an action plan is imperative. The humanitarian community is compiling guidelines for informed,

voluntary IDP return based on international standards, consensus, and communitybased consultations. In the beginning of this process, UNAMID should emphasize less infrastructure support and more security assistance. Although collaboration on joint assessments is underway, it is ad hoc and subject to personal relationships.82 Formalizing cooperation means following the "speak with one voice" approach, which necessitates deferring to UNHCR as the primary authority on return and reintegration for IDPs globally. An incident such as in August 2009, where UNAMID did not follow protocol agreed upon by the rest of the humanitarian community, can be avoided with a clear and well-documented plan. Specifically, UNAMID's responsibilities would include the provision of troops to conduct surveillance prior to joint field missions and escort participants during the initial assessment phase, and civilian units to participate in the joint field missions (identified separately from the patrol escort troops). Civilian unit representation would also be required at subsequent closed-door meetings to draft field mission assessment reports. Adherence to the agreed upon "one voice" strategy is imperative in this case; meaning that UNAMID cannot publish any information from closed-door planning sessions before the joint assessment report is officially released. Finally, if IDPs return voluntarily to their place of origin and experience living conditions below SPHERE standards, 83 UNAMID can offer QIP funds to meet infrastructure requirements.

The distinction between military and civilian components of UNAMID is especially crucial during the return process, and it is not something that UNAMID has clearly established in the field during its two years in operation. This means designating a focal civilian unit within UNAMID to represent the mission in all protection and return-related discussions. The assumption is that this unit will coordinate with and inform UNAMID's other components.

The procedure outlined above addresses the issues that arise when the GoS or other officials announce IDP return movements. As previously noted, IDP return movement is often seasonal (which becomes permanent) or only involves part of the community (leaving the remaining members displaced). These movements are likely to be reported to UNHCR by lower-level Sudanese officials, NGOs, or IDPs themselves. Since they often take place in rural areas where fewer humanitarian actors are present, it is imperative to establish procedures similar to the official avenues. This will include notifying the nearest UNHCR office, organizing a joint field mission on a smaller scale, and inviting UNAMID to participate. The overarching goal is to ensure that a recognized and streamlined procedure is in place to identify IDP return movements, satisfy IDP policy, and facilitate the return process in safety and dignity.

A major challenge to this approach will be appeasing humanitarian actors who are adamant about maintaining distance from an armed force such as UNAMID. These actors, mainly national and international NGOs who base their interventions on unarmed, community-based involvement, can still participate in return assessments and provide valuable information to UNAMID's efforts. One way of doing this is to allow unarmed international actors to broker discussions about land and security

concerns with traditional leaders to assist them in developing area-specific plans. These actors have experience in local-level interactions and know whom to contact. If these unarmed actors wish to keep their distance from UNAMID, UN humanitarian agencies (which by definition require the use of UNAMID or Sudanese police escorts to access field sites) can hold closed-door meetings to maintain a distinction between the various types of actors in the field.

UNAMID Quick Impact Projects Should Conform to Established Aid Practices

Improving the success of QIP programming requires standardization in measuring the effectiveness of individual projects and the communication of UNAMID's strategy to beneficiaries, humanitarian partners, the GoS, and the greater international community. The first of the two broad categories of QIPs (i.e. contract QIPs) needs improved consistency. In order for contract QIPs to be successful, goals and benchmarks to fund applicants and beneficiaries should be further specified and publicized. Although UNAMID officials emphasize QIPs' rapid implementation, prerequisite groundwork allows ample time for preparation. Procedures such as criteria for project selection, implementation guidelines, and progress reports would arguably speed up and streamline the process of project identification, since UNAMID staff in all sectors would know what gaps to look for and how to report project ideas.

QIP money allocated for direct community funding can be similarly standardized without cumbersome paperwork that would exclude the majority of funding recipients. Guiding parameters for project funding approval can be given to UNAMID Sudanese staff and disseminated verbally to interested communities. Likewise, UN agencies and NGOs should have access to the guiding parameters to report potential projects to UNAMID when appropriate. Parameters for community projects can include general requirements such as community consultations prior to funding and an exit strategy to ensure sustainability of the project once the funding has been given. If further guidance

is needed, IDP and returnee leaders can assist the humanitarian community in devising a list of preapproved projects within the given parameters (for example, school construction where 200 or more children have returned and where the Ministry of Education commits, in writing, to sending teachers). Whether they are specific or broad, the parameters of either contract QIPs or community-based projects need to promote the Guiding Principles on Internal Displacement related to return and reintegration.⁸⁴

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in Darfur compiled a Framework for Returns in Darfur this year, the humanitarian community should assist UNAMID with drafting a broad framework for QIPs that reflects standards harmonized with the rest of the aid community and basic infrastructure needs in return areas. Many humanitarian organizations are experts in designing project implementation guidelines, and UNAMID will have the opportunity to articulate the strategic goals of the QIPs to all groups so that involvement in return area infrastructure is clear to all actors. As always, the element of beneficiary involvement and input into the process should be brought into any discussion regarding a QIPs framework.

Agencies in the field are already prioritizing civilian/military information sharing. The second meeting of the Darfur Return Sub-Cluster took place on October 28, 2009, in El Fasher, North Darfur, with the aim to "enhance cooperation and coordination between IOM and UNHCR on return issues in Darfur by...information sharing/reporting and cooperation with UNAMID on returns." This is a step in the right direction, but the collaboration needs stronger links to UN mandates and the Guiding Principles on the field level. Embracing a complementary approach in the field will allow UNAMID to formalize its involvement in the return process, as well as allow humanitarian agencies to provide the necessary direction to uphold the Guiding Principles and their important implications for human security.

Improving coordination between the main civilian and military actors—and thereby ameliorating protection of IDPs within the constraints of the Sudanese context—will not occur overnight. Resource and political limitations will continue to pose a threat to IDP security in Darfur and will continue to influence the decisions of IDPs like Ibrahim Mohammed. These effects can be mitigated, however, by taking concrete steps toward a better understanding of the realities faced by IDPs and by dividing the work among institutions capable of handling a portion of each challenge.

Endnotes

- 1 Office for the Coordination of Humanitarian Affairs, *The Guiding Principles on Internal Displacement*, United Nations E/CN.4/1998/53/Add.2 (New York: 1998), Introduction, para. 2.
- 2 Republic of the Sudan Ministry of Humanitarian Affairs, *National Policy on Internally Displaced Persons* (Khartoum: 2009), 3.
- 3 UNHCR Geneva, Policy Framework and Implementation Strategy: UNHCR's Role in Support of the Return and Reintegration of Displaced Populations. (Geneva: May 2008), 4.
- The Brookings Institution—University of Bern Project on Internal Displacement. "When Displacement Ends: A Framework for Durable Solutions" (Washington, DC: 2007), 8.
- 5 For facts and figures, please visit http://www.unhcr.org/pages/49e483b76.html.
- 6 Although UNHCR's Statute does not "entrust the organization with any specific legal obli-

gations toward IDPs," Article 9 allows the High Commissioner for Refugees to "...engage in such activities...as the General Assembly may determine within the limits of the resources placed at his disposal." Based on this Article, a series of UN General Assembly Resolutions have acknowledged UNHCR's particular humanitarian expertise and encouraged its involvement in situations of internal displacement. (Source: Erika Feller, UNHCR Assistant High Commissioner for Refugees, Forced Migration Review/Brookings Institution Special Issue, 2007)

- 7 Office of the UN Deputy Special Representative of the UN Secretary General for Sudan, "Darfur Humanitarian Profile No. 34 January 1, 2009," 3.
- 8 Personal interview, Nyala, South Darfur, 16 June 2009. Name has been changed.
- 9 For further analysis, please see William G. O'Neill and Violette Cassis, *Protecting Two Million Internally Displaced: The Successes and Shortcomings of the African Union in Darfur* (Bern: 2005).
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- 11 A. Sarjoh Bah, ed., "Sudan," in *Annual Review of Global Peace Operations 2009* (New York: 2009), 45.
- 12 UN Country Team Sudan, "UN Framework for Returns in Darfur," (2006).
- 13 International Committee of the Red Cross, "Internal Displacement in Armed Conflict: Facing up to the Challenges" (Geneva: 2009), 12.
- 14 UN Security Council, Report of the Secretary General Report on UNAMID, S/2009/592, November 16, 2009, para. 15.
- 15 ICRC, 13-4.
- Darfur Dialogue and Consultation (DDDC), "Building Consensus on Common Ground Issues: Internally Displaced Persons" (2008), 7.
- 17 UNHCR & implementing partners return movement data, e-mail message to the author, November 23, 2009.
- Sudanese States are divided into Localities, with their own local governance structures, which are divided into Administrative Units (AU). UNAMID and the international community use local administrative divisions to organize aid relief efforts and return monitoring data collection.
- 19 For example, the eastern part of West Darfur was especially brutalized by the conflict, and AU partial community displacement ranges from 15-30%. Source: UNHCR & implementing partners return movement data, e-mail message to the author, November 23, 2009.
- 20 UNHCR Evaluation and Policy Analysis Unit, "Consistent and Predictable Responses to IDPs: A review of UNHCR's decision-making processes" (March 2005), 43-5.
- 21 OCHA Coordination Minutes, e-mail message to the author, July 21, 2009.
- 22 UNHCR-Mukjar Office, West Darfur, e-mail message to the author, July 10, 2009.
- 23 UN Security Council, para. 8.
- 24 Ibid, para. 15.
- 25 The Guiding Principles on Internal Displacement (1998), Principle 14.
- 26 For more information on security issues pertinent to humanitarian staff (particularly the recent kidnappings in 2009), please see <www.alertnet.org>.
- 27 The members included the Deputy Humanitarian Coordinator for Sudan, gathered representatives from UN protection agencies, other International Organizations, NGOs active in

- protection from all three Darfur states, and UNAMID representatives (divisions unspecified).
- 28 UN Country Team Sudan, 16.
- The rainy season in most of the three Darfur states generally begins in June and continues into October, during which anywhere from 20-50% of rural areas are inaccessible, according to local and international aid agencies.
- 30 For specific SPHERE standard benchmarks, please visit http://www.sphereproject.org/.
- 31 "Types' refer to the level of abandonment of a settlement, the duration of returnees in the area (seasonal, partial, etc.), and other specific considerations. Source: UNHCR & implementing partners return movement data, e-mail message to the author, November 23, 2009.
- 32 For more information on conflict-sensitive approaches to sustainable return/rural projects in Darfur, please visit <www.undp.org/sudan/dcpsf>.
- 33 UNHCR, "Quick Impact Projects: A Provisional Guide." UNHCR Geneva, May 2004, vi.
- 34 United Nations African Union Mission in Darfur (UNAMID), "More quick impact projects on the way, UNAMID deputy head says," UNAMID, June 17, 2009 http://unamid.unmissions.org/Default.aspx?tabid=898&ctl=Details&mid=1062&ItemID=4409>.
- 35 Ibid.
- 36 "Contract-QIP" is the author's terminology, not an official UNAMID designation.
- 37 UN Security Council, Annex I, para. 8.
- 38 O'Neill and Cassis, 17.
- 39 OCHA Coordination Minutes, e-mail message to the author, February 6, 2009 and July 21, 2009.
- 40 UN Security Council, para. 62.
- 41 United Nations African Union Mission in Darfur (UNAMID), see note 35
- 42 These opinions were obtained through personal interviews with NGO and UN staff, and were also the author's impression in the field January-August 2009; they are also reflected in the OCHA Coordination Minutes from July 21, 2009.
- 43 Eric Reeves, "The Phony Optimism on Darfur," *The Boston Globe*, August 6, 2009 http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2009/08/06/the_phony_optimism_on_darfur/>
- 44 Ibid.
- 45 OCHA Coordination Minutes, e-mail message to the author, July 21, 2009.
- 46 For example, during the expulsions of NGOs in March 2009, the Government representative simply stated that the expulsions were not politically motivated and the topic was closed for discussion, despite the UN Secretary General's warning that humanitarian gaps would be severe (please see http://www.reliefweb.int/rw/rwb.nsf/db90oSID/JBRN-7-PYGY4?OpenDocument).
- 47 In addition to specifications in the Guiding Principles, the Government of Sudan requires explicit Technical Agreements from non-UN agencies, regardless of their partner status with the UN. For more information, please see the Humanitarian Affairs Commission (HAC) Bureau of Sudan.
- 48 UN Security Council, para. 35.

- For more information on the term 'mission-creep', please see the Foreign Affairs example of the World Bank at http://www.foreignaffairs.com/articles/57235/jessica-einhorn/the-world-banks-mission-creep.
- 50 UN Security Council, Annex II, Benchmark IV. UNAMID is generally referring to UNHCR and IOM (please see Ibid para. 34).
- 51 United Nations African Union Mission in Darfur (UNAMID), "Blue Helmets Think Green," UNAMID, July 21, 2009: http://unamid.unmissions.org/Default.aspx?tabid=898ctl=Details&mid=1062&ItemID=4808.
- 52 The Humanitarian Country Team "should be entirely distinct from the UN Country Team and work with the Humanitarian Coordinator" to improve engagement and collaboration between humanitarian actors in complex emergencies. (Source: OCHA Background Paper 2, "Enhancing UN / non-UN Engagement at Field Level," 3 July 2006.)
- 53 UN Security Council, para. 35.
- 54 The full text is not yet available publicly, but can be obtained by contacting either OCHA or UNHCR in Sudan.
- 55 West Darfur Protection Working Group, e-mail message to the author, August 6, 2009.
- 56 Ibid.
- 57 Ibid.
- 58 UN Security Council, para. 36.
- 59 In March 2010, GoS signed ceasefire agreements with the largest rebel group (Justice and Equality Movement JEM) and the Liberation and Justice Movement (LJM), a newly formed umbrella group of 10 movements. These are considered political solutions and as of April 2010 did not have any affect on the ground.
- 60 Although Executive Committee Conclusion 75 (1994) endorsed the December 1993 General Assembly Resolution 48/116 operational principles for UNHCR involvement in IDP situations, UNHCR released a more detailed document in 1997. Debates on the level and scope of UNHCR's involvement in IDP situations continued to be debated internally and throughout the UN until 2008.
- 61 Executive Committee of the High Commissioner's Programme, "UNHCR's Role in Support of the Return and Reintegration of Displaced Populations: Policy Framework and Implementation Strategy," para. 40.
- 62 Ibid, para. 40.
- 63 For more information, please see Larry Minear, *The Humanitarian Enterprise: Dilemmas and Discoveries* (Kumarian Press: 2002), 30.
- 64 The Government of Sudan is reluctant to engage in protection schemes; this is discussed later in this article.
- 65 Aid workers unaffiliated with either agency commented that while OCHA had coordination capabilities UNHCR did not, it lacked UNHCR's protection experience and mandate. Source: OCHA Coordination Minutes, e-mail message to the author, July 21, 2009.
- 66 UN Country Team Sudan, p. 1.
- 67 For the full text, please visit http://rrr.unsudanig.org/data/policy/UN%20Frame-work%20for%20Return%20in%20Darfur%20January%202006.pdf.
- 68 UN Country Team Sudan, p. 1.
- 69 United Nations African Union Mission in Darfur (UNAMID), "UNAMID Background," UNAMID, http://www.un.org/en/peacekeeping/missions/unamid/background.html>.

- 70 Authorization for its Chapter VII mandate was given by UN Security Council Resolution 1769 in August 2007.
- 71 A. Sarjoh Bah, ed., 42.
- 72 The mandate was initially extended until July 2009 by UN Security Council Resolution 1828, and in July 2009 Resolution 1881 renewed UNAMID's mandate for another year (July 2010).
- 73 United Nations Security Council Resolution 1881 (2009), para. 6(3).
- 74 Ibid, Annex I, para. 1.
- 75 Ibid, Annex I, para. 2.
- 76 William G. O'Neill, A Humanitarian Practitioner's Guide to International Humanitarian Law (Providence: 1999), 62.
- 77 For the full text of the Guiding Principles on Internal Displacement, please visit http://www.idpguidingprinciples.org/>.
- 78 O'Neill and Cassis, 12.
- 79 The Brookings Institution, 9.
- 80 For further discussion on the limitations of the Guiding Principles, please refer to Forced Migration Review GP10 Issue: Ten Years of the Guiding Principles on Internal Displacement, December 2008.
- 81 Ibid, 2.
- 82 West Darfur Protection Working Group, e-mail message to the author, August 6, 2009.
- 83 Other international standards regarding specific sectors should also be applied, e.g. the number of students needed for a school construction, as advised by UNICEF Sudan.
- 84 The Guiding Principles on Internal Displacement (1998), Section V.
- 85 UN Office of Coordination for Humanitarian Affairs, "Humanitarian Action in Darfur," Weekly Bulletin No. 44, November 5, 2009, at <www.ocha.org>.