

International and national responses to the plight of IDPs

by Francis Deng and Dennis McNamara

In over 40 countries, in literally all regions of the world, 20-25m people are displaced as a result of conflict and human rights violations. Millions more have been uprooted due to natural or man-made disasters.

In Afghanistan nearly one million people are internally displaced. In recent months alone, hundreds of thousands of Afghans have fled fighting, drought and famine. Africa is the most affected continent, hosting approximately half of the world's internally displaced population. Over 3.8m Angolans, a quarter of the population, have been internally displaced by decades of armed conflict. In January alone a further 19,000 Angolan civilians were driven from their homes by conflict. Angola ranks second only to Sudan, where over 4m people are estimated to be displaced. Innumerable other examples illustrate the magnitude of the ongoing crises that have rendered scores of millions destitute, homeless and vulnerable to human rights abuse.

Responsibility for Internally Displaced Persons (IDPs) falls first and foremost on national governments and local authorities. Disturbingly, however, in many countries IDPs find themselves in a vacuum of responsibility within the state. Under such circumstances, their only alternative source of protection may be the international community.

When and where possible, it is vital that the international community complements the efforts of national governments and provides protection and assistance for IDPs in cooperation with the governments concerned. International protection and assistance, however, become especially needed where governments lack the will or the capacity to provide for their own displaced populations. Tragically, this is often the case.

The magnitude of the problem challenges national and international capacities, especially when the displacement is protracted and the conflict unresolved. In such cases, the challenge can become one of moving from relief to development in a humane manner so that the displaced may resume their lives in dignity and regain self-sufficiency in accordance with human rights standards to which they, like all other citizens in their country, are entitled.

Addressing the crisis

In recent years there has been growing awareness within the international community of the enormity of the crisis of internal displacement and the need to take adequate steps to address it. In 1992 the mandate of the Representative of the Secretary-General on Internally Displaced Persons was established in order to recommend an effective system of protection and assistance for IDPs. The Representative has focused on four areas: developing an appropriate normative framework for responding to the protection and assistance needs of IDPs; fostering effective institutional arrangements at the international and regional levels; focusing attention on specific sit-

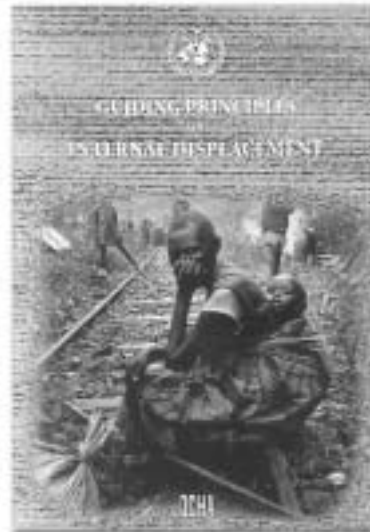
uations through country missions; and undertaking research to broaden understanding of the various dimensions of the problem.

Together with a team of international legal experts, and at the request of the Commission on Human Rights and the General Assembly, the Representative prepared a compilation and analysis of the legal norms pertaining to internal displacement. This provided the basis

for the development of international standards for the internally displaced, culminating in the Guiding Principles on Internal Displacement, which the Representative submitted to the Commission in 1998. Based upon existing international humanitarian law, human rights law and refugee law by analogy, these Principles provide the international standards that should guide the work of the

Representative of the Secretary-General, states, all other authorities, groups and persons and inter-governmental and non-governmental organisations when addressing internal displacement. The Principles identify rights and guarantees relevant to all phases of displacement: providing protection against arbitrary displacement, offering a basis for protection and assistance during displacement, and setting forth guarantees for safe return, resettlement and reintegration. While the Principles do not constitute a legally binding instrument, they reflect and are consistent with international law.

Since the establishment of his mandate, the Representative has attempted to address the need for an institutional



framework for the international response to the crisis of internal displacement. Among the options which have been considered are the creation of a new UNHCR-style agency for IDPs, designation of an existing agency to assume responsibility for IDPs and a collaborative approach to mobilise the capacities of existing agencies. This last option is the one preferred and now followed, through the Inter-Agency Standing Committee comprised of the main UN humanitarian, human rights and development agencies as well as international NGOs.

Country missions have provided the Representative with an important means to assess the extent to which the protection, assistance and development needs of IDPs are being met in specific situations and to engage in solution-oriented dialogue with concerned governments, international agencies and NGOs. The Representative has undertaken 19 country missions in different regions of the world. The findings of these missions and the recommendations for addressing the plight of IDPs more effectively are set out in reports of the Representative to the Commission on Human Rights.

The UN has also taken other steps towards enhancing the effective and timely response of the international community to the needs of IDPs. Many organisations, including the International Committee of the Red Cross, the World Food Programme, UNHCR, UNICEF and numerous NGOs have long been involved in protecting and assisting displaced populations. In 1997, the UN Secretary-General charged the Emergency Relief Coordinator (ERC) of the Office for the Coordination of Humanitarian Affairs (OCHA) with responsibility to be the focal point within the UN system for any IDP-related

issues. Within a given country the resident and humanitarian coordinators are responsible for coordinating the UN's response to both the protection and assistance needs of IDPs and for ensuring that gaps in the response are systematically addressed.

It is almost universally agreed that more needs to be done to help the displaced.

The overall response to a problem of enormous magnitude is woefully inadequate. Serious gaps in the UN and agency operational response to the needs of IDPs – including their protection - and continuing funding difficulties have plagued the international response.



IDPs being moved from Jegga Camp (where they have lived for two years) to Shelab Camp, Eitrea.

In recognition of the need for increased efforts, international agencies agreed in September 2000 to establish the Senior Inter-Agency Network on Internal Displacement. Headed by a Special Coordinator, and including senior representatives of concerned organisations, the Network is to carry out reviews of selected countries with IDP populations and propose an improved international response to meeting their basic needs. Working with UN country teams, the Network has set out to assess current efforts to provide protection and assistance to IDPs, to identify areas where the national and international response may be inadequate and to see what might be done to address such gaps. The Network's terms of reference also include making longer-term recommendations for follow-up and inter-agency approaches to strengthen the international response.

The Network's objective is to increase efforts by all concerned agencies and governments to bring about concrete improvements in the delivery of assistance and protection to IDPs worldwide. The Network emphasises the need to examine the efficiency of the international response and its coordination.

The Network's missions provide a necessary impetus for response and action by agencies, as well as the host authorities and donor governments. Countries which the Network has reviewed include Ethiopia, Eritrea, Burundi and Angola. Among some of the pressing protection and assistance needs that have emerged are those relating to HIV/AIDS, human rights abuses, lack of basic nutrition, health and sanitation, inadequate shelter and landmines. The Network has focused its advocacy efforts on host governments as well as on donor countries towards promoting an improved response to the needs of the displaced. The Network, through its review missions, enables the UN and partner agencies to exert their collective weight and influence to expeditiously address gaps in provision in countries where IDPs are desperately in need of immediate protection and assistance.

The Representative, in his role as global advocate, has been able to raise awareness of problems faced by the displaced at a national and regional level through constructive dialogue with governments and through seminars and work with regional organisations. Though his country missions he has sought to examine and address problems of displacement through dialogue with governments and all other actors. These have included post-emergency situations that have ceased to draw international attention. The Representative has also engaged in longer-term efforts to build capacity within the infrastructure of a country and to promote and disseminate the Principles. Additionally, he attempts to be a 'research arm' for the more operational actors that work for the internally displaced. Such operational agencies, particularly those within the Network, are compelled to act quickly in responding to the needs on the ground and benefit from in-depth analyses undertaken by the Representative.

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Constraints and concerns

Serious constraints continue to hinder development of an improved response to the needs of IDPs. The international community can attempt to ameliorate their plight but cannot be a substitute for the primary role of governments and local authorities. It is the duty and responsibility of such actors to alleviate the plight of persons uprooted from their homes from within the boundaries of a government's jurisdiction.

Sovereignty must be given a positive interpretation as a normative concept of state responsibility to ensure the safety and general welfare of its citizens. In order to enjoy legitimate sovereignty states must show, by provision of protection and assistance to all those under its jurisdiction, that it is meeting minimum international human rights and humanitarian standards. Many host countries are themselves implicated in the violence which has caused displacement. Efforts to increase international involvement are easily labelled as external interference, particularly if they touch the highly sensitive issue of protection of the basic rights of displaced citizens. Thus the involvement of the international community is impeded, if not obstructed, by negative perceptions of national sovereignty as a barricade against international scrutiny and humanitarian action.

Additionally, gaining access to displaced populations in a country where an internal conflict rages is also fraught with danger. Each side fears that humanitarian assistance will strengthen the other and may therefore seek to obstruct provision of assistance. Access is further complicated by the fact that the displaced are often scattered, sometimes for their own safety, and not always reachable in camps or settlements.

A further problem of significant concern is the lack of willingness on the part of donor governments to provide funds in situations where concrete solutions seem elusive and assistance programmes appear futile. It is difficult to raise funds for international assistance when governments that are supposedly responsible for persons within its boundaries show no desire to end a conflict.

Conclusion

Despite widespread agreement that more needs to be done to help displaced populations, the response remains inadequate. Millions of people continue to suffer. Quite apart from its tragic humanitarian consequences, displacement has important implications for both human security and the security of states. Socio-economic systems and community structures can break down and impede reconstruction and development for decades. The conscientious responsibility of a state towards its people, however, and the ability of people to

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realise the rights associated with nationality, provide an indispensable element of stability to life, whether at the personal, societal or international level.

Since the gravity of the issue became recognised in the early 1990s, the major UN agencies, the Red Cross Movement and international NGOs have made appreciable progress in responding to the global crisis of internal displacement. All indications are that displacement crises will continue to increase as fundamental challenges of nation building confront many countries in the post-Cold War era.

The role of the Representative as advocate and ombudsman will continue to be relevant in raising the profile of the humanitarian tragedy of internally displaced persons. The Senior Inter-Agency Network will, in the course of the next months, through its country reviews, compile a report to the Secretary-General

and the ERC with recommendations on possible follow-up arrangements and inter-agency approaches to strengthen future responses to internal displacement.

Much still needs to be done to ensure that the Guiding Principles are translated into a more effective system of protection and assistance for the millions of IDPs around the world. International efforts to address these issues are only part of the solution. It is only when the obligations of the Principles permeate all levels of government and civil society and the international community gives priority to their observance that the plight of IDPs will markedly improve. Nothing, however, can act as a worthy and sustainable substitute for state responsibility.

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Dennis McNamara was appointed as Special Coordinator heading the UN Senior Inter-Agency Network on IDPs in September last year. He was previously Head of the Humanitarian Pillar of the United Nations Mission in Kosovo (UNMIK). His 25 years with the UNHCR include heading the Department of International Protection and a posting as Head of Human Rights in Cambodia.

IDPs and returnees in Kabul, Afghanistan.

