

Forced migration within national borders: the IDP agenda

by Jon Bennett

The growing number of people displaced within their own borders presents one of the greatest challenges to the international community.

Internal displacement is not a new phenomenon, although the recent spate of activity and analysis of the issue might have you believe so. When the UN Charter and Refugee Conventions were being drafted in the middle of this century the ratio of internally displaced persons (IDPs) to refugees globally was similar to that of today. What has changed is the number and severity of internal wars and a corresponding increase in the presence and coverage given to forced migration by the international humanitarian community. There are still some countries (such as China and Burma) where IDP estimates are too inaccurate to warrant serious demographic inclusion; nonetheless, a conservative global figure of internal displacement would be about 20 million, about 30 per cent higher than the more accurate refugee estimate.

IDPs are those in need of assistance and protection as a result of coercive displacement within their own national borders. More specifically, the current working definition of IDP is:

'Person or group of people who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, in particular, the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.' [1]

The qualifier 'in particular' allows circumstances other than those listed to

be taken into account; for instance, development-induced displacement where coercion is involved. Generally, the definition would not include economic migrants, refugee returnees under UNHCR programmes or those receiving adequate state compensation and protection following natural disasters or relocation for development purposes.

The category IDP is an uncomfortable one for aid organisations to work with, for there is no institution that deals specifically with the phenomenon of internal displacement and no discrete set of laws which apply to IDPs' situation. For the UN specialised agencies, refugees are the responsibility of UNHCR, children of UNICEF, food of WFP, and so on. IDPs are 'internal refugees' whose plight highlights the grey areas of international law and assistance.

Human rights abuses occur mostly in countries where internal conflict is a precursor to a disintegrated state and where the rule of law has been lost. Access to populations (and therefore accurate estimates of figures) has been either difficult or denied. Moreover, in the wake of Bosnia and Somalia, military intervention to protect civilians, always selective, is increasingly less likely. Humanitarian agencies are forced to weigh up benefits against costs as never before. Little wonder, then, that internally displaced people, often unable or unwilling to run the gauntlet of refugee existence in a neighbouring country, are some of the most vulnerable individuals in contemporary crises.



Jon Bennett, Global IDP Survey

The growing number of internally displaced people also results from changing priorities within the international humanitarian regime. The current preoccupation with limiting refugee flows and avoiding long-term settlement has resulted in a policy shift towards 'internalising' displacement. Thus, greater efforts are made to keep people within their own countries, even if they are away from their original homes. In the post-Cold War period, containment and conflict management are beginning to replace reception and sanctuary in another country. UNHCR has been forced to undercut its own protection mandate in certain key instances. Though not explicit, the principle of voluntary return has been abandoned in favour of managed repatriation reinforced by 'safe area' return.

In the current geo-political climate UNHCR has few alternatives. In Zaire, for instance, it was left with having to choose between two uncomfortable options: either attempt to rescue and repatriate refugees to some unsafe areas of western Rwanda, or leave them to their fate in the forests of Zaire. This particular crisis highlighted

more than ever before the changing realities on the ground and the unwillingness of UN member states to strengthen UNHCR's hand in doing what it should do best: protecting displaced civilians.

The point here is not whether refugees are given adequate provision to return, nor whether they are, in fact, safe. What is at stake is the element of personal choice and voluntary movement of individuals. Increasingly, the agenda is being set not by refugees, but by tripartite agreements between UNHCR, receiving and host governments. Quick answers are sought at a time when the international community is increasingly disengaged from seeking viable political solutions to complex emergencies. At the UNHCR Executive Committee meeting in 1997, states were castigated over their failure so far to give interpretative guidance on issues of protection, and their increasing tendency to "tip the balance towards state interests to the point where protection...is seriously marginalised". [2]

It is worth remembering that UNHCR, by its own admission, accounts for a relatively small number of the 20 million IDPs worldwide. The number of internally displaced people 'of concern' to UNHCR in 1996 was only 4.85 million, of which a mere 1.53 million were assisted. This is not to deny that other UN agencies - particularly UNICEF, WFP, UNDP and WHO - were collectively assisting much larger

numbers than this. Yet none have the protection apparatus and mandate of UNHCR. The UN Secretary-General, Kofi Annan, in his programme for reform in July 1997 cited the challenge of providing protection, assistance and reintegration, and development support for IDPs as an example of a humanitarian issue that falls between the gaps of existing mandates of the different agencies. [3]

The term IDP is implicitly conservative, for it recognises borders and upholds the responsibility of governments to protect all people within those borders. In reality, the most common cause of internal displacement is precisely the opposite: people are forcibly uprooted (often by the very government charged with their protection), move *en masse* to and fro between borders, become a 'shield' for insurgent activities and are subject to harassment and human rights abuses. Finding the balance between effective international protection and assistance for the displaced while upholding state responsibilities goes to the very core of current debates concerning IDPs. Efforts to prevent refugee flows have led to solutions being sought at the source of conflicts, even if this means overriding a country's sovereign rights. This in turn raises the stakes, for aid organisations themselves become

part of the political equation and find it increasingly difficult to argue their neutrality.

To some extent, the plight of IDPs serves to highlight the growing redundancy of the legal apparatus available for their protection. The Geneva Con-

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ventions of 1949 and their Additional Protocols of 1977 make allowance for protecting civilians in internal conflict, but they were formulated when conventional war was the norm and when the task of disseminating the rules was easier. In 1992, the newly-appointed UN Secretary-General's Special Representative for IDPs, Francis Deng, began compiling legal norms applicable to IDPs. He found a significant number of gaps in existing human rights and humanitarian law and has urged that a new set of Guiding Principles be formulated specifically for IDPs. Drafting new international laws would be complex and take many years. The Guiding Principles represent a compromise alternative which, though not binding, will provide a normative framework and a benchmark by which governments and international aid organisations can gauge progress in the protection of

photograph: UNHCR/S. Wilson



IDP camp in Afghanistan

IDPs. The only solution at present lies in a more stringent application of existing international laws and more consistent monitoring of abuses.

The recent restructuring of the UN will leave the coordination of assistance and protection for IDPs in the hands of the Emergency Relief Coordinator,

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one of Kofi Annan's inner 'cabinet'. The 'lead agency' model in which resource allocation, monitoring and reporting on IDPs is coordinated through one designated UN agency in an emergency is the most workable option. A common criticism of the UN system, however, is that relief provision often becomes a substitute for adequate protection of civilians. Indeed, it can even be an unintended hazard, as in Liberia in 1996 when civilians receiving food aid were killed by armed looters. The much used equation 'presence equals protection' no longer bears close scrutiny. International presence may still curtail some of the worst human rights abuses but usually only beneath a certain threshold of violence and even then only where the 'rules of war' are minimally recognised.

By 1997, there was an emerging consensus over what kind of realistic objectives can be met in the next few years. A new UN agency is unlikely to be created and there will be no new laws as such on the statute books. Civil and political rights will be pursued by specialised human rights agencies such as the Commission on Human Rights or NGOs. In practice, the best one can hope for is better coordinated monitoring of human rights by the NGOs, governmental and inter-governmental agencies in the field.

Crucial to effective institutional response to IDPs is the collection and dissemination of accurate figures and a more comprehensive methodology for assessing gaps in assistance and protection for the people affected. IDP reporting has been bedevilled by disputed definitions, poor collection methods, and lack of clear indication

as to who is responsible for this. Counting IDPs is notoriously difficult, not least because governments, the UN and NGOs employ different definitions according to the specific population categories each identifies, organisational capacity and, in the case of governments, the level of political inclusion they are willing to accept.

Counting IDPs can raise the political hackles of governments and is not an easy exercise for the UN itself.

To overcome this constraint and to fill a much-needed gap in information, the Norwegian Refugee Council in 1997 launched the Global IDP Survey as an independent focal point for statistics, facts and comment on internal displacement. The programme comprises a database, country profiles and a forthcoming comprehensive global survey (available free of charge to interested *Forced Migration Review* subscribers). It will also be involved, through a

series of regional conferences, in the dissemination of 'good practice' guidelines and training initiatives. The intention is not to highlight IDPs as a discrete category of people needing attention; rather it is to underline the existing protection and assistance regime applicable to all civilians (especially those displaced) and to argue for greater attention to be paid to the particular needs of those forcibly uprooted in their own country.

Jon Bennett is the Director of the Global IDP Survey, a project of the Norwegian Refugee Council. The Global IDP Survey website is at: <http://www.sol.no/nrc-no/idp.htm>

Notes

[1] This is a working definition developed over time by the UN's Special Representative on IDPs and used by the Global IDP Survey. The UNHCR definition is slightly more restrictive, with an emphasis only on those who would be 'Convention' refugees had they crossed a border.

[2] Statement to the 48th Executive Committee by Dennis McNamara, Director of the Division of International Protection, UNHCR, 16 October 1997.

[3] UN Secretary-General's Report to the General Assembly, July 1997 (A/51/950, para 186).

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