Placing IDPs on the international agenda: lessons learned

by Petter F Wille

The issue of internally displaced persons is highly sensitive, with potential to trigger deep divisions among states. And yet controversy has been minimised. How has this been possible?

In 1992 the Commission on Human Rights (CHR) authorised the UN Secretary-General to appoint a representative on the issue of internal displacement. The mandate was to explore "views and information from all Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee law and standards and their applicability to the protection of and relief assistance to internally displaced persons." This was the starting point for a mandate which has achieved results that go far beyond the norm for the UN system. The mandate has become an institution that plays a crucial and catalytic role addressing one of the most pressing issues facing the international community.

At a seminar held in Oslo in 2001[1] the situation of IDPs was described by using the Norwegian expression "to fall between two chairs", our equivalent of the English phrase "to fall between the cracks". IDPs are often let down by their own governments who are meant to protect them from being displaced. Unlike refugees, they do not have an international organisation to deal with their plight. The basic principle of state sovereignty limits the ability of the international community to provide them with assistance and protection.

Human rights work in the UN has become increasingly difficult. The final sessions of the now-disbanded CHR were, at times, bitter. There are many who argue that protection of 'national sovereignty' should take precedence over the promotion and protection of human rights and fundamental freedoms. Supporters of the commission were driven onto the defensive. We have seen a worrying North/South divide and divisions both between and within regional groups. In a closing statement to one of its final sessions, Mary Robinson, the former UN High Commissioner for Human Rights, regretted the divisive nature of commission debates and votes and referred to the concerns voiced by human rights movements that increased politicisation of discussions had been to the detriment of human rights.

New hopes

In April 2006 the UN General Assembly voted to replace the Commission with a new Human Rights Council.[2] This was a decision of historic significance. While tensions from the former CHR remain, many member states are now committed to giving the council a chance to start anew to meet the challenge of promoting and protecting human rights. There are several encouraging elements in the council's mandate. One test of these commitments will be the review of special procedures which the council will undertake within its first year. These special procedures are one of the most important and perhaps the most underrated activities in the UN human rights field. They constitute a unique link between governments, national institutions, NGOs and civil society. They provide valuable analyses of key human rights issues and can also serve as a mechanism of last resort for victims. The outcome of this review of these procedures will not only be of crucial importance for the future of the mandate on human rights and IDPs but for the whole legitimacy of the Council of Human Rights.

One of the reasons why the mandate on IDPs has bucked the trend towards political division and rancour is the skill of Francis Deng, Walter Kälin and Roberta Cohen. Roberta's contribution has been pivotal in working to persuade countries with serious IDP problems that it is in their national interest to cooperate with the mandate rather than to confront it. Between them, Francis Deng and Walter Kälin have visited more than 25 countries, some – including Sudan – on more than one occasion. There is a growing acceptance among states that internal displacement is not only an internal matter but also an issue of international concern. Governments are realising that as conflicts and internal displacement spill across borders entire regions can be thrown into turmoil if root causes of internal displacement are not addressed. Encouragingly, IDPs no longer fall between the mandates of international agencies to the extent they used to.

Crucial to these successes has been the emphasis on building consensus around resolutions on IDPs in the CHR/Human Rights Council as well as in the General Assembly. Norway has played, and will continue to play, a key role in the General Assembly while Austria has this responsibility in the Human Rights Council. The main sponsors of IDP proposals have deliberately tried to avoid needless politicisation and sterile controversies, seeking instead to move forward little by little without too much noise. For the most part, this patient approach has led to consensual adoption of resolutions.

Francis Deng and Walter Kälin deserve support and admiration for the way they have conceptualised their role as catalysts in the international system. They have:

- developed an appropriate normative framework for responding to the protection and assistance needs of IDP

- fostered effective institutional arrangements at the international and regional levels
- drawn attention to specific displacement situations through well-prepared country missions
- conducted research into the many aspects of internal displacement.

An important contribution has been made by the Norwegian Refugee Council and its Geneva-based Internal Displacement Monitoring Centre. The IDMC's online database provides comprehensive and regularly updated information and analysis on internal displacement, contributing to improved national and international capacities to protect and assist IDPs around the world.[3]

We have reason to celebrate the progress which has been made since the mandate was created. There is now wider recognition of the need for a more comprehensive international system. However, much remains to be done, not least to get a more reliable system that can more predictably provide IDPS with both protection and assistance. This is one of the biggest challenges facing the international community in the years ahead.

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1. See FMR supplement www.fmreview.org/pdf/osloidp.pdf
2. www.ohchr.org/english/bodies/hrcouncil
3. See article by Elisabeth Rasmusson on page 16