

Opening remarks

by Francis M Deng

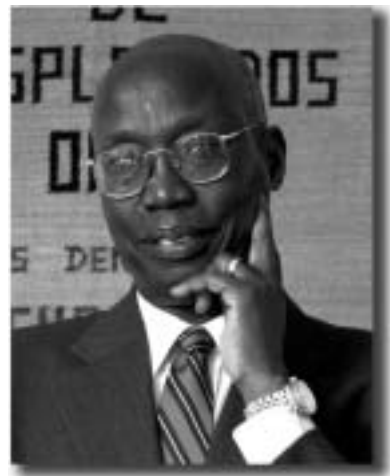
It is a great pleasure to be in Trondheim to address such an impressive gathering of scholars, academics, students and policy makers focusing on an issue that has preoccupied me since I was appointed as the Representative of the UN Secretary-General on Internally Displaced Persons in 1992.

Our host country, Norway, has been in the forefront of the countries that have supported my mandate, both politically and materially.

During my country missions, I meet with the leaders, presidents, ministers and authorities at all levels as well as with IDPs. Then I come back and report to the authorities: "This is what I have found. These are the problems. This is what your people are suffering from." In one Latin American country I asked a displaced community, "What would you want me to report to your leaders?" The response I got was, "Those are not our leaders. To those people we are criminals and our only crime is that we are poor." In a Central Asian state I asked the same question. There, thinking in ethnic terms, they said: "Those people are not our people. We don't have any of our people among those people." They felt excluded or totally marginalised. In an African country, the Prime Minister complained to a UN official that they were not providing enough food for refugees who had become a burden on his country. The UN official explained, "We have limited resources and we are helping your own people who are affected by the war." The Prime Minister responded, "Those are not my people. The food you give to those people actually is killing my soldiers." These were his citizens, nationals of his country, and yet he said, "They are not my people." His people were the soldiers who were killing "those people". So, you have here a national crisis of identity which leaves a vacuum of responsibility. People who are marginalised or dispossessed fall into that vacuum. Where do they turn but to the international community? And yet, when they do so, they are confronted with the obstacle of sovereignty.

Internal displacement is defined in terms of people forced to leave their normal areas of residence as a result of violent conflicts, communal violence, gross or systematic violations of human rights and other human-made or natural disasters in which there is an element of discrimination. There are other causes of displacement which are either outside or marginal to my mandate: those caused primarily by most natural disasters, and those related to economic needs and migration to areas of opportunities, such as cities, as well as those caused by major development projects, such as dams. Some of these pose vast challenges that are not easily manageable under my mandate as defined by the relevant resolutions of the Commission on Human Rights and the General Assembly and the available human and material resources.

Among all the estimates of the displaced populations, the vast majority and the most vulnerable are women, children, the elderly and the disabled. I have been to camps where there are scores of thousands of displaced people with only a small fraction of men. Once I found only 25 men among several thousand displaced people. After addressing the whole camp community I asked for a smaller number of people to discuss in depth the needs of the camp residents. All those who came forward were men. I said: "I thought there were only 25 men in the camp?" I was told, "Well, you asked for leaders". What this example shows is that if you have such a large group of women and children and those considered qualified to discuss their problems are a handful of men then you begin to realise that you do not have anywhere near the necessary insight into the needs of the population. This raises the issue of the



power the displaced population have over humanitarian services and the fundamental question of who decides what and with what consequences for whom.

The internally displaced have exactly the same problems as refugees in terms of causes and needs but have not crossed international borders – and there is no international agency to protect them. The assumption is that, because they are within their own country, they should be protected by their own government. But here is the problem. Internal conflicts are symptomatic of national identity crises. They show the way a country defines itself and how benefits accruing from that definition favour only certain groups. The crisis for the excluded and marginalised is aggravated by the fact that efforts to find a remedy from the international community are constrained by the obstacles of state sovereignty.

The challenge of state sovereignty

Vulnerable third world countries often tend to see sovereignty negatively, as a barricade against international involvement which permits leaders to do what they want, even if this means blocking the international community from assisting those in great distress and at risk of starvation.

Sovereignty was never meant to be interpreted like this. Sovereignty is a means of giving states control over their territory and people in order to establish law and order and discipline

in trade and international relations. Sovereignty cannot legitimately be conceived as a way of closing doors to the concerns of the international community. It is, however, a very important concept in international relations. That is why there was concern over whether the UN should get involved with the problems of internal displacement – an issue that falls within state sovereignty. It also explains why it was decided by the Commission on Human Rights not to use the normal mechanisms of appointing a Rapporteur or a Working Group but to instead appoint a Representative of the Secretary-General who would be more sensitive to the concerns of governments about issues of sovereignty. Unlike other human rights mechanisms, my task is largely a diplomatic and a persuasive one in which I engage in dialogue with governments on behalf of IDPs.

I have so far undertaken 25 missions. I usually begin by indicating to a government that I would like to visit the country. Most then extend a formal invitation. Some, who do not want to expose their problems to the world, are more reluctant to do so. It took me quite a while to persuade Turkey to invite me and Sri Lanka was initially hesitant. Several others have procrastinated. Generally most countries have responded positively.

The first five minutes of each mission are crucial for trying to impress upon the President or the Minister of Foreign Affairs or whoever I am meeting that I recognise the problem as internal and falling under the sovereignty of the state, that I come with respect for the sovereignty of the state and, lastly, that I see my task as exploring how the international community can assist the government to help its own people.

Once the dynamics of interaction become more harmonious, I explain, politely but affirmatively, that I do not interpret sovereignty negatively. In this world of intense interaction and interdependence, sovereignty is a positive concept which stipulates state responsibility to provide protection and assistance for its people. If a state does not have the means or capacity, it is duty bound to call on the international community to assist. In all my missions discussions have been constructive and conciliatory. No

government has ever said to me, "This is an internal matter and none of your business." So, to some extent, this approach does work.

What should we do when governments fail to discharge their responsibilities? Are threats of sanctions or military intervention credible? I think that this is one of the weaknesses of the UN system. There are numerous instruments with standards which imply or even make explicit such threats but where enforcement is very limited or even lacking. Still, we are much better off agreeing that there are standards to keep so that when we do not meet them at least we know we have failed and will try to do better next time and never again allow Rwandan-style genocide.

By going in the name of the UN and the international community to people in desperate need, one brings hope. IDPs feel elated that the world cares and will do something. And then as you leave, you wonder, "What if the world doesn't do anything?" Hope will then turn into despair. Should one get overwhelmed by the frustration that you have come and left without giving these people what they need? Or do you do what little you can and hope that it makes a difference? I choose the latter and begin to negotiate with everyone who is in a position to do something: a colonel in the field, the local administrators, the governors, the ministers, the presidents, national and international NGOs, the civil society, UN in-country agencies and the donor community. In all the arenas in which you plead, the lower you go the more likelihood there is that there will be immediate action and effect.

Since my mandate was created, awareness of IDP issues has risen enormously. One of our major achievements has been the development of a legal framework for protecting and assisting displaced persons. After compiling and analysing existing standards in human rights law, humanitarian law and analogous refugee law, we decided to develop Guiding Principles – rather than a controversial treaty which would have taken 20 years to get approved. By restating what actually exists, but in the form of soft law, we have been able to get the Guiding Principles on Internal Displacement more easily accepted. They cover all

phases of the problem, including how to prevent displacement, how to respond in terms of providing protection and assistance once people have been displaced and how to find solutions leading to their safe return with dignity, alternative resettlement and reintegration.

Within a remarkably short period of time, the Guiding Principles have been widely disseminated throughout the world, have been translated into 32 languages and been the subject of relevant training sessions and national and regional seminars and workshops. They have guided legislation, policy and even court decisions. To give a few examples:

- Angola has utilised the Guiding Principles as the basis for their 'Norms on Resettlement'.
- Georgia has revised its law on voting to allow IDPs to vote in local elections.
- Colombia's IDP law was significantly inspired and guided by the Guiding Principles and the Colombian Constitutional Court has cited the Principles in two judgments.
- Uganda is reviewing a draft national law on internal displacement, based on the Guiding Principles.
- The Sudan People's Liberation Movement and Army, after receiving training in the Guiding Principles, have developed a draft IDP policy.

We have also focused on the development of institutional arrangements. The first option we proposed was the creation of a new agency similar to UNHCR. When it became obvious that nobody wanted to create a new UN agency we suggested designating an existing agency with responsibility for IDPs. We found, however, that the problem was seen as too big for one agency. The third option, which has met with consensus approval, was for all the UN agencies to work together collaboratively. Thus the Emergency Relief Coordinator, who is also the head of the Office of Coordination for Humanitarian Affairs (OCHA), was given the responsibility to ensure that the internally displaced are protected and assisted. Within OCHA, there have been various experimentations with coordination culminating in 2001 with the creation of an IDP Unit to ensure

that operational agencies pull together to bring assistance, relief and protection to IDP populations.

Another important pillar of the mandate is the development of the knowledge base on internal displacement. Over time, the emphasis in our research work has shifted to looking into specific issues, themes and challenges in addressing the problems of internal displacement. Some regional research projects are carried out in collaboration with local researchers as well as international experts. Regional workshops and seminars on internal displacement offer opportunities to promote the dissemination and application of the Guiding Principles and to engage with local groups. We are shortly to publish a report on development-induced displacement.¹

We are shortly to publish a report on development-induced displacement. The status of IDPs residing under the control of non-state actors is another area in which we are undertaking research aimed at facilitating constructive dialogue in a way not generally easy to manage within the UN system.

Addressing root causes

Displacement is a symptom of its causes – internal conflicts, communal violence, violations of human rights and human-made disasters. These causes are themselves the result of deeper structural problems, often rooted in acute racial, ethnic, religious

and cultural divides and gross inequities. Not only must we address the needs of displaced people for protection and assistance and find durable solutions that will lead to their return, alternative resettlement and development but – and even more importantly – we must also address the deep structural problems behind the conflicts and human rights violations. Most of those affected by these conflicts and forced to leave belong to ethnic minorities and the rural poor. Not only are the inequities they suffer integral to their displacement but moving to urban centres and capital cities exposes them even more to injustice and marginalisation. Exposed to new opportunities and yet discriminated against in their new environment, they remain poised between a new context into which they do not fit fully as citizens and their former home areas to which they can no longer return to resume the old way of life. Displacement therefore challenges the status quo and calls for a new dispensation of justice and equality for all citizens without discrimination on the grounds of race, ethnicity, religion, culture or national origin.

In all my reports or statements on country missions I always end by stressing that behind each crisis of internal displacement lies an opportunity to undertake structural reforms to make all citizens feel a sense of belonging on equal footing with their compatriots. Unless this is done, these acutely divided societies can never enjoy full peace, security, unity, stabil-

ity and shared prosperity.

Improved understanding of the problem of the global crisis of internal displacement is essential in order to facilitate and support improved responses. In recent years there has been an encouraging burgeoning interest in research on internal displacement. The challenge now is to build upon the developing research in order to better protect and assist the internally displaced and promote an end to displacement. This conference provides an important opportunity to take stock of the state of scholarship on internal displacement, identify areas in need of research and promote partnerships and networks.

Dr. Francis M Deng is the Representative of the UN Secretary-General on Internally Displaced Persons. He is Research Professor of International Politics, Law and Society and Director of the Center for Displacement Studies at the John Hopkins University School of Advanced International Studies (SAIS) in Washington, DC as well as Co-Director of the Brookings-SAIS Project on Internal Displacement: www.brook.edu/fp/projects/idp/idp.htm

1. *Risks and Rights: The causes, Consequences, and Challenges of Development-Induced Displacement* by W Courtland Robinson, Brookings-SAIS Project on Internal Displacement, May 2003.

Dr Deng with some conference participants at Falstad Memorial

