UNHCR

**United Nations
High Commissioner
for Refugees**

THE STATE OF THE WORLD'S REFUGEES

A Humanitarian Agenda

3. Internal conflict and displacement

During the past decade, the concept of 'internally displaced people' has become a familiar feature of the humanitarian vocabulary. Indeed, the recent emergence of a new protection paradigm, focusing less exclusively on the situation of refugees in countries of asylum and more systematically on the plight of vulnerable populations in countries of origin, has pushed this issue to the top of the humanitarian agenda.

Commenting on this trend, the UN High Commissioner for Refugees has observed that "the scale and scope of this problem, the human suffering which underlies it, as well as its impact on international peace and security, have rightly made internal displacement an issue of great international concern."[1]

Despite the world's growing interest in the situation of internally displaced and other war-affected populations, many of the humanitarian issues associated with their plight remain to be resolved. Doubts have been raised with regard to the very concept of 'internally displaced people' and the wisdom of institutionalizing this notion in international law. Although a number of different international organizations have contributed to the welfare of internally displaced populations during the past few years, no single humanitarian agency has been given statutory responsibility for their protection. And, as this chapter explains, while multinational military forces have on a number of occasions been deployed to safeguard the security of citizens who have been displaced within their own state, such initiatives have not been particularly successful.

DEFINING INTERNAL DISPLACEMENT

Although the notion of 'internally displaced people' is now widely used by humanitarian agencies and policymakers, there remains a surprising lack of clarity about its precise meaning. The international community has not yet established a formal and legal definition of the term, and while a number of efforts have been made to fill this conceptual gap, many of the definitions offered have tended to be either too broad or too narrow, and therefore of limited value for either analytical or operational purposes.[2]

In this discussion, the term 'internally displaced people' will be used to denote those persons who, as a result of persecution, armed conflict or violence, have been forced to abandon their homes and leave their usual place of residence, and who remain within the borders of their own country. The complexity of this question is such, however, that a number of issues arising from this definition require some further discussion.

First, it must be emphasized that internally displaced people are to be found in a wide variety of circumstances. In the existing literature on this subject, internal displacement has most frequently been associated with highly visible and destructive armed conflicts such as those in Bosnia, Chechnya, Rwanda and Sri Lanka, where large numbers of people have been forced to flee at short notice and have congregated in specific areas. Such dramatic incidents have also understandably attracted the greatest degree of attention from the international media and humanitarian organizations. But the more diffuse and protracted situations of internal displacement associated with low-intensity conflicts of the type witnessed in Colombia and Peru, for example, have received far less attention from the international community.

Second, existing studies of internal displacement have also tended to focus on situations in which people flee spontaneously from life-threatening situations, and to pay less attention to organized population transfers or relocations involving the use of force and other human rights violations.

Displacements of this type have been witnessed in many different parts of the world. In the first two months of 1997, for example, UNHCR recorded the arrival of some 114,000 displaced people in Kabul, all of whom had been ordered out of their homes and herded into the Afghan capital in order to facilitate the Taliban military offensive in the north of the country. In Bosnia, of course, organized population displacements formed a central part of the Serbian effort to create communally homogeneous areas. And in countries such as Burundi, Guatemala and Myanmar, compulsory relocation programmes have been systematically employed as a counterinsurgency technique, designed to prevent rebel and guerrilla movements from associating with – and mobilizing support amongst – the rural population.

It is not always easy, however, to draw a neat distinction between 'spontaneous' and 'organized' population displacements. In the Rift Valley of Kenya, for example, more than 250,000 Kikuyus and Luos were reported to be displaced in late 1993, ostensibly as a result of conflicts over land with the Kalenjin and Maasai people. But many observers believe that the clashes were politically inspired and designed to influence the electoral geography of the area.[3]

Third, unlike the definition of internal displacement offered by some other studies, that which is employed in this chapter generally excludes those situations in which people are obliged to move as a result of environmental disasters, development projects and infrastructural schemes. For although such people often suffer from material and psychological hardship, they may also continue to benefit from the protection of the state, and may even receive some form of compensation from it (see Box 3.1).

Exceptions to this rule, however, are not very difficult to find. During the mid-1980s, for example, the Ethiopian government moved many thousands of people from the northern highlands to the south-west of the country, employing varying degrees of coercion and inducement. Ostensibly introduced to remove people from an area afflicted by chronic problems of drought, famine and land degradation, this organized resettlement programme also served the purpose of depopulating an area inhabited by supporters of an armed opposition movement, the Tigray People's Liberation Front.

Fourth, the efforts of some analysts and advocates to establish internally displaced people as a discrete humanitarian category have to a considerable extent been undermined by the growing complexity of the problem of forced displacement. In some situations of armed conflict, eastern Zaire being the best-known recent example, internally displaced people are to be found living alongside refugees and members of the resident population, all of whom have an identical need for protection and assistance, even if their legal status is different.

Similarly, in countries where conflicts have come to an end, internally displaced people and refugees will typically move back to their homes at the same time, settle in the same communities and

encounter the same reintegration problems. Finally, in areas such as former Yugoslavia and the Caucasus, where national boundaries are changing or contested, even the legal distinction between internally displaced people and refugees may be unclear, or interpreted differently by the parties to the conflict.

Fifth, while there is no doubt that a large proportion of the world's internally displaced people live in conditions of great danger, some doubts remain as to whether their needs are any different from those of other citizens who have been deprived of the protection of their state. Displacement is, of course, a very tangible and visible manifestation of human insecurity. But in situations of armed conflict and violence, the needs of displaced and non-displaced communities may be indistinguishable.

Indeed, people who are unable to escape from zones of active conflict – such as those trapped in the Chechen capital of Grozny or the Liberian town of Tubmanburg – are sometimes confronted with greater danger than those who are able to move. As one recent article has observed, around 40 per cent of UNHCR's beneficiaries in Bosnia were at one point people who had not been displaced. The conventional distinction between refugees, internally displaced people and war-affected populations, the authors conclude, "are conceptually vapid in a situation like the former Yugoslavia" (see Figure 3.1). [4]

Sixth, despite the large amount of literature produced on the issue of internal displacement, relatively little thought has been given to the question of when a person ceases to be internally displaced. In the case of refugees, of course, this problem does not arise: when a refugee returns voluntarily to his or her homeland and assumes the rights and obligations of other citizens in that country, then that person can no longer be considered as a refugee. In the case of displaced people who have not crossed an international border, the issue is evidently more complex.

In general, there is a strong case to be made for the argument that internally displaced people do not necessarily have to return to their original place of residence in order to find a solution to their plight, as long as they benefit from the protection of the state and are able to enjoy a satisfactory degree of physical, material and legal security in the location where they have settled. In South Africa, for example, the number of internally displaced people is said by some sources to be in the region of four million, although this total includes those who have been uprooted or relocated over a period of 30 years, many of whom are now fully settled and integrated in their place of residence. The concept of internally displaced people – which is problematic enough in any case – clearly loses even more of its value when used in this indiscriminate manner. [5]

These definitional issues are not simply a matter of academic or intellectual interest. As the following sections of this chapter suggest, conceptual clarity is required for a number of different reasons: in order to assist with the collection of accurate statistics and other data on this humanitarian problem; in order to facilitate the establishment of legal standards and instruments for the protection of internally displaced people; and in order to ensure that organizational responsibility for this protective function is appropriately allocated, both at the national and international levels.

THE SCALE AND SCOPE OF THE PROBLEM

It has not proven easy to ascertain the number and location of the world's internally displaced people. This is due not only to the definitional difficulties identified above, but is also the result of several institutional, political and operational obstacles. Unlike the collection of refugee statistics, a task undertaken by UNHCR, no single UN agency has assumed responsibility for the collection of figures on internally displaced populations.

The question of internal displacement is also a politically sensitive one. Governments are often unwilling to admit to the presence of such populations on their territory, indicative as they are of the state's failure to protect its citizens. Internally displaced people may themselves be reluctant to report to or register with the local authorities. Indeed, there is evidence to suggest that a large proportion of the world's internally displaced people live not in highly visible camps, but mingled with family members and friends, often in urban areas where they can enjoy a higher degree of anonymity.

Finally, there are some very obvious obstacles to the collection of data in areas affected by ongoing armed conflicts. In the combat zones of Liberia, Somalia and Zaire, for example, the international presence is minimal or non-existent, making it extremely difficult even to provide rough estimates of the number of people who have been displaced. Thus in Sierra Leone, the statistics have been based on food aid beneficiary lists, and probably reflect only a fraction of the displaced population. In other situations, such as Chechnya, internally displaced people are highly mobile, again making it very difficult to determine their exact numbers at any moment in time.

Despite all of these definitional and methodological difficulties, there is a broad international consensus that the global population of internally displaced people stands somewhere in the region of 25 to 30 million: up to 16 million in Africa, six or seven million in Asia, around five million in Europe (predominantly former Yugoslavia and the Caucasus region) and up to three million in the Americas.[6] Some of the most significant situations of internal displacement are presented in the accompanying map (see Map F).

Patterns of displacement

While the plight of the internally displaced has in recent years been the subject of regular discussion by humanitarian and human rights organizations, surprisingly few field-based studies of this problem have been undertaken. It is therefore not easy to draw any definitive conclusions about the dynamics of internal displacement. On the basis of the available evidence, however, it is possible to provide tentative answers to two specific questions. What are the typical patterns of movement associated with internally displaced populations? And why do some people become displaced within their own country while others move across an international border to become refugees in another state?

The dynamics of internal displacement, particularly in its more 'spontaneous' forms, are determined by a wide range of variables: the nature of the threat affecting people's security; the escape routes available to them and their proximity to international borders, urban centres and other places of potential refuge; the financial resources and other assets which they possess; the location of their family, clan and community members; and the availability of protection and assistance from both national and international organizations.

In the early stages of an armed conflict or situation of social violence, a form of 'nocturnal displacement' is common, whereby individuals and families who fear an attack leave their homes during the night and return during the day to farm the land and undertake other economic activities. At the end of 1996 in the Ugandan town of Gulu, for example, as many as 15,000 people were reported to be sheltering at night in the town's public buildings, fearing the atrocities which had been committed by a rebel group known as the Lord's Resistance Army. A similar pattern of displacement has been observed in countries such as Mozambique, Kenya, Colombia and Peru (see Box 3.2).

As a conflict intensifies, internal displacement is liable to assume a more permanent or semi-permanent form. In many situations, some family members will move away from the danger zones while others stay behind as long as possible or return periodically to plant, tend and harvest their land. In the more economically developed context of Bosnia, it was observed that women, children and the elderly would frequently flee first, leaving the able-bodied men to protect their homes and property. Alternatively, the breadwinners in a family or community may actually move out first,

returning to collect other members of the population once they have found a relatively safe location where they can all take refuge.

As indicated earlier, a large proportion of the world's internally displaced people are to be found in cities and squatter settlements, where they are in many cases virtually indistinguishable from other rural-to-urban migrants. Such locations offer a number of advantages to the internally displaced: they are often relatively safe in comparison with the countryside, where most civil wars are fought; they usually offer a variety of different employment and income-generating opportunities, often in the informal sector of the economy; and they may provide better access to public services and relief agency programmes in areas such as health, education and food assistance.

A good example of this tendency is to be found in Liberia, where an estimated 1.3 million people have crowded into the areas protected by ECOMOG, the West African peacekeeping force. In the neighbouring state of Sierra Leone, up to half a million displaced people made their way to the capital of Freetown at the height of the country's civil war in 1995. Similar scenarios have been witnessed in recent years in the urban centres of many war-torn states throughout Africa: Addis Ababa, Khartoum, Kisangani, Luanda, Maputo and Mogadishu, to give just a few examples.

Becoming an internally displaced person is often a first step in the process of becoming a refugee. With the exception of those who live very close to an international border (and those who have access to vehicles) people who have been forced out of their homes may have to walk for many days, or move in a number of stages, before they are able to seek asylum in another state.

Some displaced people, however, choose or are obliged to remain within their country of origin. In some situations – that of eastern Zaire in 1996-97, for example – the pattern of fighting may force displaced people (and displaced refugees) to move progressively into the interior of their country, rather than seeking refuge abroad. In other situations, geographical and topographical considerations may stand in the way of external flight. The majority of the internally displaced in Peru, for example, originate from the central and eastern areas of the country, where they are hemmed in by mountains and situated a long distance from the country's borders.

In a number of recent crises, the departure of displaced populations has been blocked more by political than geographical obstacles. During the war in Bosnia, for example, people were prevented from leaving the country by travel restrictions and check points erected by the local authorities. In Sri Lanka, Tamils living in conflict zones have experienced severe constraints on their movement, imposed by armed rebels, the country's military forces and, at certain times, the Indian navy. A more dramatic case of obstruction occurred in 1991, when half a million fleeing Iraqi Kurds were prevented from seeking refuge in Turkey and were stranded in the mountainous border area.

Finally, internal and external flight options are often determined by simple considerations such as wealth, social connections, age and physical fitness. In Chechnya, for example, many ethnic Russians have remained behind in conflict zones, often because they are too old and weak to travel long distances and lack the social support networks that other members of the population can find in neighbouring republics. According to one expert on the region, the townspeople of Chechnya were more likely to become displaced than the rural population, because the latter were less dependent on services supplied by the state and were able to make use of more sophisticated survival strategies.[7] During the war in former Yugoslavia, it was very evident that wealthier members of the population could flee to Germany and other Western European states, whereas poorer rural families were far more likely to remain internally displaced.

Internal displacement and insecurity

Whatever the cause or pattern of their displacement, a characteristic which unites a large proportion of the world's internally displaced people is the insecurity of their lives. Many commentators have

argued that internally displaced people generally find themselves in more difficult and dangerous circumstances than refugees, primarily because they remain under the jurisdiction of the state which is unable or unwilling to protect them. Given the low – and in many parts of the world declining – level of protection available to refugees and asylum seekers, such comparisons are not particularly helpful.

Even so, there is substantial evidence available to demonstrate the acute conditions of physical, material, legal and psychological insecurity experienced by many internally displaced people. At the same time, it remains the case that refugees are generally more likely to come to the attention of the international community and thus to receive some form of protection and humanitarian assistance than internally displaced people.

During 1994-95 in Burundi, for example, considerably greater international resources were allocated to programmes for Rwandese refugees than for internally displaced Burundi citizens, although the latter constituted some 10 per cent of the population. Similarly, during the crisis in eastern Zaire, particularly in its earlier stages, the Rwandese refugees generally received much more attention from the international community than displaced members of the local population.[8]

When people flee from a situation of violence and persecution, those who go into exile may well enjoy better protection than those who remain in their country of origin. As the incumbent UN Secretary-General observed in 1996, "it is inadmissible that those who have managed to cross the border should benefit from the rules of international refugee law, while, at times only several hundred metres away, those who were not able to leave their country remain unprotected."[9]

Such populations are frequently confronted with threats to their security and welfare throughout the process of flight and displacement. Like refugees, they are often obliged to abandon their homes at short notice, leaving their assets behind. The journey out of a combat zone and into a more peaceful area may itself be fraught with danger.

During the past decade, for example, some two million people from southern Sudan are believed to have made their way to central and northern parts of the country in order to escape from the civil war being fought in their home areas. Accounts from the region tell of older children being forcibly separated from their families, conscripted into armed groups and militia forces and even sold into slavery. Travelling on foot or on overcrowded trains with inadequate sanitation and scarce food and water, large numbers of displaced people have not even survived the journey to their intended destination.

Reports from countries which have (or have had) significant populations of internally displaced people – Afghanistan, Angola, Azerbaijan, Georgia, Liberia, Mozambique, Somalia and Sri Lanka, for example – also tell a consistent story of material destitution. Congregated in camps, squatter settlements, church compounds, warehouses or abandoned buildings, internally displaced people often have insufficient food and water and little or no access to the most basic public services. While many people in low-income countries are obliged to live in conditions of acute poverty, surveys have shown that mortality rates amongst displaced communities can be much higher than those of settled populations within the same country.[10]

Internally displaced people can also be exposed to more direct physical threats. In a number of countries, camps and settlements for displaced persons have been the target of attacks by the warring parties – a particular problem in situations where those camps are believed to accommodate military elements. One of the most tragic instances of this type occurred at the Kibeho camp in Rwanda in April 1995, when thousands of internally displaced people (the exact number has not been established) were killed during a military operation designed to close down the camp and send its residents back to their places of origin.[11] Armed attacks on camps, settlements and so-called 'safe areas' accommodating the internally displaced have also occurred in countries such as Bosnia,

Burundi, Chechnya, Lebanon, Liberia, Sudan and Sri Lanka, resulting in thousands of deaths and forcing many other people to flee for a second time.

Some of the world's internally displaced people enjoy little or no freedom of movement. As recent events in former Yugoslavia have demonstrated, intense pressure may be placed on internally displaced populations to return prematurely (and involuntarily) to their places of origin, so as to reclaim those areas for a particular ethnic or social group. Conversely, internally displaced and forcibly relocated populations may be confined to heavily guarded camps or 'strategic villages', a situation characteristic of the Central American wars of the 1980s, as well as the more recent conflicts in countries such as Myanmar and Peru.

The precise purpose of such relocation programmes is not always easy to determine. In early 1997, for example, large numbers of internally displaced people in Burundi, predominantly Hutu, were placed in camps on the instructions of the government. According to the authorities, this was required as a security measure to take them out of areas of armed conflict. Opponents of the government, however, alleged that the camps were being established to intimidate the Hutu population, to deprive a rebel movement of popular support and to establish 'free-fire zones' in the rural areas.[12]

A further factor which often reinforces the vulnerability of the internally displaced is their lack of legal documentation. The retention of some elements of the Soviet *propiska* or residence permit system in the Commonwealth of Independent States, for example, places internally displaced people in a particularly precarious position. Under this system, people who move to a new place of residence without official authorization and documentation can be denied access to public services and may even be detained by the authorities. Lack of legal documentation has also been cited as one of the major problems facing displaced populations in Central and South America, making it difficult for them to vote, register the births of their children, to gain access to public education, health services and the judicial system.

Finally, it should be noted that because they remain in their country of citizenship, internally displaced people do not escape from the kind of discrimination, harassment and rejection that refugees often experience when they settle in another country. Indeed, such antagonism is frequently expressed with equal if not greater force, especially in countries affected by communal conflicts. In Tajikistan, for example, members of the Garmi and Pamiri communities who have moved into the capital city of Dushanbe have experienced considerable discrimination when seeking access to housing and employment .

NATIONAL AND INTERNATIONAL INITIATIVES

In 1986, the Independent Commission on International Humanitarian Issues published one of the first analyses of the problem of internal displacement. "The international community's response to the plight of displaced people has been unsystematic," it observed. "New initiatives to assist the internally displaced are urgently needed."[13] Since those words were written, however, the issue of internal displacement has assumed a far higher international profile, a trend that has been manifested in a number of ways.

During the past decade, the number of international conferences, studies and reports on the issue of internal displacement has increased very significantly, as has the number of organizations with an analytical or advocacy role in relation to this subject.[14] In addition to UNHCR, these include the Brookings Institution, the Lawyers Committee for Human Rights, the Refugee Policy Group and the US Committee for Refugees, as well as international agencies such as the International Organization

for Migration, the UN Development Programme and UNICEF. Most recently, the Norwegian Refugee Council has announced its intention to publish a 'global IDP survey' on an annual basis, an initiative which should help to provide a more systematic set of data on this issue.

For the past five years, the UN Secretary-General has retained a representative on internally displaced persons, a post filled by the scholar and former diplomat, Dr Francis Deng. In fulfilment of his mandate to examine the human rights issues raised by this problem, Dr Deng has visited a dozen countries with large populations of displaced people and reported regularly to the UN Human Rights Commission and the General Assembly. In addition, he has been instrumental in completing a study of legal standards pertaining to the internally displaced and has reviewed the current organizational arrangements relating to the protection and material welfare of this group of people.[15]

During the same period, an Inter-Agency Task Force on internally displaced people was established in Geneva, chaired by the UN's Department of Humanitarian Affairs, with the purpose of looking more closely at the issue of organizational responsibility and coordination amongst the international agencies concerned. There has been a lively debate on this issue during the past few years, both within and outside of the UN system, much of it revolving around the question of whether UNHCR or some other agency should assume statutory responsibility for the protection and welfare of internally displaced people. As a number of commentators have pointed out, there is currently a lack of consistency and predictability in the international community's response to this problem (see Box 3.3).[16]

Recent years have also seen a growing tendency amongst humanitarian organizations to identify internal displacement as a distinct – if not an entirely discreet – problem in their public awareness efforts, fund-raising appeals and operational activities. A recent statement by the International Committee of the Red Cross (ICRC), for example, indicated that "over 80 per cent of the ICRC's budget is allocated to protection and assistance activities for civilians, in particular internally displaced persons."[17] Similarly, the UN High Commissioner for Refugees has observed that "the similarity of the plight of the internally displaced to that of refugees has increasingly led UNHCR to extend its expertise to instances of internal displacement."[18] These instances are listed in Figure 3.2.

It would be inaccurate to suggest, however, that UNHCR's operational involvement with the issue of internal displacement is a particularly new phenomenon. A recent publication on this issue cites 15 cases between 1961 and 1991 in which the organization was involved with the internally displaced, most frequently in situations where they were living in or moving to the same areas as returning refugees.[19] These included, for example, the cases of Bangladesh (1971-72), southern Sudan (1972), Uganda (1979), Zimbabwe (1980) and Chad (1981). In addition, UNHCR has assisted the internally displaced in special programmes, unrelated to ongoing refugee or returnee assistance activities, such as that mounted in Cyprus after the division of the island in 1974.

What we are witnessing, therefore, is not the emergence of an entirely new problem, but rather a growth in the scale and geographical scope of the issue, coupled with a new awareness of its strategic and humanitarian significance (see Figure 3.3). With the recent upsurge in communal conflicts, the growing concern of states to avert or obstruct mass refugee outflows from such situations, and (until quite recently at least) the increased willingness of some influential states to intervene in areas of crisis and conflict, the issue of internal displacement has found a newly prominent place on the international humanitarian agenda.

National protection capacities

During the past few years, UNHCR and other humanitarian organizations have placed increasing emphasis on the notion of state responsibility – a principle which stipulates that governments and other actors in countries of origin have a primary duty to act in a way that is conducive to the prevention and resolution of refugee problems. The same principle is of equal if not greater

relevance to the problem of internal displacement, in the sense that internally displaced people remain under the jurisdiction of their own state, even if they do not benefit from its effective protection.

Some commentators have even suggested that an over-eagerness to promote international involvement in situations of internal displacement could have the unintended consequence of diluting the notion of state responsibility.[20] The restoration and strengthening of national protection capacities is thus an essential first step in the effort to safeguard the security of internally displaced people and to resolve the problem of internal displacement.

Recent discussions concerning the role of international organizations in relation to the internally displaced have tended to downplay the capacity of such populations to survive and safeguard their own welfare, even in the most difficult circumstances and in the absence of external assistance. In a number of war-torn states, many of the internally displaced and other war-affected populations have been obliged to rely on their own coping mechanisms, given the high level of disorder and the consequent absence of international organizations. But the precise nature of these mechanisms varies considerably from place to place.

In Somalia, for example, the clan-based militias and warlords have often been portrayed as the primary cause of the state's collapse and the consequent suffering experienced by the country's population. While there may be considerable truth in such observations, it must also be acknowledged that the clans provide their members with a degree of safety which they would not otherwise enjoy. Indeed, large numbers of people in Somalia have moved into the strongholds of their own clan for precisely this reason. As this example suggests, in many situations of internal conflict and displacement, state protection is replaced by armed self-defence.

Even so, recent experience has demonstrated that the institutions of civil society also have an important role to play in safeguarding the security of displaced people. The growth of self-help organisations in Liberia, for example, has been described as "one of the more positive phenomena to have emerged through the Liberian war."[21] Elsewhere, in the absence of official or international assistance, local religious, human rights and women's groups have taken the lead in mobilizing support for the internally displaced.

As one of the most important social institutions in South America, the church has played a leading role in publicizing the plight of the internally displaced. In Colombia, for example, the Episcopal Conference recently completed a major project to document the number of internally displaced people throughout the country. According to Francis Deng's report on the situation in Peru, "church organizations were among the first to provide the displaced with emergency assistance and to encourage them to organize."[22]

Sometimes local NGOs take great risks in providing assistance and advocating on behalf of the internally displaced, and by virtue of association themselves become targets of abuses and attacks by both government and rebel parties. Members of the active women's organizations established in Chechnya, for example, have taken great personal risks in documenting human rights abuses and forwarding this information to Moscow-based and international human rights organizations.

It would be wrong to suggest that governments currently play no role in protecting, assisting or finding solutions to the problems of internally displaced people. Situations of internal displacement sometimes arise because the state is unable – rather than unwilling – to protect its citizens. In certain countries, moreover, national and local government structures have helped to strengthen the security and safeguard the welfare of the internally displaced.

Francis Deng suggests that "strengthening the capacities of governments to deal with the problem of internal displacement could prove an important step towards finding solutions in certain cases."[23] In

dealing with the diverse situations of internal displacement, he observes, it is important to understand the problem in its national context and to see what can be done by both the government and the international community to remedy the situation. "If, during crises of internal displacement, governments are unable to discharge their responsibilities to provide their citizens with adequate protection... they are expected to invite, or at least accept, international cooperation to supplement their own efforts."[24]

Unfortunately, of course, governments and rebel groups are not always ready 'to invite, or at least accept' international involvement on behalf of the internally displaced. Indeed, in situations of armed conflict or ethnic persecution, and in wars where population displacements are an objective of the combatants or a military strategy employed by them, the potential for national protection may be very limited.

In the worst cases, governments and rebel forces may deny the existence of internally displaced populations or obstruct the work of relief organizations, thereby placing the people concerned beyond the reach of the international community. Referring to this problem in a recent statement to the UN Commission on Human Rights, Francis Deng reported that hitherto, his work had focused on countries that were receptive to his fact-finding mission. "I believe," he continued, "that we have passed this selective phase of the challenge; the role of the international community in providing protection and assistance to the internally displaced is no longer debatable."[25]

In an attempt to address this increasingly important item on the humanitarian agenda, considerable thought has recently been given to the legal, operational and even military action required to safeguard the security of internally displaced and war-affected populations. These issues are considered in the remaining sections of this chapter.

The development of legal standards

Several analysts have pointed out that the development of an international legal framework for the protection of internally displaced people is needed to establish standards of treatment that governments and other actors can be encouraged to observe.[26] There are, however, three principal schools of thought on this matter: those who argue that the best approach lies in the development and dissemination of existing international human rights and humanitarian law; those who claim that there is a need for new legal instruments or standards, akin to international refugee law but specifically focused on the protection of internally displaced people; and those who call for a more radical and comprehensive legal framework, covering all forms of forced displacement.

As the recognized guardian of international humanitarian law (sometimes known as 'the laws of war') the ICRC is perhaps the most influential representative of the first school of thought. In a review of this issue, the ICRC emphasizes that the Geneva Conventions and their Additional Protocols already make provision for the protection of the internally displaced during periods of armed conflict. "As internally displaced persons are in principle civilians, they are protected before, during and after their displacement by all the rules that protect civilians in an armed conflict situation."[27] According to an ICRC staff member, "even in times of war, civilians should be able to lead as normal a life as possible. In particular, they should be able to remain in their homes; this is a basic objective of international humanitarian law." [28]

The preceding observation is quite easily illustrated by reference to Protocol II of the Geneva Convention, which deals with 'the protection of victims of non-international armed conflicts', and which includes the following provisions:

- Article 4, which states that "all persons who do not take a direct part or who have ceased to take part in hostilities... are entitled to respect for their person, honour and convictions and

religious practices. They shall in all circumstances be treated humanely, without any adverse distinction..."

- Article 13, which states that "the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations," and that "acts or threats of violence, the primary purpose of which is to spread terror amongst the civilian population, are prohibited."

- Article 14, which states that "starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas... crops, livestock, drinking water installations and supplies..."

- Article 17, which states that "the displacement of the civilian population shall not be ordered for reasons related to the conflict..." "Civilians," it continues, "shall not be compelled to leave their own territory for reasons connected with the conflict."

According to the ICRC, there is a danger that the introduction of new legal standards for internally displaced people will weaken or narrow the scope of these and other norms. By concentrating on the treatment of people once they have been uprooted, such standards might also divert attention from the need to avert displacements in the first place. "The suffering experienced by displaced persons must not undermine faith in the rules whose violation has prompted the displacements." In conclusion, the ICRC emphasizes that "efforts should focus on improving respect for international humanitarian law, rather than on the establishment of new rules for the specific category – moreover very difficult to define – of displaced persons."[29]

Adopting guiding principles

In an attempt to ascertain the value of existing international human rights, humanitarian and refugee law in relation to the internally displaced, the Secretary-General's representative on the issue, Dr Francis Deng, has completed a detailed study of this question. Undertaken over a three-year period by a team of legal experts and institutions, the study was completed in 1996.[30]

In brief, Dr Deng's review concluded that the current international legal provisions do not cover all situations of internal displacement and often fall short of providing adequate protection to the affected populations. Most notably, it points out, while international humanitarian law is applicable in situations of armed conflict it does not apply in the context of internal tensions and disturbances, nor in situations of social and communal violence.

At the same time, Dr Deng identifies a number of other areas in which existing international law seems inadequate. These include, for example, the provision of personal documentation to internally displaced people; the issue of compensation for property which has been lost during displacement; the right of displaced people to receive humanitarian assistance; and the absence of guarantees ensuring the right of internally displaced people to return to their usual place of residence and to be protected against forcible return to situations of danger.

Three other weaknesses in the existing framework of legal protection must also be pointed out. First, given its primary concern to regulate the behaviour of states and government institutions, international law is limited in its application to actors such as rebel groups or warlords. Second, it is sadly the case that some states have not ratified the key human rights treaties, nor the Geneva Conventions and their Protocols. Third, many provisions of international human rights law can in any case be suspended when a national emergency has been declared – precisely the circumstances which generate the largest movements of internally displaced people.

On the basis of these and other considerations, Francis Deng concludes that initiatives are required to fill the gaps in the existing legal framework and to address more directly the particular protection needs of the internally displaced. Along with other analysts, he suggests that such an initiative should take the form of an international declaration, statement of principle or code of conduct, consolidating new and existing standards in a single document.[31]

As well as specifying protection standards during the period of displacement, the document would underscore the right of people not to be arbitrarily uprooted and would thereby have a preventive impact. At the same time, it would establish principles and guarantees relating to the return of displaced people to their areas of origin, and thus deal with the post-displacement phase. Such principles would be directed to governments and rebel forces alike and would be non-derogable in all circumstances.

Alternative legal approaches

While states and other actors digest and consider Dr Deng's proposals, the debate concerning the legal protection of internally displaced people shows no sign of diminishing. According to some commentators, the international community's current interest in the plight of the internally displaced is a manifestation of its declining commitment to the institution of asylum and the established principles of refugee protection. If new standards of treatment for the internally displaced are established, states will argue that uprooted populations can find adequate protection in their country of origin, and can legitimately be prevented from crossing an international border.

Analysts have also argued that it may be misguided to institutionalize the category of 'internally displaced person' and to develop a legal framework on the basis of that category. First, internally displaced people might actually suffer as a result of becoming more visible and being given a status which is different from other citizens. As suggested earlier, large numbers of internally displaced people are reluctant to present themselves to their national authorities and move to areas where they can retain a degree of anonymity.

Second, there is a sense in which the effort to establish a dedicated legal framework for internally displaced people might obstruct the development of a holistic approach to the issue of forced displacement in all its complexity and different manifestations. What is needed, some commentators suggest, is a comprehensive set of norms, standards and rules, which apply to all situations of displacement and which would be of particular relevance to complex emergencies, where refugees, returnees, the internally displaced and the local population frequently find themselves together in the same location.[32]

Amongst other things, an instrument of this type would prohibit all forms of forced displacement and reaffirm the right of threatened populations to seek asylum abroad. It would elaborate protection principles for both internally and externally displaced populations, including their right to protection and assistance and their right to return in safety to their usual places of residence. Such an approach, it has been suggested, would place the protection of forcibly displaced people in the broader context of prevention and solutions – a strategy which has been strongly supported by UNHCR in recent years.[33]

Whatever their precise content, legal frameworks and international instruments cannot by themselves protect forcibly displaced populations. First, such frameworks and instruments must be widely disseminated, so their provisions are known to all those individuals and institutions whose policies, decisions and actions have a bearing on this issue. Second, those individuals and institutions must act in accordance with these instruments – objectives that require an intensive process of education, training and public information.

Third, international laws and standards (like domestic laws and standards) must be supported by deterrents. Institutions and individuals who are responsible for the human rights violations which provoke forced population displacements must know that they cannot act with impunity. It is for this reason that UNHCR and many other humanitarian organizations have welcomed the recent establishment of international tribunals for individuals suspected of war crimes and crimes against humanity in Rwanda and former Yugoslavia.

THE MEANING AND MODES OF PROTECTION

What exactly does 'protection' mean in situations of internal displacement? In the context of refugees, there is a clearly established framework of international protection which includes core elements such as the principle of non-refoulement, the right of refugees to enjoy physical and legal security in their country of asylum, as well as their right to return to their homeland in conditions of safety and dignity. Ultimately, the framework of refugee protection exists to safeguard the well-being of people who are outside of their own country and who are unable to avail themselves of the protection which a state should provide to its citizens.

The situation is more complex in the case of the internally displaced, by virtue of the fact that such people remain under the jurisdiction of the state, despite its evident unwillingness or inability to guarantee the security of its citizens. The protection of internally displaced people and other victims of violence within their own country thus raises in a very direct manner the question of state sovereignty. To what extent can humanitarian organizations substitute for an absence of national protection, even if the government and other actors involved consent to their presence? And if such consent is not forthcoming, do the United Nations and other multilateral actors have the right – or the capacity – to intervene in an assertive or coercive manner?

There is now a growing recognition that the international community has in some senses attempted to avoid these difficult issues by concentrating excessively on the provision of emergency assistance to internally displaced and war-affected populations, while giving inadequate attention to their physical security. As one scholar has concluded, "humanitarian aid is often conceived of as a matter of delivering humanitarian supplies: food, shelter and medicine. What easily gets neglected is the central importance of protection."[34]

Recognizing the inadequacy – and even the immorality – of policies which favour emergency assistance at the expense of human rights protection, there is now a growing awareness of the need for a more balanced approach to this issue. "Humanitarian action", the UN High Commissioner for Refugees has affirmed, "is not only about the delivery of relief but first and foremost about ensuring the basic human rights, security and protection of the victims on all sides of a conflict."[35]

In its contribution to the debate, the ICRC also stresses the complementarity of these activities and the need to adopt a holistic notion of security, incorporating its physical and material dimensions. "The distinction between activities qualified as assistance and those considered as protection is often an artificial one," the ICRC observes. "To deliver relief supplies and make certain that they reach the people they are intended for is also a form of protection."[36]

UNHCR's experience has demonstrated that with a strong and well organized field presence, humanitarian organizations can play a valuable role in the protection of displaced and threatened populations. Thus an internal review of UNHCR's operations in former Yugoslavia concluded that "UNHCR's involvement kept innumerable displaced and war-affected people alive, and in some instances averted population displacements by preventing – or at least moderating – the abuses committed by the warring parties. By sharing information with the media and other members of the

international community, UNHCR also alerted the world to the process of ethnic cleansing and focused global attention on other atrocities."

Another internal review of a less well-known operation, in the Central Asian republic of Tajikistan, made some similar observations. "When serious incidents have been reported to UNHCR, staff have taken prompt and frequently successful action to address abuses. UNHCR's role in protecting returnees and internally displaced persons has undeniably helped to avert large-scale movements to the cities as well as the forced relocation of the internally displaced back to their region of origin." Emphasizing the question of presence, the evaluation states that "some of the operation's success must be attributed to the quick establishment of a highly mobile and field-oriented operation."

UNHCR and the ICRC are not, of course, the only organizations to undertake such activities. One of the most significant recent developments in this area is to be seen in the deployment of UN human rights monitors and field officers, under the auspices of the High Commissioner for Human Rights and other components of the UN system. The impact and effectiveness of such efforts, however, remain to be fully assessed.

There is an emerging consensus that MINUGUA, the UN's human rights verification mission in Guatemala, represents one of the more successful initiatives of this type, due to a combination of factors: the positive evolution of the country's peace process and consent of the parties concerned; the strong support given to MINUGUA by other states in the region and the international community as a whole; the strength of the mission's field presence, which involved more than 200 international personnel, spread throughout the country; and the mission's involvement not only in human rights verification, but also in the process of strengthening national structures such as the judicial system and the institutions of civil society.[37]

By way of contrast, the UN's human rights mission in Rwanda has been obliged to function in a much more difficult and dangerous operational environment, with the result that its achievements have, most observers would agree, been far more modest. Epitomizing the serious problems confronting this mission, five members of the human rights team were murdered in the area of Cyangugu in February 1997, an incident which obliged the UN to withdraw its staff members from a large part of the country.

Humanitarian access

In countries where the structures of state have collapsed and armed conflict is taking place, the protection of internally displaced people and other civilians is an enormously difficult undertaking. The parties to the conflict may well prevent humanitarian organizations from establishing a presence in conflict zones. As in Bosnia, where starvation was used as a weapon of war, access may be obstructed in order to prevent the delivery of humanitarian relief. As in eastern Zaire, access may be denied as a means of preventing humanitarian organizations from carrying out protection and monitoring activities in areas where deadly human rights violations are occurring. If such organizations are allowed to operate, it may only be so that the supplies they bring with them can be plundered, employed to support the war effort or used to mobilize the support of the civilian population. In many recent conflicts, of course, even the distinction between combatants and civilians has proved difficult to make, given the extent to which whole societies have become mobilized for war.

In these circumstances, humanitarian action is likely to be dependent on some form of negotiated access with the warring parties. It may also involve the establishment of an agreed code of conduct or declaration of principles, so as to minimize the risk of political manipulation, to protect the security of humanitarian personnel and to preserve the ethos of impartiality which guides their work.

International efforts to gain access to displaced and vulnerable populations have in practice assumed a variety of different forms: the establishment of 'humanitarian corridors' or 'corridors of tranquillity', enabling the delivery of relief to war-affected areas; the creation of 'open relief centres' where the local population can take refuge when they are threatened by fighting; and the negotiation of temporary cease-fires with the warring parties, enabling humanitarian organizations to provide emergency assistance or to undertake immunization campaigns. Perhaps the most concerted effort to apply such techniques to a situation of internal displacement is to be found in the activities of Operation Lifeline, a United Nations initiative in Sudan (see Box 3.4).

Despite negotiations and agreements, however, humanitarian agencies often find it extremely difficult to reach and assist – let alone to protect – populations which have been displaced by armed conflict. The work of humanitarian organizations in Chechnya, for example, has been obstructed by all parties to the conflict, while UNHCR has been authorized to work only with displaced people in neighbouring parts of the Russian Federation.

In Liberia, humanitarian organizations have been constantly obliged to suspend their operations, due to the intensity of the conflict and the regularity with which their offices, vehicles and relief supplies have been plundered by the combatants. In both Bosnia and Somalia, constant negotiations, political pressure, and even some trade-offs were required to ease the passage of humanitarian assistance through the network of roadblocks established by the parties to those conflicts.

Commenting on such circumstances, the UN High Commissioner for Refugees has openly acknowledged the limitations of humanitarian action undertaken by civilian organizations and has raised the issue of whether more assertive forms of action and intervention are required. "The threat of force, and the will to use it, becomes indispensable where consensual arrangements have no chance of success." "Enforcement," she continues, "is a critical issue. It may complicate the arduous efforts of conflict mediators. It may undermine neutrality and engender risks for impartial humanitarian action. But are strict neutrality and effective protection not often incompatible? Humanitarian responses should serve first of all the protection of people."[38]

MILITARY INVOLVEMENT AND THE SAFE AREA CONCEPT

Since the beginning of the 1990s, the international community (normally but not exclusively in the form of the UN Security Council) has on a number of occasions deployed multinational military forces in armed conflicts, with the objective of protecting or assisting displaced and war-affected populations within their country of origin. In an effort to meet these objectives, two basic strategies have emerged. First, such forces have been used to protect humanitarian activities and to facilitate the delivery of emergency assistance – an approach adopted in Somalia from 1992-94, throughout the war in former Yugoslavia and in eastern Zaire during the 1994 Rwandese refugee crisis.[39]

Second, multinational forces have been used to implement what has become known as the 'safe area', 'safety zone' or 'safe haven' strategy. In general terms, this entails the use of such forces to insulate and protect a given geographical area from a surrounding situation of armed conflict and violence, thereby safeguarding the security of people who are living in or returning to that zone. [40]

The concept of specially protected areas for civilians in times of armed conflict is actually a long-established one. Under international humanitarian law, combatants are prohibited from attacking areas which have been reserved for the care of civilians and soldiers in need of medical attention. The Geneva Conventions also contain some little-known provisions whereby the parties to a conflict can formally agree to the establishment of 'non-defended localities', 'safety zones' or 'hospital

zones', that is to say, neutral and demilitarized areas where civilian populations can find safety, security and assistance.

While a number of different 'safe areas' have been established since the beginning of the 1990s, it is important to note that none of these initiatives complies with the principles of consensuality and demilitarization which underpin the arrangements provided for in the Geneva Conventions:

- In 1991, a US-led coalition of states established a safe area in northern Iraq, with the intention of providing protection and assistance to more than 1.5 million people, the majority of them Kurds, who had been attacked by the country's armed forces and who had fled towards Iran and Turkey.

- In 1993, the UN Security Council declared six government-held enclaves in Bosnia to be safe areas, under the protection of the United Nations and the NATO alliance, so as to safeguard their inhabitants from attack and to ensure that they received the humanitarian assistance which they needed to survive.

- In 1994, a 'humanitarian protection zone' was established in south-west Rwanda, in the context of a French-led military intervention known as Operation Turquoise. Authorizing this initiative, the Security Council approved "the establishment of a temporary operation under national command and control, aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk."[41]

In principle, of course, there is a great deal to be said for a strategy which is intended to provide internally displaced and other war-affected populations with a greater degree of security, and which enables uprooted populations to return to their homes. In practice, however, the consequences of establishing the safe areas described above have been mixed.

Safe areas: an assessment

In northern Iraq, the allied military intervention obliged the Iraqi army to halt its attacks on the Kurdish population and enabled UNHCR and other humanitarian organizations to establish a large-scale emergency assistance, repatriation and reintegration programme. As a result, a large proportion of the people who had been displaced by the military offensive were able to go back to their homes, a process which also averted the creation of a large and potentially long-term refugee problem in the neighbouring states.

During the past five years, however, the non-consensual way in which the safe haven was established and the absence of any recognized authority in the area has had several adverse consequences. Residents have had to contend with a stringent economic blockade imposed by the Baghdad government, which has itself been subjected to sanctions by the Security Council. Living conditions in the area, now a 'no-fly zone' patrolled by allied aircraft, have consequently been very difficult for the population .

In some parts of northern Iraq, people have been caught in the crossfire between rival Kurdish militias. In March 1995, some 35,000 Turkish troops moved into the area to conduct an offensive against Kurdish guerrillas, an operation which obliged the western powers to suspend their protective air flights over the safe haven. As a result of this military intervention, humanitarian activities in the safe haven also had to be temporarily halted, thousands of Iraqi citizens were displaced from their homes, and UNHCR was obliged to relocate more than 2,500 Kurdish refugees living in the area. Since that time, the area has been the target of further interventions by Turkey, as well as Iranian and Iraqi government forces.

The record of the safe area initiative in Bosnia, most commentators agree, was far from satisfactory. Commenting on this initiative, the UN Secretary- General observed that "when the consent and cooperation of the parties has been forthcoming... the presence of UN observers and patrols has enabled the monitoring of cease-fires, stabilized surrounding confrontation lines and improved security by resolving localized disputes or outbreaks of fighting."[42]

In practice, however, this 'consent and cooperation' rarely existed. The six safe areas were under constant siege and intermittent bombardment by the Bosnian Serbs, jeopardizing the safety and the dignity of the residents. As the former chief of UNHCR's Bosnia operation wrote in 1994, "surrounded by enemy forces, without basic shelter, medical assistance or infrastructure, isolated and living under sporadic shelling or sniper fire, these areas are becoming more and more like detention centres, administered by the UN and assisted by UNHCR."[43]

As the Secretary-General acknowledged, the safe areas in Bosnia were not only dangerous, but were also drawn into the logic of the war. "What is happening now," he observed in May 1995, "is that certain safe areas are used by the two parties to the conflict to sustain their confrontation."[44] Established without the consent of the Bosnian Serbs, and used as military bases by the Bosnian government forces, the safe areas actually provoked attacks on the residents and relief personnel they were intended to protect. Eventually, two of the safe areas – Srebrenica and Zepa – fell to the Bosnian Serb forces, an event which led to the death, disappearance and dispersal of many thousands of people.

Reporting to the United Nations on the outcome of Operation Turquoise, the French government suggested that the creation of a 'humanitarian protection zone' in south-west Rwanda had four principal achievements to its credit: halting the massacres which were taking place in the area; providing protection to the population there; allowing humanitarian activities to be launched; and assisting in the collection of information about human rights abuses. Other commentators have suggested that the outflow of refugees from this part of the country to the neighbouring state of Zaire was also reduced as a result of the military operation.[45]

The French NGO Médecins sans Frontières (MSF), however, has been less positive in its assessment, arguing that Operation Turquoise was "too little and too late." The genocide, MSF suggests, was halted not by the military intervention, but by the advance of the Rwanda Patriotic Front, which was soon to form the country's new government. While acknowledging that Operation Turquoise "saved a few thousand lives and helped stabilize population movements within Rwanda," the French agency argues that the security zone established in south-west Rwanda "also gave shelter to the militias and perpetrators of the massacres."[46] When Operation Turquoise came to an end, moreover, those people who had been able to remain in the country as a result of the international presence ultimately chose to flee. Despite these criticisms, and whatever the motivation of the operation, the French intervention was the only real response to the UN Secretary-General's repeated calls for international action in Rwanda.

Humanitarian action and military intervention

In addition to the specific issues raised by the safe area initiatives in Iraq, Bosnia and Rwanda, a number of more general observations can be made with regard to this strategy.

First, although phrases such as safe area, safe haven and security zone are now regularly used by governments, international organizations and academic analysts, they have hitherto been employed in a very loose manner. Little effort has been made to define these concepts or to identify the criteria and standards which should be met when safe areas are established. As former UN Secretary-General Boutros Boutros-Ghali commented in relation to the Security Council's resolutions on Bosnia and Herzegovina, "the problem with safe areas is first of all that we have not received a definition of what is meant by a safe area." [47]

Second, without clear criteria and standards, the safe area concept is liable to be used in a misleading way, as a declaration of intent rather than an accurate statement of fact. For, as indicated above, the inescapable truth is that the so-called safe areas established in recent years have not been safe at all for many of the people living in them. Moreover, while ostensibly designed to strengthen the security of civilian populations, local military forces have continued to operate in each of the safe areas established during the past few years.

A third issue associated with the safe area strategy is the threat which it can pose to the principle of asylum and the right of freedom of movement. The creation of the safe haven in northern Iraq was a direct result of Turkey's unwillingness to admit the fleeing Kurds, a decision which had left thousands of people stranded – and dying – in the mountainous border area. In former Yugoslavia, the freedom of people to leave the safe areas was constrained both by the Bosnian Serb siege and by the Bosnian government's reluctance to allow the departure of the population in areas remaining under its control. At a more general level, it is quite evident that the international community's interest in the safe area concept has to a considerable extent been prompted by the growing reluctance of states to admit large numbers of refugees.

Fourth and finally, there is an evident need for safe areas to be established on the basis of an unambiguous mandate. Ideally, such areas should conform to the strict principles enshrined in the Geneva Conventions: civilian and demilitarized areas, established with the full consent of all the parties concerned. While this model of the safe area has rarely been implemented in recent years, a somewhat similar approach has been seen in Sri Lanka, where UNHCR has been instrumental in the establishment of 'open relief centres'. These are temporary sanctuaries where internally displaced people can obtain emergency assistance in a relatively safe environment, pending a stabilization of the situation in their usual area of residence.[48]

Given the brutal nature of many of the world's most recent internal and communal conflicts, the conditions required for the establishment of 'Geneva Convention safe areas' seem unlikely to be fulfilled. The level of animosity between the warring parties, their determination to gain control over people and territory and their disrespect for international humanitarian law may mean that consensual arrangements are simply not feasible. Safe areas of a non-consensual nature may therefore be required if civilian populations are to be protected.

If they are to be effective, then it is essential for such areas to be supported by the credible threat or use of force against external attack. As recent experience in Bosnia, Somalia and the Great Lakes region of Africa suggests, however, the political will needed for this condition to be fulfilled may not always be forthcoming, especially if it requires states to commit their ground forces in an ongoing armed conflict. Indeed, there is now a growing consensus that the kind of 'humanitarian intervention' witnessed in the first half of the 1990s is unlikely to be repeated in the second half of the decade (see Figure 3.4).[49]

At the same time, it has become evident that safe areas must form part of a comprehensive political strategy, designed to bring a conflict to an end and to ensure that the state in which the safe area has been established is ultimately able to assume responsibility for the protection of its own citizens. As one scholar has observed, this is another reason why the safe area concept is highly unlikely to be implemented on a regular basis. "Safe areas produce a *de facto* secession," he argues, "which may be one of the strongest political obstacles to their employment."[50] Thus in northern Iraq, for example, while the allied coalition certainly wished to protect the Kurds and to exert pressure on the Baghdad government, it did not want to challenge the principle of Iraqi sovereignty. Indeed, the Security Council resolution which paved the way for the creation of a safe area in northern Iraq explicitly reaffirmed the UN's commitment to the territorial integrity of the country.

Almost inevitably, on those rare occasions when non-consensual safe areas are established, then humanitarian agencies will be invited and encouraged to work alongside the military, in order to provide assistance to the protected population. Indeed, a recent Canadian proposal envisaged the

establishment of a 'United Nations rapid reaction force', incorporating military, humanitarian, civil affairs and human rights components.

According to some commentators, humanitarian organizations should resist the temptation to become involved in coercive operations and non-consensual safe areas, on the grounds that "enforcement is itself incompatible with the neutrality of humanitarian activities and is likely to undermine their functioning."[51] While this argument is supported by the long-established doctrine of the ICRC, it is perhaps not possible (or in some cases desirable) for all humanitarian organizations to adopt this position.

Neutrality may be undesirable if it obstructs the effective protection of people whose lives are at risk. It may also be impossible for a humanitarian organization such as UNHCR, given its membership of the UN system. As one scholar has stated, "it is undeniably difficult for the UN, and for agencies within the UN system, to maintain impartiality when the system is by nature involved in a wide range of political decision-making, and when its security responsibilities may lead it to advocate enforcement measures against a particular party." "With respect to many conflicts," he concludes, "fairness in exercising judgement... may be a better guide to policy than impartiality."[52]

In the context of efforts to safeguard the security of internally displaced and war-affected populations, the judgment exercised by humanitarian organizations should be derived from a number of basic principles.

First, while recognizing that geopolitical considerations will inevitably influence the decision to establish – or not to establish – a safe area, humanitarian organizations must be satisfied that such an initiative has a primarily protective purpose. Second, protective efforts should not violate the right of people to leave a situation of danger and to seek sanctuary elsewhere, whether in another country or another part of their own state. Third, the right of internally displaced people to return to their previous or usual place of residence should be upheld, while recognizing that it may not always be possible to realize this right in situations where the borders of a state and its ethnic composition have been changed in the course of a conflict.

Finally, internally displaced people should not be pressurized to go back to any area against their will. It is not acceptable for displaced people to be returned to locations which are still affected by armed conflict or violence. Furthermore, if future population displacements are to be averted, then the premature return of people to areas where their security cannot be assured is clearly inadvisable.

NOTES

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4 T. Weiss and A. Pasic, 'Reinventing UNHCR: enterprising humanitarians in the former Yugoslavia, 1991-1995', *Global Governance*, no. 3, 1997.

5 See, for example, US Committee for Refugees, *World Refugee Survey 1992,* Washington DC, 1995, p. 44.

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23 F. Deng, 'Internally displaced persons: report of the Representative of the Secretary-General', 1995, UN document UN/E/CN.4/1995/50, para. 26, on *Refworld* CD-Rom, *op cit*.

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25 F. Deng, statement to the UN Commission on Human Rights, March 1997.

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50 B. Posen, 'Military responses to refugee disasters', *International Security*, vol. 21, no. 1, 1996, p. 94.

51 K. Landgren. *op cit*, p. 455.

52 A. Roberts, *op cit*, pp. 55 and 84.

Box 3.1
Development-induced displacement

The World Bank estimates that between 90 and 100 million people around the world have been forcibly displaced over the past decade as a result of large-scale development initiatives such as dam construction, urban development and transportation programmes. An unknown number have also been uprooted by lower-profile forestry, mining, game park and land-use conversion projects. The scale of such displacement seems unlikely to diminish in the future, given the processes of economic development, urbanization and population growth which are taking place in many low and middle-income countries.

There is an inevitable clash of interests in the implementation of large-scale infrastructure projects. Governments, donor states and the international financial institutions tend to regard such projects as an unavoidable and ultimately beneficial part of the development process. Under the legal principle of 'eminent domain', states justify the expropriation of people's property on the grounds that such action is for the economic and political 'greater good' of the nation.

This perspective, however, does not take into account the views of those people most directly and adversely affected by such projects – almost invariably members of the poorest and most marginalized social groups. Indigenous populations, for example, form a large proportion of those affected. In India, which has one of highest rates of development-induced displacement in the world, 40 per cent of the 23 million people affected are tribal peoples.

Consequences of displacement

In a wide-ranging survey of the effects of development-induced relocation, World Bank expert Michael Cernea concluded that such displacement leads to various forms of impoverishment: landlessness, joblessness, homelessness, economic marginalization, increased morbidity, food insecurity, loss of access to common property and social disintegration. The impact of displacement on indigenous populations can be particularly severe in social and psychological terms, as it entails a severance of sacred ties to their land and culture.

The Organization for Economic Cooperation and Development, which brings together the states with the largest development assistance programmes, reaches similar conclusions. "Development projects that displace people involuntarily," it points out, "generally give rise to severe economic, social and environmental problems. Production systems are dismantled, productive assets and income sources are lost, and people are relocated to environments where their social and productive skills may be less applicable, and the competition for resources greater."

The relocation of 13,000 people during the construction of the Panatabangan dam in the Philippines provides one example of the far-reaching repercussions of development-induced displacement. Moved from a town that was due to be inundated as a result of the dam's construction in the early 1970s, local inhabitants were resettled on land that was ill-suited for cultivation. Their efforts to support themselves through agricultural production led to intensive environmental damage and eventually forced people to leave the land. As a result, they were obliged to compete for the few jobs available in the area, adding to the already high level of unemployment.

In order to eke out a living, the unemployed resorted to the illegal cutting of trees for the production and sale of charcoal, adding to the region's environmental difficulties. Twenty years later, none of the displaced people have been able to repay their housing and personal loans; none of the farms which they were allocated are productive; most young people have left the area in search of work; and the landscape is ravaged by deforestation. According to one study, the construction of the dam and relocation of the population proved to be "a devastating medium of impoverishment."

In recent years, there has been a greater awareness of the problems associated with development-induced displacement and a growing recognition of the important human rights issues raised by this phenomenon. Such concern has been stimulated not only by the negative results of many relocation programmes, but also by the resistance which populations have mounted to their forced displacement.

The Kayapo people of Brazilian Amazonia, for example, formed strong alliances with environmental and human rights groups, persuading the government and World Bank to abandon plans for the implementation of major dam and hydro-electric power projects on the Xingu river. But such protests have not always been so successful. Local and international efforts to prevent the construction of the Narmada dam in India, for example, failed to completely halt the project, while in Norway, the Saami people were unable to stop the construction of the Alta river dam.

Balancing interests

It would be unrealistic to argue for the abandonment of all development and infrastructure projects which require population displacements and resettlement. Safe water, irrigation systems, electricity supplies and transport links all have an important role to play in safeguarding human welfare and promoting sustainable economic growth. But such projects should evidently be designed and implemented in a manner which takes into account the interests of affected populations.

In response to this dilemma, the World Bank, which helps to finance up to ten per cent of all development projects which involve involuntary displacement, has introduced a resettlement policy. Its principles include a commitment to avoid displacement altogether or minimize its consequences when it does take place; to restore the living standards and earning capacities of affected populations and to improve them where possible; to ensure that resettled people share in the benefits of the project which has displaced them; and to promote the participation of affected populations in the resettlement planning process. The World Bank has also stated that it will not finance projects involving large-scale displacement unless the borrowing country adopts this policy and has established an appropriate legal framework for the resettlement process.

Despite this policy, which has been developed over the past 15 years, the World Bank continues to be criticized for its resettlement practice by human rights organizations and environmental lobbyists. The Bank acknowledges that it has been only partially successful in implementing its own guidelines and recognizes that resettled populations rarely if ever succeed in regaining the

standard of living they enjoyed prior to displacement. Examining these issues, one commentator observes that "turning good resettlement policy into good resettlement action is not easy: governments resist, managers equivocate and line agencies are not always willing to back up brave words with hard cash."

Nevertheless, as Michael Cernea has pointed out, the worst consequences of development-induced displacement are to be found in domestically rather than internationally financed projects. "Impoverishment and brutal violations of human rights," he states, "happen most frequently in programmes that are not subject to agreements on policy guidelines and to professional outside review."

Box 3.2
Internal displacement in Colombia

"Little noticed by the outside world, a humanitarian disaster is under way in north-western Colombia." As this April 1997 headline from *The Economist* indicates, the problems of internal conflict and displacement in that country have reached crisis proportions. In 1996 alone, 180,000 people were forced to flee from their homes, bringing the number of internally displaced people (*desplazados*) to over 900,000, one of the largest populations of its kind in the world. "While international concern and relief efforts focus on refugees in Africa and Asia," *The Economist* continues, "Colombia's *desplazados* receive little attention – not much, indeed, even from their own countrymen."

Internal displacement is not a new phenomena in Colombia. Indeed, the country has experienced several phases of displacement, each of which can be attributed to the same set of chronic problems: the absence of a strong and legitimate state; a deep-rooted culture of political violence and impunity; a highly inequitable distribution of wealth and power; and the consequent marginalization of large segments of society.

Dynamics of displacement

The first phase of displacement took place in the 1950s, when an estimated two million people were displaced from their land and up to 300,000 more were killed as a result of a bloody war between Colombia's two main political parties. This period, known as *La Violencia*, came to an end in the late 1950s, when the two parties established the National Front and agreed to alternate periods in office. By excluding other groups from political power, however, this arrangement led to widespread disaffection and the rise of guerrilla movements. During the 1970s, the state responded to the guerrilla insurgency with increasingly repressive measures. Local paramilitary groups were formed to counter the rebels, often with the support of the drug barons who controlled the trade in heroine and cocaine.

Since 1995, a number of authoritative reports by national and international bodies, including the United Nations and US State Department, have pointed to an intensification of the conflict in Colombia, a change in the dynamics of violence, a serious deterioration in the human rights situation and increased levels of forced displacement. Powerful alliances have been established between the drug cartels, the security forces and paramilitary groups, and in some instances between the drug cartels and the guerrillas. Opposition leaders, lawyers, teachers and peasants have all been selectively eliminated, through a systematic process which some commentators have described as 'social and political cleansing'. As Francis Deng observed in his 1996 report for the United Nations, "displacement is an instrumental part of the government's counter-insurgency strategy and of the guerrillas' increase of territorial control."

The problem of internal displacement is most serious in those parts of Colombia which have the highest levels of guerrilla and paramilitary activity. Increasingly, there is a merging of economic and military interests in these regions. Paramilitary groups forge alliances with wealthy landowners and drug barons in return for protection against guerrilla activities, while landowners and business entrepreneurs profit from the flight of peasant farmers, whose land they are able to purchase at a minimal cost. Such a pattern has been observed in the wealthy banana producing district of Uraba in north-west Colombia, where the convergence of paramilitary groups, guerrilla forces, narcotics and arms traffickers has led to a dramatic increase in the scale of the conflict.

Patterns of displacement

The victims of internal displacement in Colombia are predominantly peasants, many of them from the country's indigenous and black populations. Frequently, they find themselves caught in the cross-fire between guerrilla and counter-insurgency groups and are victimized by both sides. As a journalist has written in the British newspaper *The Guardian*, "left and right rarely meet in direct combat, preferring to settle their scores by tit-for-tat attacks on peasants seen as being associated with the other side."

A general pattern which has been observed throughout Colombia is the tendency for the *desplazados* to flee in small and unobtrusive family groups. According to a recent article in *Le Monde*, "people flee silently, individually and almost shamefully." Generally, the displaced move first to nearby areas, often working away from their homes during the day and returning at night. "Displacement produces a spiral effect," the article continues. "When there is conflict, the people from the hamlets flee towards the villages, then from the villages towards the towns, and finally towards the capital. A certain solidarity forms amongst them: everyone who flees leaves his house open for those who follow."

In some of the worst affected regions, the displaced gather in makeshift camps, waiting for the situation to improve in their villages before they will risk returning home. Eventually, however, most of them flock to the already overcrowded shanty towns of Bogotá and other cities, where conditions are both squalid and dangerous. As well as fearing reprisals and harassment from the security services, paramilitary and guerrilla groups, many of the internally displaced lack legal documentation and so are unable to exercise a full range of civic and political rights.

The vast majority of Colombians uprooted in recent years have remained within the country. Many are unable or unwilling to leave, due to the militarization of the border area and the natural obstacles to flight: rivers, mountains and jungles. In the first half of 1997, however, the deteriorating security situation in the border areas prompted a movement of some 2,000 people into the neighbouring state of Panama, as well as unknown numbers into Ecuador and Venezuela. UNHCR, which had not been given access to the Colombian refugees by the middle of the year, has expressed its concern about their well-being and security. On two occasions – in November 1996 and April 1997 – the Panamanian authorities returned hundreds of refugees to Uraba, prompting UNHCR to criticise this action in public statements.

Responses to displacement

The problem of internal displacement in Colombia remains largely unaddressed at both national and international levels. In recent years, the Colombian government has adopted a series of measures and mechanisms to address the country's human rights problem. These have included the introduction of a new constitution and the establishment of a national ombudsman's office for human rights. Some assistance for internally displaced people is also provided through the national Solidarity and Emergency Fund of the Presidency. Unfortunately, however, many of

these national initiatives appear to lack the staff, resources, autonomy and authority required to implement effective human rights policies or to respond to the needs of the internally displaced.

Non-governmental organizations (NGOs) and the Church play an important role in highlighting the plight of the internally displaced in Colombia. In 1995, for example, the Colombian Episcopal Conference completed a year-long project to assess the scale of internal displacement in Colombia. Although NGOs play a vital role in mediating between displaced people and the state, relations between the two are frequently strained. Sometimes treated with suspicion by the authorities and lacking both financial resources and technical expertise, the NGO community has tended to function in a fragmented and poorly coordinated manner.

Despite the presence of many UN and international agencies in Colombia, very few of them are directly involved in assisting the internally displaced. The International Committee of the Red Cross is one of the few. The UN High Commissioner for Human Rights has also established an office in the country.

Until recently UNHCR did not have a field presence in Colombia, and was not directly involved in providing assistance or protection to the victims of internal displacement. The deteriorating situation in the country, however, has led the organization to reconsider its position, both in Colombia itself and in neighbouring countries of asylum. At the end of May 1997, UNHCR established an 'antenna' in Bogotá to monitor developments in Colombia. UNHCR staff have also been present in Panama since the first Colombian asylum seekers started to arrive at the end of 1996. Finally, UNHCR continues to play an active role in various regional initiatives to address the problem of internal displacement, such as the inter-agency Consultative Group on Internally Displaced in the Americas.

According to recent reports, most of Colombia's displaced people would like to leave the camps and shanty towns and to go back to the countryside. But they will not do so until their safety is guaranteed. Until the conflict is brought to a halt, their future seems likely to be grim. As *The Economist* concludes, "traumatized and desensitized by violence, many will take to crime to support themselves, inviting further disapproval from a society, most of which understands little about their plight and cares less."

Map G
Colombia: areas of internal displacement

Legend:
- □ Capital
- ● Town with large number of displaced people
- Provinces with more than 20% of population displaced
- International boundary
- Provincial boundary

Caribbean Sea

Guajira
Atlantico
Cesar
Magdalena
Darien Gulf
Port Obaldia
PANAMA
Sucre
Cordoba Bolivar
Turbo
Riosucio
Mutata
Nor de Santander
VENEZUELA
Antioquia
Santander
Arauca
Choco
Pacific Ocean
Boyaca
Casanare
Risaralda Caldas
Cundinamarca
Vichada
Quindio
BOGOTA
N
Valle del Cauca
Tolima
Meta
Huila
Guainia
0 100 200
Kilometers
Cauca
Guaviare
Narino
Putumayo
Caqueta
Vaupes
BRAZIL
ECUADOR
Amazonas
PERU

Box 3.3
Organizational responsibility for internally displaced people

According to many commentators, one of the most critical obstacles to the effective protection of internally displaced people, has been the unpredictability and inconsistency of the international response to the problem. Human rights expert Roberta Cohen, for example, suggests that the "selectivity and conditionality" of the response has often resulted in "limited and inconsistent coverage for the internally displaced, leaving large numbers with little or no protection and assistance."

While UNHCR has a statutory responsibility for the welfare of refugees, no single agency has been mandated to protect, assist and find solutions for the internally displaced. There are several reasons for this discrepancy.

The existence of an agency with specific responsibility for refugees is largely a reflection of the international dimensions of the refugee problem and the desire of states to regulate this issue by multilateral means. Internally displaced people, however, remain under the jurisdiction of their own state. Even if a single agency were to be given a statutory role with regard to the internally displaced, many governments with significant populations of internally displaced people would undoubtedly resist its interference in their domestic affairs and reject its presence on their territory.

Although the refugee concept has been defined in international law, there is still no consensus about the notion of internally displaced persons – a term which is currently used to describe a very disparate and ill-defined group of people. While such conceptual confusion continues, it would be difficult for a single international agency to accept responsibility for them. According to some analysts, it would also be discriminatory for an agency to focus on the situation of the internally displaced to the exclusion of other people whose security and human rights are also at risk within their own country.

A single agency?

In the past there have been numerous calls for a single international agency to take responsibility for the internally displaced. But there is now a general consensus that such a proposition is unrealistic. In his presentation to the 1997 UN Commission on Human Rights, Francis Deng, who was previously a proponent of a single agency, conceded that "the problem of internal displacement exceeds the capacities of any single organization." Furthermore, it is unlikely, in the current international climate, that states would accept the creation of a new UN agency with sole responsibility for internally displaced populations.

Most commentators agree that in the absence of a single organization with responsibility for this issue, effective collaboration and coordination are required to ensure that the needs of the internally displaced are met. The Inter-Agency Standing Committee, which brings together relief and development agencies within and outside of the UN system, has played an important role in this respect.

The most common inter-agency approach to situations of internal displacement is known as the 'lead agency model', whereby one organization is assigned responsibility for coordinating humanitarian action within a complex emergency, including activities on behalf of the internally displaced. This approach has been implemented in several recent emergencies. Operation Lifeline Sudan, for example, an initiative designed to assist internally displaced and war-affected populations throughout the country, is an example of this arrangement. In the north of Sudan the UN Development Programme is responsible for coordinating the programme, whereas in the south of the country UNICEF plays the leading role.

In former Yugoslavia, UNHCR was designated as the lead agency, while in Cambodia, the World Food Programme has played this role in relation to internally displaced people. In Rwanda, however, the UN's Department of Humanitarian Affairs, through the UN Rwanda Emergency Office, has been responsible for coordinating an inter-agency response to the problem of internal displacement.

Despite these efforts, the international response to the problem of internal displacement continues to be unpredictable and deficient in certain aspects. While there is no doubt that the agencies cited above have the capacity and expertise to coordinate the delivery of humanitarian assistance, none except UNHCR has the protection mandate or experience required to safeguard the security of internally displaced people. Furthermore, such agencies are often hesitant about engaging in activities which might bring them into conflict with the national authorities, thereby jeopardizing their ability to implement other humanitarian or development programmes in the same country.

The two agencies which have been most consistently and visibly involved in situations of internal displacement and which can most effectively address the protection needs of internally displaced populations are the International Committee of the Red Cross (ICRC) and UNHCR. Both organizations have a long-established and internationally recognized protection mandate. And both agencies are familiar with the task of combining their protection function with the implementation of large-scale assistance programmes.

Since its formation in 1863, the ICRC has been providing protection and assistance to non-combatants affected by war and internal conflict, many of whom are internally displaced people. The ICRC, however, extends its services to all civilian victims of conflict, whether they have been obliged to move or not, rather than treating internally displaced people as a special category. Similarly, the ICRC does not work on the basis of a specific protection regime for internally displaced people. Instead, it oversees the implementation of the 1949 Geneva Conventions and their two Additional Protocols, which provide protection for all civilians (including internally displaced people) in the context of international and non-international armed conflict.

As a result of its strict neutrality and unique status as the guardian of international humanitarian law, the ICRC has often found it possible to work on both sides of a conflict and to gain access to populations which are beyond the reach of other agencies. In Chechnya, for example, the ICRC was one of the few agencies permitted to work with displaced and war-affected populations within the republic itself, whereas UNHCR and other UN agencies were only allowed to work with displaced people in the neighbouring republics of Ingushetia, Daghestan and North Ossetia.

The role of UNHCR

While UNHCR has worked with internally displaced people for at least 25 years, its involvement with this group of beneficiaries has been sporadic in nature. Only in the 1990s has the organization been more regularly asked to extend its services to the internally displaced, a development which is symptomatic of the growing international interest in the prevention of cross-border population movements and the protection of forcibly displaced populations within their country of origin.

As a recent UNHCR document has stated, "to the extent that refugee flows and internal displacement have the same causes, it makes little sense to deal only with the trans-frontier aspects of coerced population movements, either in responding to immediate humanitarian needs or in seeking solutions." The document continues by stating that "from the vantage point of UNHCR, as the international agency responsible for refugees, it is clearly preferable, where possible, to obviate the need for people to leave their country – and thus to become refugees – in order to find safety and to obtain vital humanitarian assistance."

In 1993, UNHCR established a set of guidelines to clarify the conditions under which the organization would undertake activities on behalf of the internally displaced. First, the guidelines observe that UNHCR is most likely to take primary responsibility for the internally displaced when such people are present in or going back to the same areas as returning refugees – a situation witnessed recently in countries such as Guatemala and Mozambique. Second, as exemplified in locations such as eastern Zaire and northern Afghanistan, UNHCR may work with the internally displaced if they are living alongside a refugee population and have a similar need for protection and assistance.

Third, as in Bosnia, UNHCR may extend its services to the internally displaced in situations where the same factors have given rise to both internal and external population movements, and where there are good reasons for addressing those problems by means of a single humanitarian operation. Fourth and finally, UNHCR may become involved in situations of internal displacement where there is a potential for cross-border movement and where the provision of protection and assistance to the internally displaced may enable them to remain in safety in their own country. UNHCR's activities on behalf of displaced people within Sri Lanka fall into this final category.

Within the context of these guidelines, UNHCR has also established a number of more specific criteria which must be met if the organization is to become involved with an internally displaced population. These include: a specific request from the UN Secretary-General or the General Assembly; the consent of the state concerned and other relevant parties; the availability of funds, as well as adequate institutional capacity and expertise. In addition, the guidelines point out that any activities on behalf of the internally displaced should be compatible with organization's protection function, that they should not undermine the right of people to seek asylum in another state, and that UNHCR must enjoy unhindered access to the people concerned.

Lack of predictability

Despite the introduction of these guidelines, UNHCR's activities on behalf of internally displaced people have attracted a degree of criticism. On one hand, some commentators have suggested that the organization's criteria allow it to pick and choose the situations of internal displacement in which it wants to become involved, thereby perpetuating the lack of predictability in the international response. In eastern Zaire, for example, several non-governmental organizations have suggested that UNHCR was too slow to extend its services to local Zaireans who had been displaced by the fighting at the end of 1996. Some observers have also questioned UNHCR's

reluctance to become involved in assisting the internally displaced in Colombia and Peru, although the Secretary-General has now designated UNDP as lead agency in the latter state.

On the other hand, it has been suggested that by working with displaced populations in their own country, UNHCR encourages neighbouring and nearby states to close their borders to potential refugees, thereby undermining the institution of asylum. Such comments have been made in relation to the organization's operation in Bosnia, where UNHCR initially believed that its presence might mitigate the level of human rights abuse and thereby enable people to remain in their homes.

A number of states subsequently used the organization's presence in the conflict zone as a pretext for the closure of their borders to Bosnian asylum seekers.

Furthermore, some commentators have argued that UNHCR's activities with internally displaced people in countries which are also hosting large numbers of refugees may undermine the protection of the latter group. If UNHCR advocates strongly on behalf of the internally displaced, it has been suggested, then the state's willingness to cooperate with the organization on refugee-related matters may be weakened. Others observers suggest that there is no contradiction between the organization's two protection functions. Ultimately, they suggest, both entail the promotion of the same human rights principles.

The question of organizational responsibility for internally displaced people clearly remains a prominent issue on the international humanitarian agenda. As the problem of internal displacement increases, the need for UNHCR and other agencies to clarify and strengthen their role in this area becomes more urgent and important. Indeed, the impending reform and consolidation of humanitarian capacities within the United Nations provides the international community with an excellent opportunity to enhance its response to the plight of internally displaced people.

At the same time, however, it is important to recognize the limitations of multilateral action in situations of internal conflict and displacement, and ultimately to ensure that the principle of state responsibility is respected. As the UN High Commissioner for Refugees has observed, "UNHCR and other international organizations can play a supportive role, but they cannot substitute for governments in the protection of their own citizens."

Box 3.4 - Operation Lifeline Sudan

Operation Lifeline Sudan (OLS) was launched by the United Nations in 1989 to bring assistance to internally displaced and other populations affected by the civil war in Sudan. The operation is based on the principle of neutrality. At its inception, OLS was unique in its efforts to assist civilian populations on both sides of the conflict, regardless of their location and on the basis of need, by negotiating access with the warring parties. Recent reviews of the programme suggest, however, that the principles upon which OLS was based are facing some major challenges.

Sudan has been in an almost continuous state of civil war for the past 40 years. Ostensibly a struggle for power between the Islamic, 'Arab' north and the Christian and pagan south of the country, the conflict is also rooted in the unequal distribution of power and resources during the colonial period. Despite numerous peace agreements and cease-fires between the government and opposition movements in the south, the conflict remains unresolved. Indeed, it has worsened in recent years, not least because of the division of the Sudan People's Liberation Army (SPLA), the rebel army, into four different factions. Each of these factions has its own leader and controls different parts of the south, thereby increasing the levels of strife and insecurity in the area.

Untold destruction

The civil war has taken a heavy toll on the country's civilian population. Millions of people have been displaced, both within and outside Sudan. Thousands of lives have been lost, and there has been untold destruction of the country's infrastructural and agricultural resources. Supported by a consortium of international aid agencies and donors, Operation Lifeline Sudan was established under UN auspices to meet the needs of civilians affected by the war.

Although the operation was originally intended to bring humanitarian assistance, mainly in the form of food aid, to displaced and war-affected populations throughout Sudan, the programme was split into a northern and southern sector soon after it started in 1989. The northern sector is coordinated from Khartoum by the UN Development Programme (UNDP), in cooperation with the Sudanese government. Assistance in the south is provided mainly in opposition-controlled areas, coordinated by UNICEF from a base in northern Kenya. The World Food Programme and other international and non-governmental agencies are responsible for implementing the programme in both sectors.

The principle of negotiating access to war-affected and displaced civilians on both sides of the conflict, with the consent of all the warring parties, is one of the main characteristics of OLS. Most commentators agree that the programme in the south has generally been successful in this respect. At the beginning of the programme, aid agencies negotiated temporary cease-fire agreements between the warring parties so that 'corridors of tranquillity' could be established and used to channel assistance to people in need. Later, however, when this system proved too rigid

for the volatile nature of the conflict, a more flexible 'open corridors' approach was developed, entailing continuing dialogue with the warring parties.

Finally, in response to deteriorating security problems in the south and the death of four aid workers, the agencies drew up some minimum standards of conduct, known as 'ground rules', with the rebel factions. As well as requesting the opposition movements to adhere to the humanitarian principles of neutrality and free access, the agencies also required a commitment to the international standards found in instruments such as the UN Convention on the Rights of the Child and the Geneva Conventions. The ground rules have become an effective mechanism to monitor the conduct of the opposition movements and to exert pressure on them when violations against civilians occur.

Access to war-affected populations in the south has also been achieved as a result of the elaborate security and evacuation system coordinated by UNICEF. This system, which provides for the rapid removal of agency staff from emergency situations, has enabled relief organizations to establish operations in areas which might otherwise have been considered too dangerous. The evacuation system is also symptomatic of the effective working relationship which has been established between OLS and the rebel movements.

At least two million of the people displaced in southern Sudan are thought to have made their way to the north of the country, some 800,000 of whom are to be found in greater Khartoum alone. The government has responded to this huge problem through compulsory relocation and resettlement schemes, intended to stem the movement of the displaced people to the country's urban centers.

In contrast to the south, the northern sector of OLS has remained largely under the influence of the government, which has placed serious restrictions on the areas in which OLS can function and on the choice of implementing partners for the operation. Furthermore, as the coordinating agency for OLS in the north, UNDP faces a conflict of interests between its on-going development work, which it undertakes in association with the government, and its responsibility for war-affected and displaced populations. A recent evaluation of OLS concludes that these difficulties have compromised the operation's ability to respect one of its stated principles, namely to deliver relief "to all needy populations regardless of their locations." "The continuing crisis among war-displaced populations in greater Khartoum", argues the review, "represents the greatest failure of OLS in the northern sector."

Crisis of legitimacy

Operation Lifeline Sudan is thus facing a crisis of legitimacy. The government has become increasingly concerned about the autonomy of the programme in the south, and has attempted to exert its control on that sector through bans on internal flights and regulations concerning the activities of NGOs. On several occasions it has even called for the closure of the operation. At the same time, factional fighting amongst the southern movements has resulted in a serious deterioration in the security situation in the area, further restricting humanitarian access to the civilian population.

In the north, on the other hand, assistance has been limited to the distribution of food aid. Minimal attention has been paid to protecting the human rights and security of war-affected and displaced populations. According to some critics, the United Nations and OLS have sacrificed the principle of neutrality in the north so as to facilitate its access to war-affected populations in the south. As the recent evaluation concludes, "the equivocal autonomy of the southern sector has been purchased at the expense of war-affected populations in the north."

In the light of such findings, some commentators have questioned the future viability of OLS. Should the operation continue, they ask, if it is unable to respect the very principles of free access and neutrality on which it was established? According to Larry Minear of the Humanitarianism and War Project, the operation has become "a prisoner of the conflict itself." "Providing assistance under conditions which seriously compromise its integrity," he continues, "represents a mockery of humanitarian action."

Operation Lifeline Sudan: logistical network

IDPs - Croatia
7.8%

Refugees - Macedonia (FYR)

War-affected -
Bosnia and
Herzegovina
10.9%

Refugees -
Yugoslavia (FR)
30.6%

Refugees - Croatia
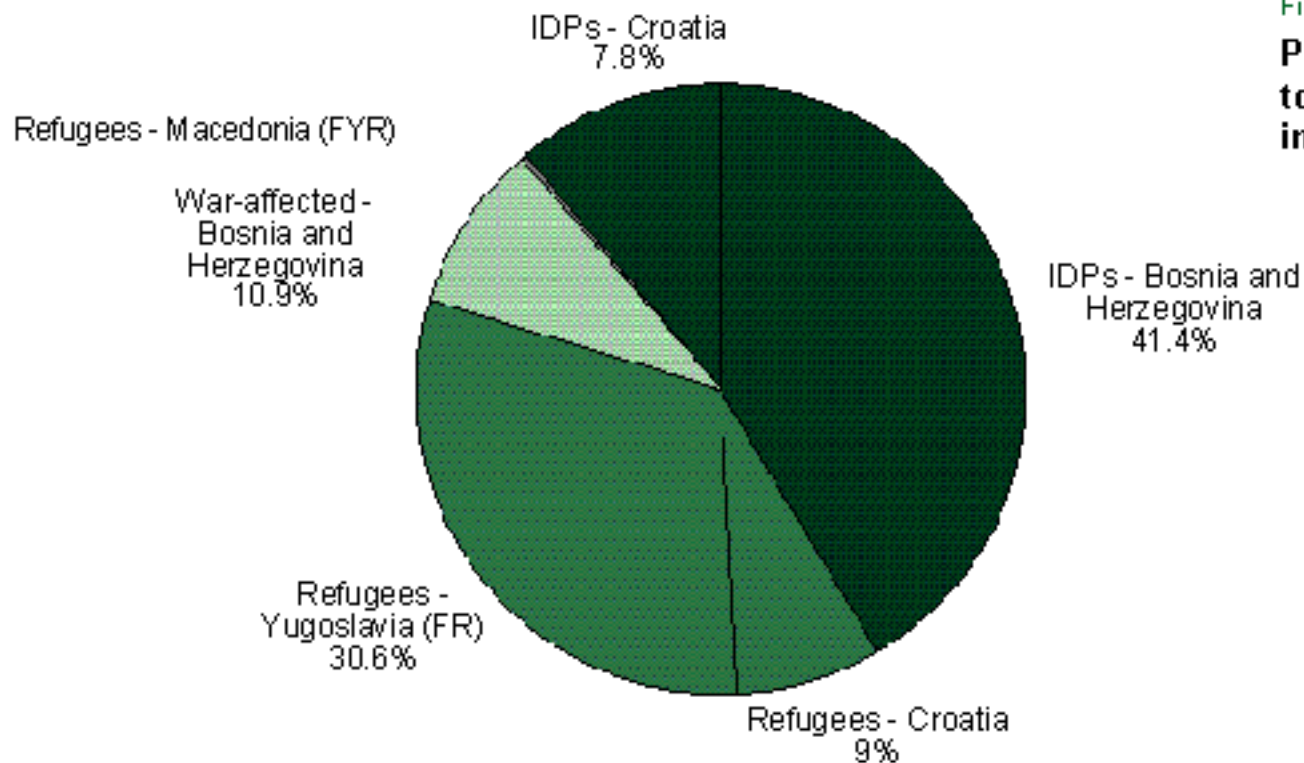9%

IDPs - Bosnia and
Herzegovina
41.4%
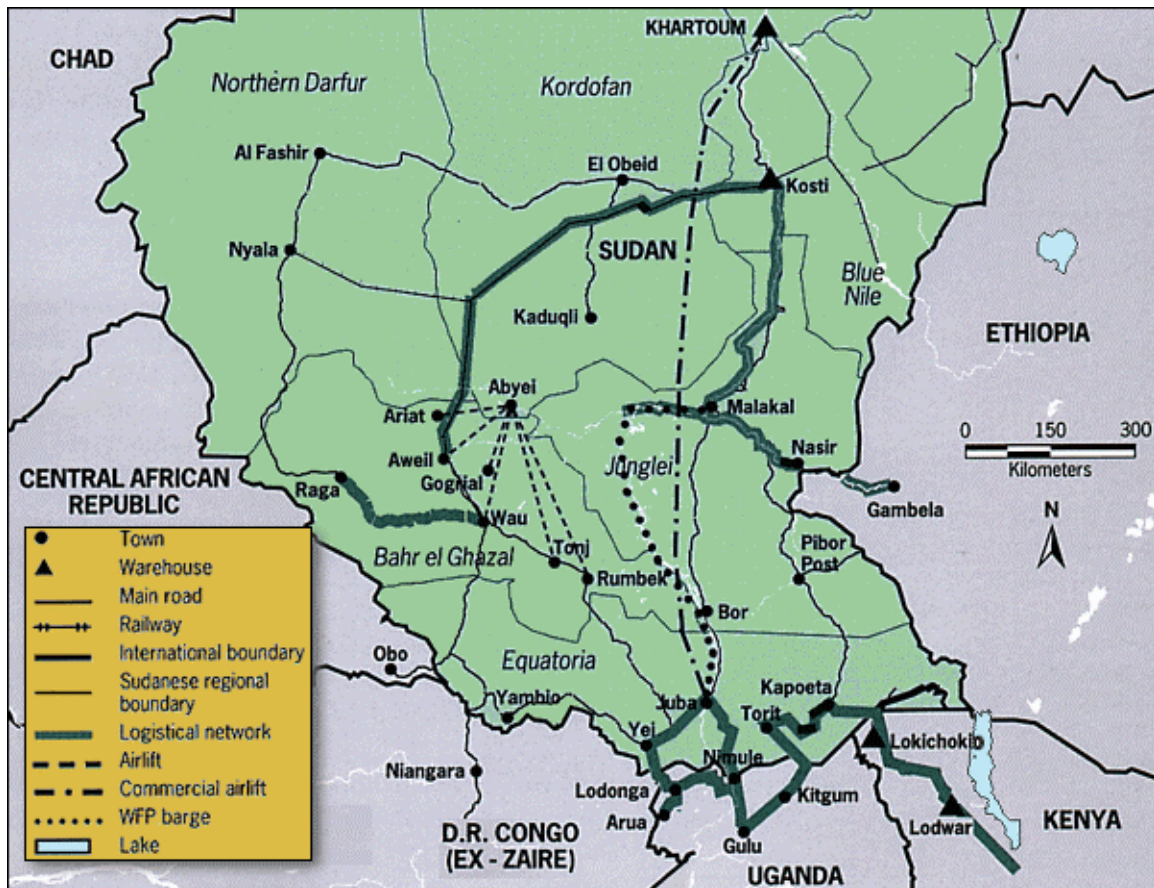
Fig. 3.1

**People of concern
to UNHCR
in former Yugoslavia**

Statistics at March 1997

Fig. 3.2

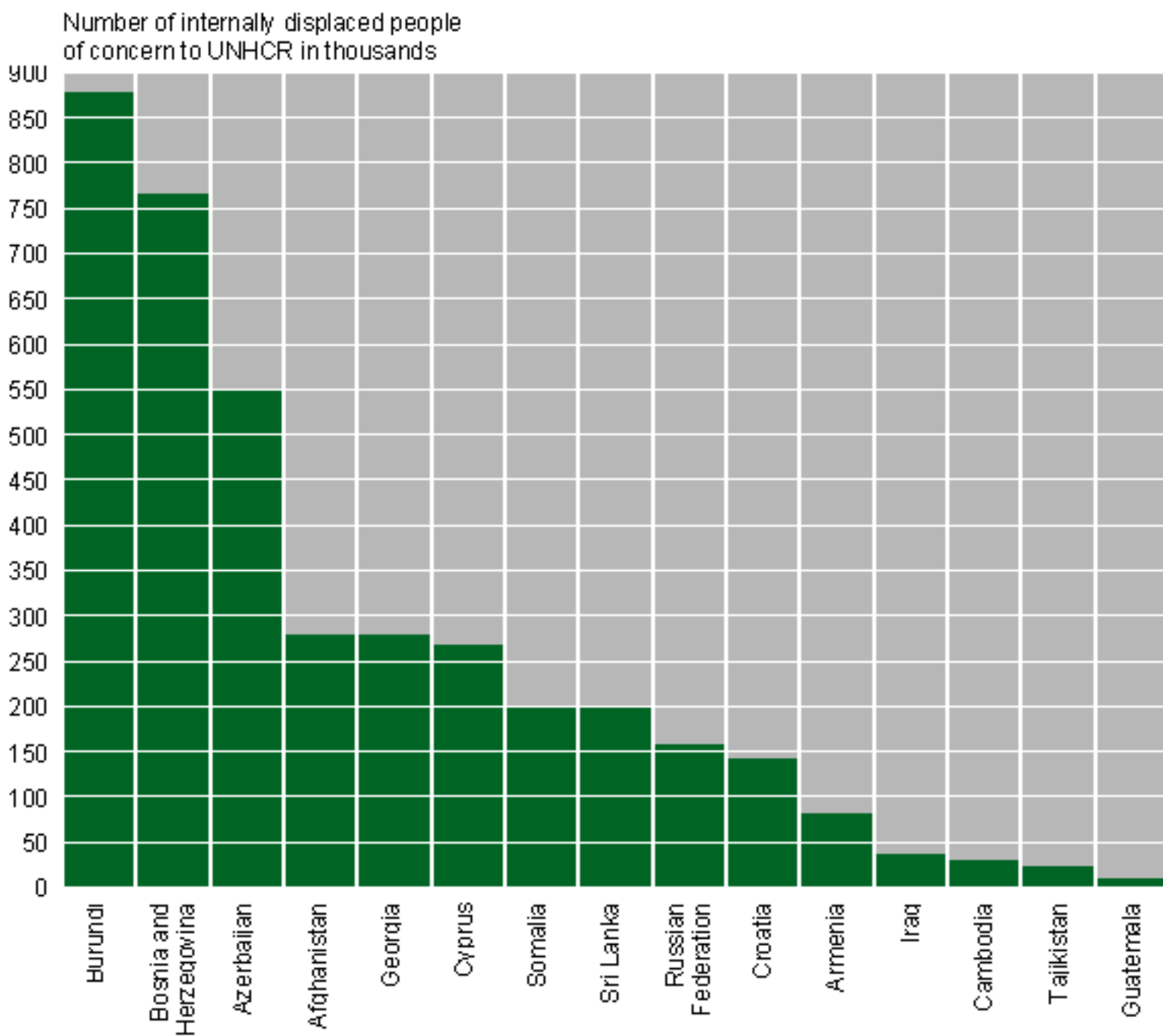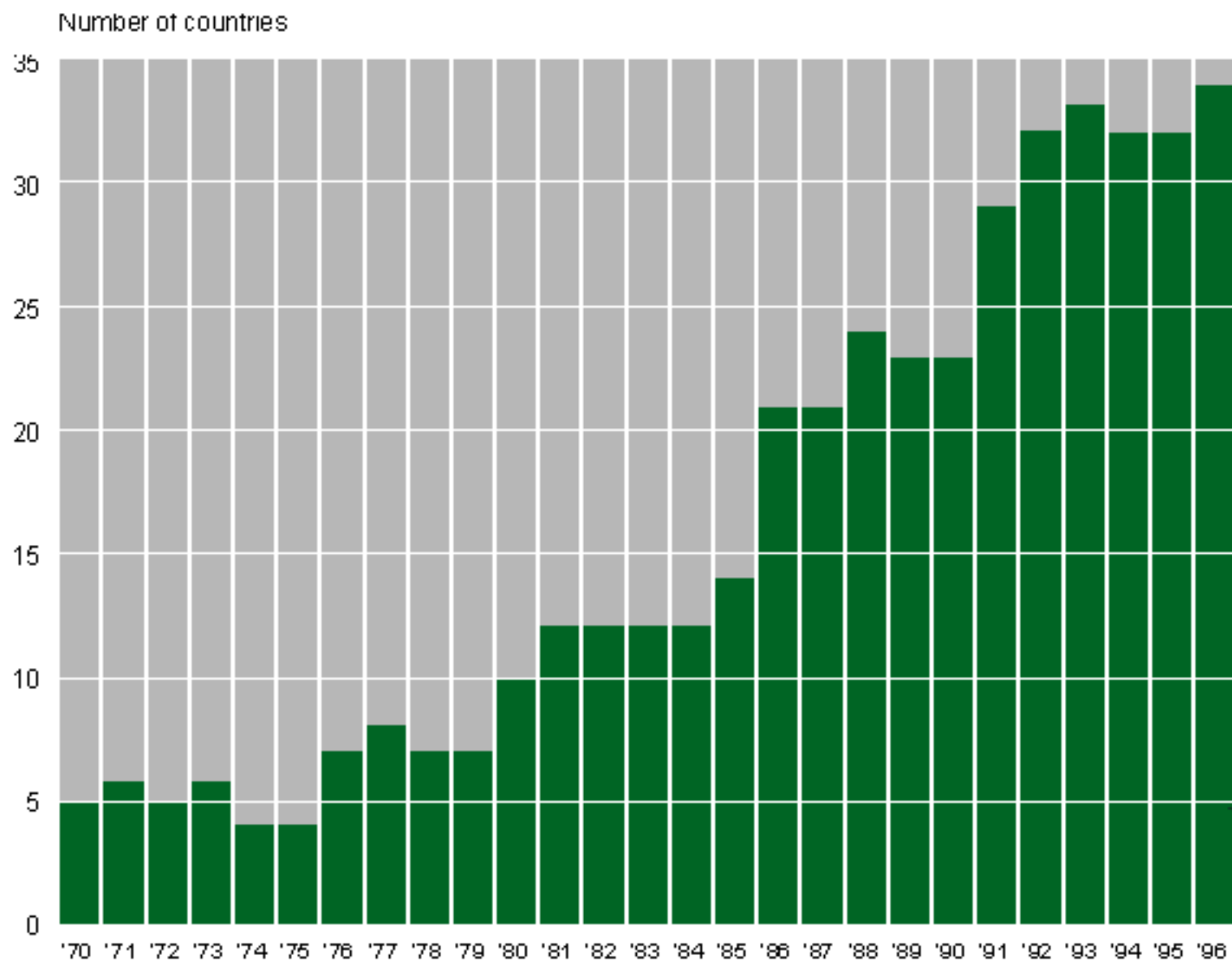## UNHCR's involvement with internally displaced people by country

Number of internally displaced people
of concern to UNHCR in thousands

Fig. 3.3

Number of countries with internally displaced populations, 1970-96

Number of countries

Source: S. Schmeidl, *International Forced Migration: Exploring a Refugee Early Warning Model*, Praeger, Westport, forthcoming
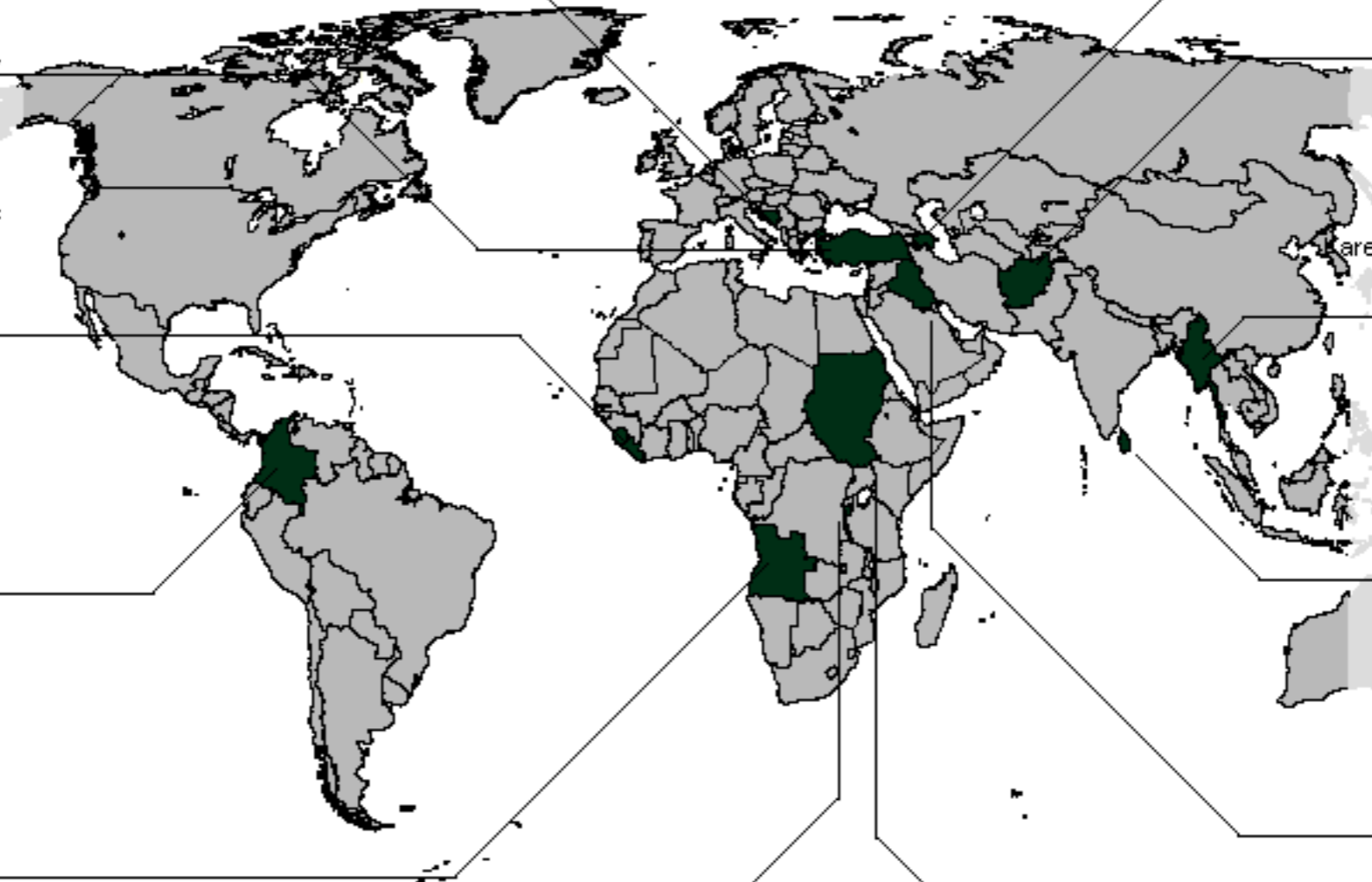
Fig. 3.4

International peacekeeping expenditure, 1990-95

$ billion

Ex-Yugoslavia

Other peace-keeping operations

1990   1991   1992   1993   1994   1995
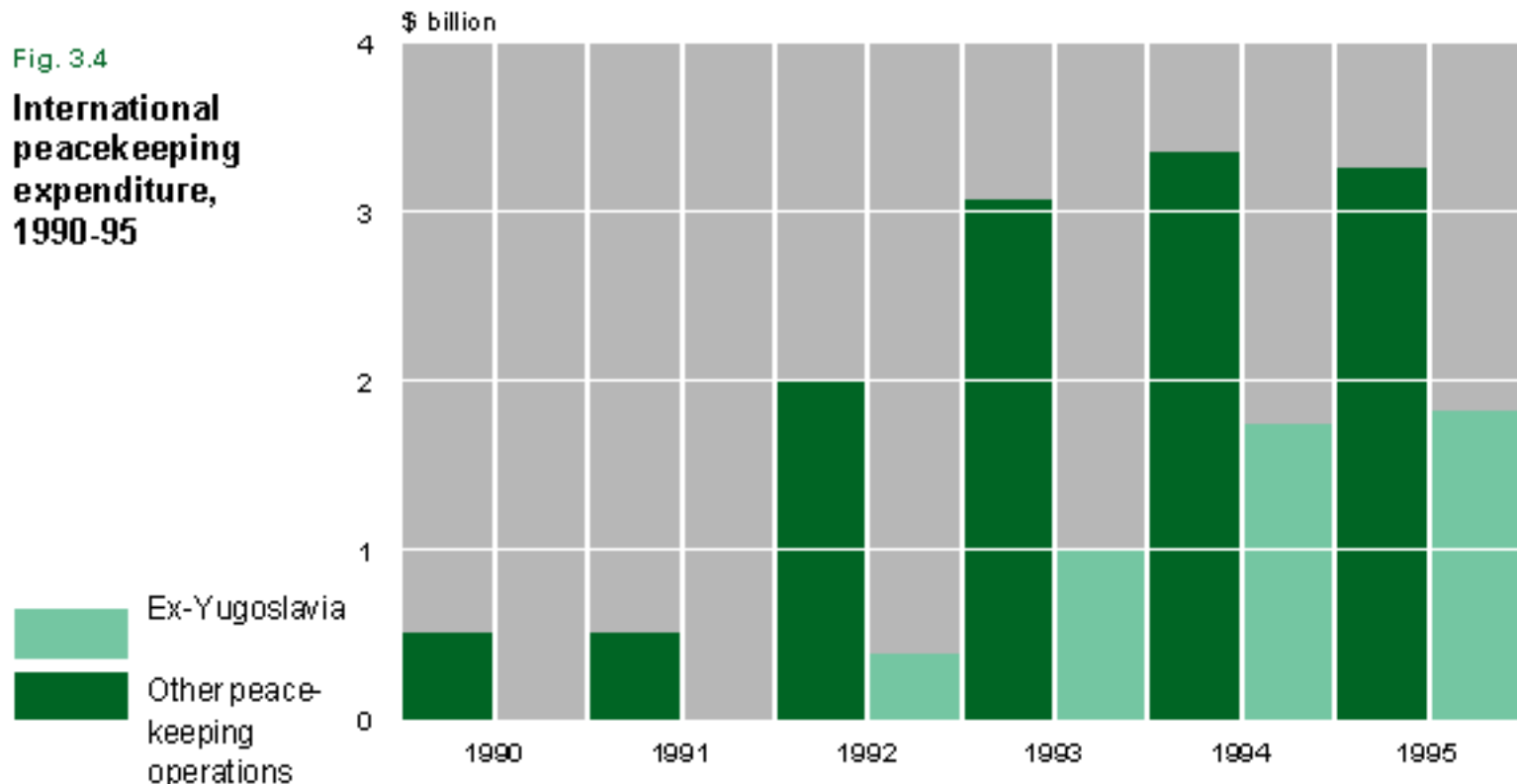
Source: Organization for Economic Cooperation and Development, *Development Cooperation Report 1996*, OECD, Paris, 1997

Map F
Major situations of internal displacement worldwide

Bosnia and Herzegovina
By the beginning of 1997, close to a half of Bosnia's pre-war population of 4.4 million remained uprooted, around one million of them within the country. Many of the internally displaced, particularly Muslims, have been prevented from returning to their homes by the continuing hostility of other communities and the efforts of political leaders to establish ethnically homogenous territories.

Turkey
Large numbers of villagers have moved into the towns of south-eastern Turkey, where the country's armed forces have been engaged in a protracted conflict with Kurdish rebels. While precise figures are not available, the number of internally displaced people in the country has been estimated at between 500,000 and two million.

Liberia and Sierra Leone
The related armed conflicts in Liberia and Sierra Leone have led to a complex pattern of involuntary migration within and between the two countries. The prospects for Sierra Leone's estimated 800,000 internally displaced people deteriorated sharply in mid-1997, when the country's civilian government was overthrown by armed rebels.

Colombia
The number of internally displaced people in Colombia rose sharply in 1996 and 1997, reaching an estimated 900,000 by the middle of the latter year. This massive population displacement is the result of mounting political violence involving the country's armed forces, unofficial militia groups, rebel guerrillas and Colombia's powerful drug cartels.

Angola
Despite the establishment of a government of national unity early in 1997, up to 1.2 million people were still displaced within Angola at that time, unable to go home because of insecurity, banditry and the presence of land-mines in their home areas. In the central and eastern provinces of the country, war-affected populations continue to depend on international assistance.

Burundi
By the middle of 1997, as many as a million people had moved or been forced into camps in Burundi, where violence continued between the country's two principal ethnic groups. Many of these camps lacked the basic necessities of life and were the target of regular attacks by both government forces and by rebel soldiers.

Azerbaijan
In Azerbaijan, schools, hospitals, unused factories and railway coaches have all been used to accommodate the country's half a million internally displaced people. Only a small proportion are accommodated in camps. The displacement is a result of the longstanding armed conflict over Nagorno-Karabakh, a largely Armenian-populated enclave within Azerbaijan.

Afghanistan
Throughout 1996 and the first half of 1997, continued fighting between Taliban forces and other political factions continued to displace large numbers of people within Afghanistan. Many villagers were also forced out of their homes and herded into Kabul. The total number of internally displaced Afghans stood in the region of 1.2 million by mid-1997.

Myanmar
Up to a million people had been displaced or forcibly relocated in Myanmar by early 1997, primarily in the east of the country, where the country's armed forces are engaged in a conflict with ethnic minority groups such as the Karen, Karenni and Mon. To escape the forced relocations, many members of these ethnic groups also crossed the border into Thailand.

Sri Lanka
The longstanding war between the Sri Lankan armed forces and Tamil separatists has created one of the largest and most protracted situations of internal displacement anywhere in the world. Many of Sri Lanka's internally displaced people - up to a million in total - enjoy little freedom of movement, particularly those living in the northern Jaffna peninsula.

Iraq
Numbering a million or more, the internally displaced population of Iraq is the product of several different phenomena: fighting between Kurdish parties in the northern 'safe area'; incursions into that area by Turkish, and to a lesser extent, Iranian troops; and the Baghdad government's continued campaign against the Shi'ite population in the southern marshlands.

Sudan
Sudan is generally acknowledged to have one of the largest internally displaced populations in the world: some four million in total, according to many estimates. Originating from the war-torn south of the country, up to two million of this number are thought to have made their way to Khartoum and other parts of the north. Many have been removed from the city and placed in special camps.