

7

Internally displaced persons

They have been forced from their homes for many of the same reasons as refugees, but have not crossed an international border. Often persecuted or under attack by their own governments, they are frequently in a more desperate situation than refugees. They also outnumber refugees two to one. No international agency has a formal mandate to aid them. But they are increasingly at the forefront of the humanitarian agenda. They are sometimes called 'internal refugees', but are more often known as internally displaced persons.

Since the end of the Cold War, the number of people uprooted by conflict, ethnic strife and human rights violations has soared. In 2004 there were between 20–25 million internally displaced persons (see Figure 7.1). By then the number of refugees—those who fled or had been pushed out of their own countries—had declined to 9.2 million from 9.6 million in 2003. This trend was already apparent in 2001 during the war in Afghanistan, when the number of internally displaced persons in the country stood at 2 million. However, in the same year only 200,000 Afghans crossed into Pakistan as refugees.

In 2003, during the war in Iraq, hundreds of thousands of displaced people remained at risk inside the country; only a very small number were able to flee abroad. In some African humanitarian crises, there can be ten internally displaced persons for every refugee. Currently there are an estimated 1.4 million people displaced by conflict in Uganda, at least 1.5 million in the Democratic Republic of Congo (DRC) and 6 million in Sudan. But only 30,000 displaced people from Uganda have gone on to become refugees, while the numbers for the DRC and Sudan are 469,000 and 703,000, respectively.

Sometimes, mountains and rivers impede flight across borders, or people may flee to other parts of their own country to remain in relatively familiar surroundings. Even when they do manage to cross national frontiers, however, the displaced rarely find a welcome. Hostility to refugees and asylum seekers has grown since the end of the Cold War, with many countries seeing it as too costly or destabilizing to admit them. In several recent emergencies, states have closed their borders to refugees or adopted restrictive admission policies. As a result, there is an inverse relationship between the rising number of internally displaced persons and the declining figure for refugees.

The statistics on internally displaced persons generally count only those who are displaced by conflict and persecution.¹ But millions more have been uprooted within their own countries by natural disasters. Indeed, UNHCR helped some of the survivors

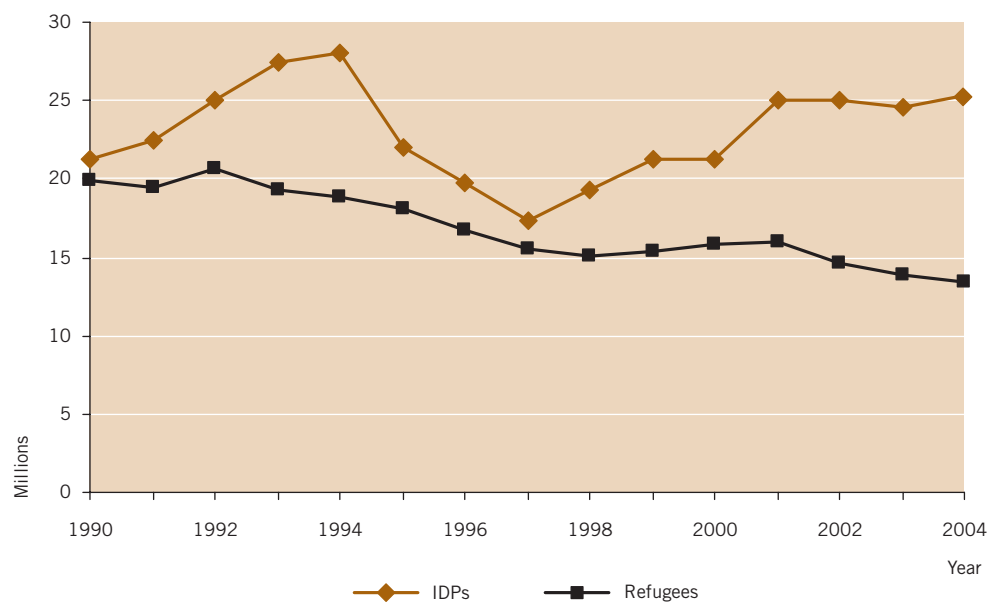
Internally displaced women in Seliah camp, West Darfur informing UNHCR about their living conditions.
(UNHCR/H. Caux/2004)

of the Asian tsunami of 2004. By doing so, the agency went beyond its core mandate of assisting refugees. However, it only aided victims in countries where its staff were already present, and then only if it were asked to help.

Even development projects can cause internal displacement. Poor, indigenous and marginalized groups are frequently displaced without consultation to make way for grand national projects. Not only are the rights of such people ignored, they are rarely offered resettlement or adequate compensation.² According to the World Bank, 10 million people are forcibly displaced by development projects each year, prompting the Bank and other donors to set standards for the treatment of the ‘involuntarily resettled’.

Though displacement has many causes, it is those uprooted by conflict and human rights violations who generally arouse the most concern. The overwhelming need of these people for protection *from* their own governments draws international attention to their plight. Like refugees, they cannot obtain the security and well-being they need in their own countries, and therefore turn to the international community. According to the Global IDP Survey, there are more than 13 million internally displaced persons in Africa, 5–6 million in Asia (including the Middle East), 3 million in Europe and 3–4 million in the Americas.³

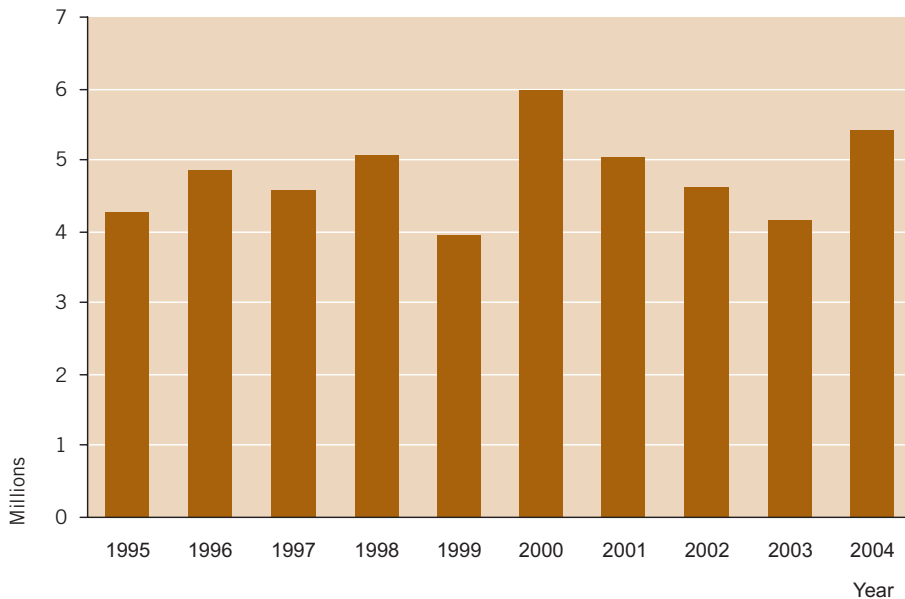
Figure 7.1 Global number of refugees and internally displaced persons (IDPs), 1990-2004



Note: Includes Palestinian refugees under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). All figures as at 31 December of each year.

Sources: UNHCR; UNRWA; US Committee for Refugees (1990-2000); The Global IDP Project/Norwegian Refugee Council (2001-2004).

Figure 7.2 Internally displaced persons (IDPs) of concern to UNHCR, 1995-2004



Note: All figures are as at 31 December of each year.

Source: UNHCR.

A special category?

The plight of the internally displaced has been well documented over the past decade. But there is still debate over whether they should be recognized as a special category of persons for humanitarian purposes. The International Committee of the Red Cross (ICRC), for example, provides assistance and protection to *all* civilian victims of armed conflict and prefers to target assistance on the basis of vulnerability, not category. The fear is that singling out one group could lead to discrimination against others, fostering inequity and conflict. Making a distinct category of the displaced, a 2005 donor evaluation warns, could lead to their becoming ‘privileged’.⁴

Nonetheless, the displaced do have special needs. Displacement breaks up families and severs community ties. It leads to unemployment and limits access to land, education, food and shelter. The displaced are particularly vulnerable to violence. As an official of ICRC observes: ‘It goes without saying that, deprived of shelter and their habitual sources of food, water, medicine and money’, internally displaced persons ‘have different, and often more urgent, material needs’.⁵

These special needs have often been ignored in ‘situational approaches’. As a consequence, the internally displaced frequently suffer the highest mortality rates in humanitarian emergencies.⁶ In Uganda, the HIV/AIDS rate among the internally displaced is six times higher than in the general population.⁷ Even when the internally

displaced and other vulnerable groups such as refugees face the same problems and are in similar circumstances they are not treated the same. For instance, tensions arise when UNHCR gives returning refugees seeds and tools but internally displaced persons returning to the same area receive none. In protracted situations, many internally displaced persons remain in near-destitute conditions.⁸

The purpose of formally identifying internally displaced persons as a category for humanitarian action is not to confer privileged status on them, but to ensure that their unique needs are addressed. Sometimes, approaches that target all affected populations may be the most practical means of reaching the internally displaced. Nonetheless, experience has shown that special attention to particular disadvantaged groups—whether refugees, internally displaced persons, minorities or women—has enhanced their protection. Singling out the internally displaced makes it easier to call upon governments to assume responsibility for them and to press for international action on their behalf.

Internally displaced persons are often intentionally uprooted by their governments on ethnic, religious or political grounds, or as part of counterinsurgency campaigns. In civil wars along racial, ethnic, linguistic or religious lines, the displaced are often perceived as the enemy (see Box 7.1, Box 7.2). They may be associated with an insurgent group or an opposing political party or ideology, or be considered inferior or threatening. In other cases the displaced may be trapped between opposing sides in civil wars or come under direct attack by insurgents, as in Colombia, the DRC and Nepal. Competition over scarce resources or land often aggravates such conflicts, with the displaced bearing the brunt of the violence. When states disintegrate into anarchy, as in Sierra Leone and Somalia, some of the worst atrocities have been inflicted on the internally displaced.

Internal displacement disrupts the lives not only of the individuals and families concerned but of whole communities and societies. Both the areas left behind by the displaced and the areas to which they flee can suffer extensive damage. Socio-economic systems and community structures often break down, impeding reconstruction and development for decades. Conflict and displacement also spill over into neighbouring countries, as has been seen in Central America, the Balkans and West Africa. Clearly, both humanitarian and geo-political reasons prompted UN Secretary-General Kofi Annan's call to the international community to strengthen support for national efforts to assist and protect internally displaced persons.

Sovereignty: barrier or responsibility?

Because internally displaced persons reside within the borders of their own countries and in most cases under the jurisdiction of their own governments, primary responsibility for them rests with their national authorities. As Roberta Cohen and Francis Deng point out in their study, *Masses in Flight*, 'Since there is no adequate replacement in sight for the system of state sovereignty, primary responsibility for

Box 7.1

Lessons from Bosnia and Herzegovina

The brutal campaign of 'ethnic cleansing' waged in Bosnia and Herzegovina during the Balkan wars caused the largest uprooting of populations in Europe since the Second World War. Three months following Bosnia and Herzegovina's declaration of independence in 1992, the number of Bosnian refugees and internally displaced persons soared to 2.6 million. While media coverage was extensive and humanitarian assistance quick to reach needy populations, the international community proved reluctant to address the root causes of the problem or to act militarily to stem the fighting. Instead, it concentrated on sustaining an enormous emergency-relief operation, led by UNHCR. This emphasis on material relief undoubtedly saved many lives. But it did not prevent the forcible uprooting of people from their homes, mass murder and mass rape; nor did it thwart the establishment of concentration camps in which displaced men were starved and beaten as a prelude to 'ethnic cleansing'.

The Bosnia operation was one of the largest relief initiatives ever undertaken. Between 1992 and 1995, UNHCR and its partner NGOs delivered approximately 950,000 metric tons of humanitarian assistance to 2.7 million beneficiaries. UNHCR's role expanded from that of an agency whose sole purpose was to secure asylum for refugees and prevent involuntary return to one of providing humanitarian assistance to large numbers of internally displaced persons and other war-affected people. For the first time, it was called upon to operate in an active war zone where its staff faced unprecedented security risks. The effectiveness with which UNHCR handled this role prompted many subsequent calls for it to enlarge its mandate and take on the protection and assistance of both refugees and internally displaced persons in emergencies (see Box 7.3).

But UNHCR also came under heavy criticism. The organization thought

that if it maintained a 'presence', it would be able to effectively monitor human rights abuses and offer protection to vulnerable populations. While it did manage to take a number of steps to protect the civilian population, its presence did not, and could not, stop the atrocities. Moreover, when it helped evacuate people from life-threatening circumstances it was accused of being an accomplice to 'ethnic cleansing'. Critics also charged that UNHCR's involvement with in-country protection was enabling neighbouring states to stem refugee movements into their countries, although hundreds of thousands of Bosnians were given temporary refuge in European nations.

The humanitarian relief effort was also seen as an alibi and excuse for the international community, allowing it to be seen as doing something without actually having to confront those carrying out ethnic cleansing. Security Council resolutions on Bosnia and Herzegovina—all 46 of them—failed to address the underlying causes of the conflict, concentrating instead on sustaining the humanitarian operation and on creating UN-protected safe areas—without, however, giving the UN Protection Force (UNPROFOR) the mandate, equipment or resources to defend adequately the six Muslim enclaves created. The failure to protect displaced persons in the safe areas was epitomized at Srebrenica, when UNPROFOR stood by as Serb forces overran the safe area and marched off and murdered at least 7,000 Muslim men and boys.

This horrific event became a rallying cry for those opposed to the notion of 'helping people where they are' and who rejected out-of-hand the creation of safe areas in subsequent wars in Kosovo and Afghanistan. Ironically, in those wars safe areas might have been better defended and saved many lives.

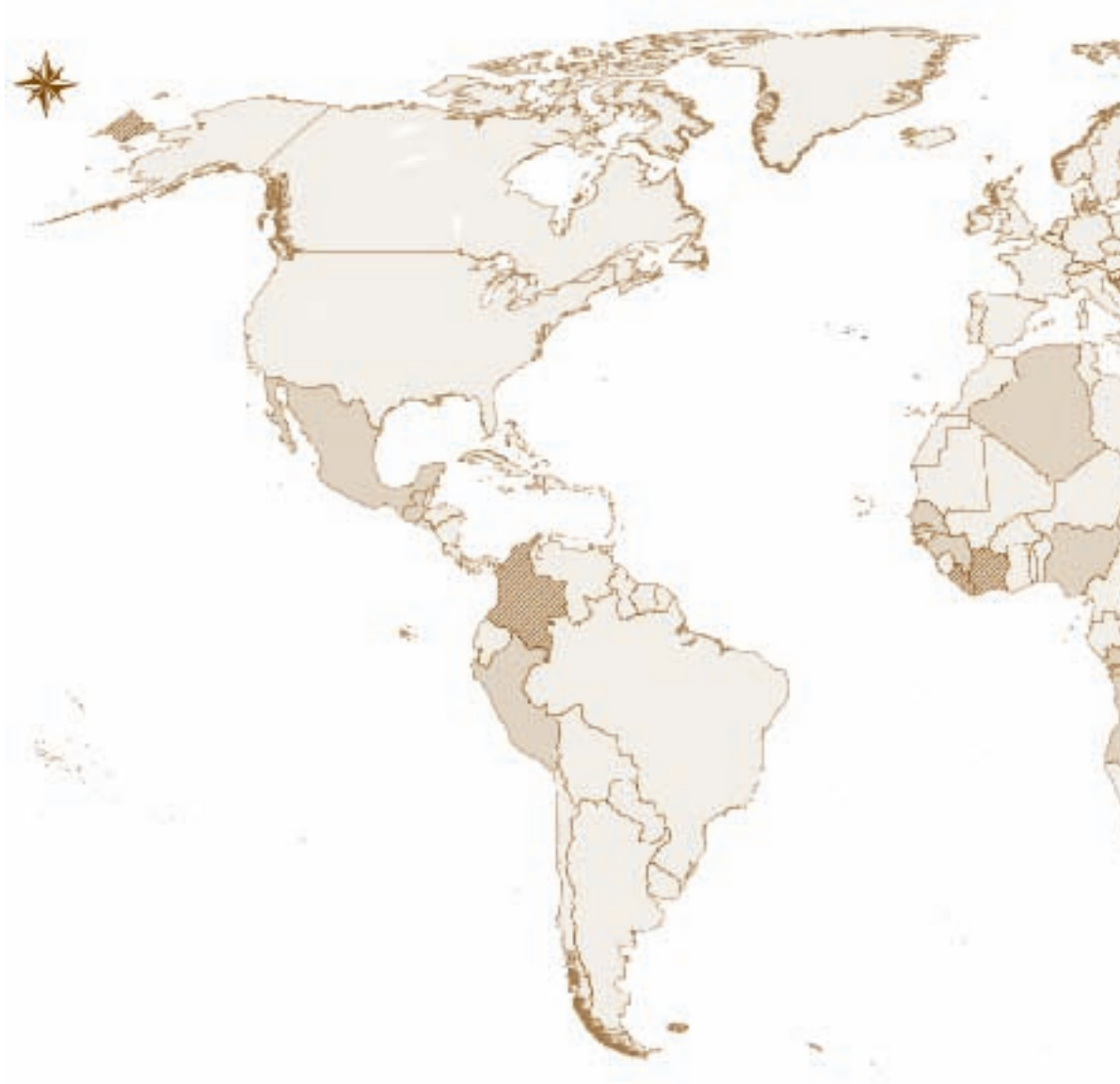
It was not until July 1995 that the international community finally undertook the type of decisive

military action that was required in the Balkans. When the Dayton Peace Accords were signed in November of that year, approximately 1.3 million Bosnians remained internally displaced. Since that time, an exceptional international effort to implement the right of displaced people and refugees to return to their homes has resulted in 1 million returns. However, the plight of a significant number of internally displaced persons remains unresolved, in particular those who would be minorities in areas of return.

Bosnia and Herzegovina was a cauldron of experience from which four lessons can be learned. The first is that a humanitarian effort should never be allowed to serve as a substitute for political or military solutions. Protection should be a prerequisite for assistance, since it makes little sense to provide emergency relief to besieged populations only for them to be killed by belligerents. The second is that the trauma of Srebrenica should not be allowed to paralyse all future initiatives to try to protect people in their own countries. Safe areas should be considered for displaced persons when military forces have the capability to protect them. The vast majority of people in most emergencies cannot get out of their countries and need international protection as badly as, if not more than, refugees. Third, a lead humanitarian agency to take charge in an emergency could be useful in dealing with displaced populations. That UNHCR was able to act swiftly and deal comprehensively with all affected populations, whether refugees, internally displaced persons or others, has been thoroughly documented. The fourth and final lesson is that far greater attention must be paid to preventive measures. If the international community had spent as much time devising a plan to stop the war as it spent distributing aid, fewer people would have been uprooted and many more lives could have been saved.

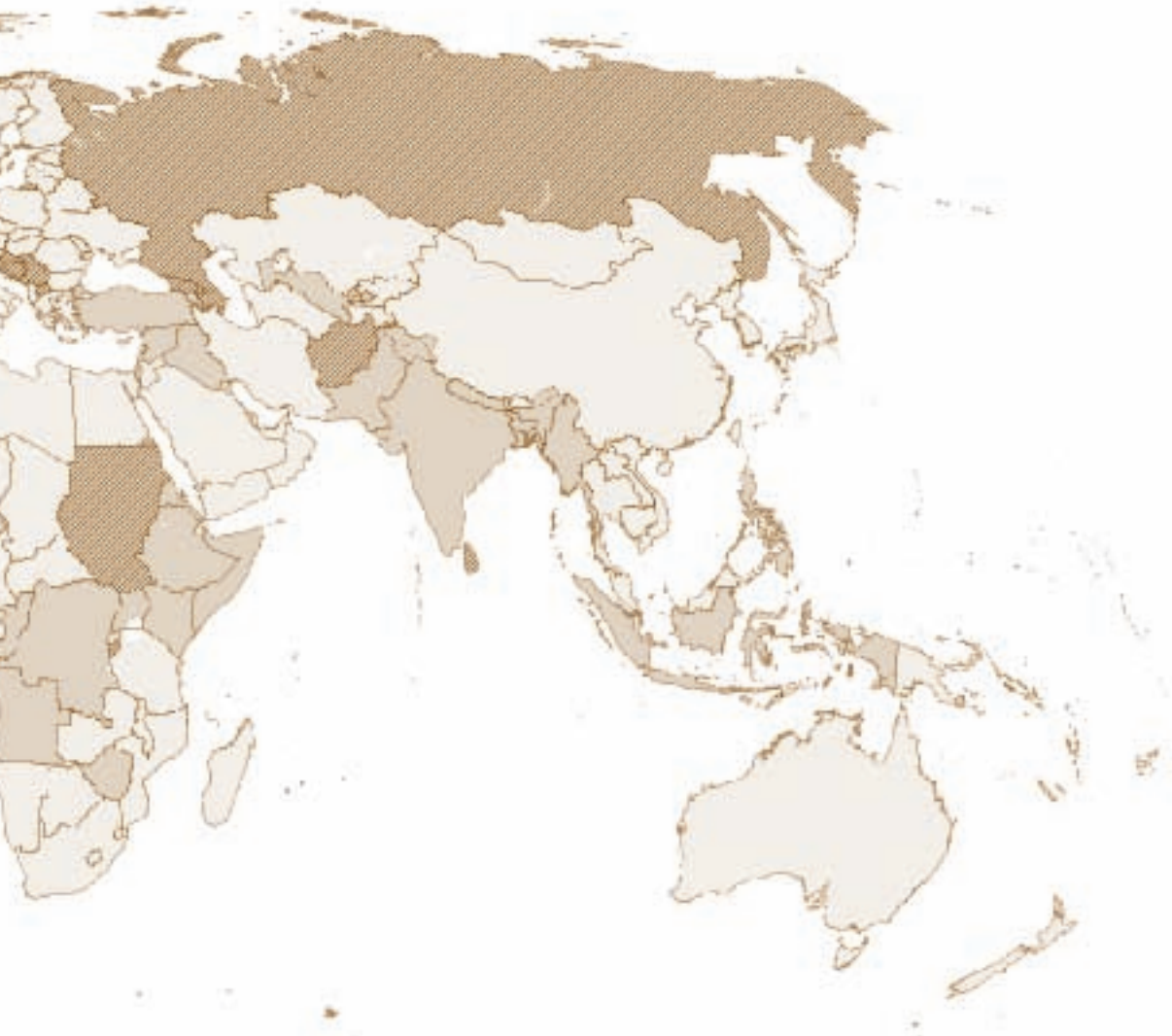
Map 7.1

Internally displaced persons, 1 January 2005



- Countries with IDPs, as of 1 January 2005
- Countries with IDPs assisted by/of concern to UNHCR, as of 1 January 2005

Statistical data sources: The Global IDP Project / Norwegian Refugee Council.
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Geographical data sources: UNHCR, Global Insight digital mapping - © 1998 Europa Technologies Ltd.



Internally displaced persons assisted by/of concern to UNHCR, as of 1 January 2005

Colombia:	2,000,000	Bosnia and Herzegovina:	309,200
Sudan:	662,300	Serbia and Montenegro:	248,200
Azerbaijan:	578,500	Georgia:	237,100
Liberia:	498,600	Afghanistan:	159,500
Sri Lanka:	352,400	Côte d'Ivoire:	38,000
Russian Federation:	334,800	Croatia:	7,500
		Burundi:	900

Statistical data sources: UNHCR, Governments. Compiled by: UNHCR

promoting the security, welfare, and liberty of populations must remain with the state'.⁹ Yet, when asked why the United Nations had not been able to do more for internally displaced persons, former High Commissioner for Refugees Sadako Ogata replied: 'The problem is sovereignty'.¹⁰

Indeed, many countries use sovereignty as a justification for resisting or obstructing international aid efforts. In Myanmar, the government has barred access to the country's internally displaced ethnic minorities, with which it is at war. For many years during the insurgency by the Kurdish PKK group, Turkey barred access to hundreds of thousands of displaced Kurds. In Algeria, no one knows for sure how many internally displaced people there are, or what their needs might be; the government has denied access to them.

Sometimes governments categorize internally displaced persons as 'migrants' or 'terrorists' to avoid responsibility for them, or they fail to develop policies and laws to help the displaced. Getting states to assume their responsibilities can be a challenge for the international community (see Box 7.2). This is particularly so in civil wars, where governments fear that aid to the displaced could strengthen insurgent groups. International efforts to negotiate with insurgents are often obstructed by national governments fearful that such engagement could legitimize the rebels. During the Angolan civil war, the government objected to UN agencies negotiating with the rebel UNITA group. As a result the United Nations had no access to large numbers of displaced persons in insurgent areas. Only in 2002, with a ceasefire, did the widespread starvation and disease plaguing these people come to light.

Nonetheless, over the past 15 years a perceptible shift has occurred in international thinking about the internally displaced. It is now widely recognized that people in need of aid and protection in their own countries have claims on the international community when their governments do not fulfil their responsibilities, or where there is a disintegration of the nation-state. While reaffirming respect for sovereignty, United Nations resolutions have authorized the establishment of relief corridors and cross-border operations to reach people in need. UN Security Council resolutions have demanded access for the delivery of relief in Bosnia and Herzegovina, Darfur (Sudan), northern Iraq, Mozambique, Somalia and Timor Leste, among other places. In exceptional cases the United Nations has authorized the use of force to ensure the delivery of relief and to provide protection.

Today, many governments allow some form of access to their displaced populations. The Government of Sri Lanka has set up welfare centres to provide material assistance to displaced populations in both government- and rebel-held areas. It has also accepted UNHCR's establishment of relief centres on government territory that are open to all groups. Following the 2004 tsunami, the government signed an agreement with the Tamil-separatist leadership to share reconstruction funds for the displaced.

The Turkish government is cooperating with the United Nations and the World Bank in the return and reintegration of its displaced population. In the South Caucasus, the Georgian government encourages international access to its displaced and provides a small allowance for them. Similarly, the Government of Azerbaijan has welcomed

international assistance for its large population of internally displaced and considers the phase-down of international aid to have been premature. Many other governments have also welcomed international aid for the internally displaced, among them Colombia, DRC and Uganda. In response to international pressure, the Khartoum government agreed to Operation Lifeline Sudan to allow international aid to reach displaced people under insurgent control in the south.¹¹

The former Representative of the Secretary-General on Internally Displaced Persons, Francis Deng, believes that while governments have the primary responsibility to care for their displaced populations, when they are unable to do so they must request and accept outside help. If they refuse, or deliberately obstruct access to the displaced, the international community has a right, even a responsibility, to become involved. International engagement could range from diplomatic dialogue and negotiation of access for relief supplies to political pressure. In exceptional cases, it could lead to sanctions or military action.

While no government has explicitly challenged this concept, states such as China, Egypt, India and Sudan have expressed fears that international humanitarian action could be a pretext for interference by powerful states in the affairs of weaker ones. Nonetheless, the concept of ‘a collective responsibility to protect’ the displaced when their national authorities are unable or unwilling to do so has gained ground. Indeed, it was most recently upheld in the World Summit document adopted by heads of government in September 2005.¹²

To provide guidance to governments, the Brookings–Bern Project on Internal Displacement has identified the main indicators of national responsibility.¹³

- To begin with, governments are expected to prevent or mitigate displacement. When displacement is unavoidable, they are expected to raise national awareness of the problem, collect data on the numbers, locations and conditions of the displaced and facilitate access to populations at risk, including those under insurgent control.
- Governments are expected to adopt laws and policies to protect displaced populations; train their officials, military and police in the rights of the displaced; and designate an institutional focal point for coordination within the government and with local and international partners.
- Allocating resources in the national budget for the displaced, or creating special funds from oil and other revenues, is another indicator of national responsibility. So too is finding solutions to the plight of the displaced, for instance by giving them the choice to return voluntarily to their homes or to resettle in another part of the country. The displaced should also be assisted to reintegrate and recover, or receive compensation for, lost property.
- Finally, governments are expected to cooperate with international and regional organizations when national capacity is insufficient.

The current Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, has been using the framework of national

Box 7.2

Darfur: the challenge of protecting the internally displaced

The Darfur emergency has been called the world's 'worst humanitarian disaster' by UN Under-Secretary-General for Humanitarian Affairs, Jan Egeland. It is a case study of how difficult it is to protect internally displaced persons when their own government has caused the displacement and fails to comply with UN resolutions to provide security. As in Bosnia and Herzegovina a decade earlier (see Box 7.1), the international response in Darfur has largely focused on providing emergency relief. There are more than 11,000 humanitarian workers on the ground in Darfur, but fewer than 100 staff with protection responsibilities, and only a few thousand lightly armed African Union troops with a weak mandate for protection. Recalling how in Bosnia and Herzegovina civilians watched the aid trucks roll in while their neighbours were gunned down, Secretary-General Annan in April 2005 asked: 'Are we now going to stand by and watch a replay in Darfur?'

The crisis in Sudan's western region began in 2003 with an attack on government military outposts by insurgents of the Fur, Massalit and Zaghawa tribes. Their immediate grievance was government favouritism toward Arab herdsmen who were increasingly encroaching on black African farmlands. More fundamentally, the rebels saw an opportunity in the ongoing north-south peace process in Sudan to demand for Darfur the same power and wealth sharing arrangements that black African tribes in the south and centre of the country were obtaining from the Sudanese national authorities.

The government response was swift and brutal. With helicopters and troops supported by Arab militias (the Janjaweed) on the ground, the military set upon the three black African communities, killed up to 70,000 men and deliberately drove from their homes more than 2 million people, most of whom became internally displaced, while 200,000 became refugees in neighbouring Chad. Janjaweed militias then burned their villages, poisoned the

wells and killed animals in a scorched-earth campaign reminiscent of the tactics used in earlier years against the black African tribes of the south.

From 2003 to the present, the number of deaths from starvation, disease and violence in Darfur is estimated at more than 350,000. Almost 2 million people live in squalid camps, totally dependent on international aid and with little or no prospect of returning home due to the insecurity and destruction in their homeland areas. Although overall violence has decreased, military and Janjaweed attacks on black African farming communities and camps of internally displaced people still continue.

International assistance with little protection

The main international achievement to date has been to assure the delivery of humanitarian relief. In July 2004, the UN Security Council demanded an end to the government's obstruction of humanitarian organizations. In an unprecedented move, the UN Secretary-General and other international leaders travelled to the area to reinforce the point. As a result the government lifted most of its restrictions on humanitarian organizations and signed an agreement with the United Nations. By the end of 2004, large-scale famine had been avoided, epidemics contained and malnutrition reduced among many of those in the camps for displaced persons. Food distribution and healthcare were also enhanced. Humanitarian organizations were criticized for being slow to react to the emergency, but by mid-2005 the number of people receiving international food aid exceeded 2 million. However, aid agencies continue to lack access to hundreds of thousands in rural areas under insurgent control.

Far less progress has been made in the area of protection. When the government refused to comply with Security Council requests to stop attacks on the civilian population, little or no effort was made to

enforce the resolutions. The government failed to disarm the Janjaweed, cease helicopter assaults on villages or end the forcible returns of internally displaced persons to their home areas. In addition, some armed groups have been actively seeking to hinder relief and monitoring activities. Yet the Security Council failed to agree on sanctions other than symbolic ones such as travel bans and asset freezes. A no-fly zone was not introduced, nor was a UN protection force created. Arab and Islamic governments opposed pressure on the Sudanese government, while China, the main foreign investor in Sudan's oil industry, threatened to use its veto. Russia, a key supplier of arms, also opposed strong action. Even the United States and European Union did not wish to press the Sudanese government too far, fearing that doing so could jeopardize the signing and implementation of the peace agreement between north and south ending two decades of civil war.

A regional solution

In the absence of international willingness to act, the African Union came forward to try to stop the violence. Indeed, 'African solutions for African problems' became a rallying cry and also proved more acceptable to the Sudanese government. Initially, the Union sent in several hundred unarmed observers under the banner of the African Mission to Sudan, or AMIS, to monitor the April 2004 ceasefire between the Darfur rebels and the government. But it also expanded its forces and mandate in response to the violence against the civilian population. Specifically, it sent in troops and police to contribute to enhancing security throughout Darfur. It indicated that it would monitor and verify security around camps of displaced persons and in areas of their return, protect civilians under imminent threat, protect humanitarian operations and, through its visible military presence, try to deter armed groups from committing hostile acts against the population.

But the language was couched in caveats. AMIS was supposed to protect civilians, but only if it had the resources and the military capability. In fact, it was able to field only 2,700 military observers, troops and police to Darfur (an area the size of France) and could deploy police in only one camp. It has few aircraft or vehicles to transport its police and troops, and insufficient communication facilities and other basic equipment. It has plans to expand its forces to 7,700 by September 2005 and to 12,300 by the spring of 2006, and Western countries have pledged funds and logistical support. But the process is slow, the numbers are small, and the mandate far from robust.

Nonetheless, where AMIS has been present Janjaweed forays into camps of displaced persons have diminished, as have militia attacks on villages and sexual assaults against women gathering firewood and water. AMIS has also enlarged humanitarian access by escorting aid convoys, which in 2005 came under increasing attack, and plans to accompany international human rights observers on their monitoring missions.

International protection mechanisms

In July 2004, the Security Council called for the deployment of human rights observers to Darfur to report on violations, provide assistance to victims and work with local authorities and other actors to enhance the security of civilians. But by March 2005, only 16 were reported to be on the ground, together with 26 international staff with protection responsibilities. By the end of June, the number had risen to 41, but many were reported to have little experience in protection work, were not deployed around the country and often could not travel to areas of conflict where serious violations were occurring. All these factors highlighted the need to reinforce the capacity of the UN High Commissioner for Human Rights to respond rapidly and effectively in humanitarian emergencies.

Since no UN agency had a protection responsibility for internally displaced persons, none came forward to take the overall lead in the area of protection in all three provinces in Darfur. When the United Kingdom's Secretary of State for International Development, Hilary Benn, visited the area in June 2004, he found 'confusion and poor delivery' and observed that 'even now [after more than a year], internally displaced persons are not being protected adequately.' Similarly, UN evaluations acknowledged the failure of the collaborative approach to bring protection to internally displaced persons in Darfur. One notorious example was the management of the camps of displaced persons. The Office for the Coordination of Humanitarian Affairs (OCHA) was unable to find any agency ready to manage the camps in Darfur. OCHA therefore had to turn the responsibility over to NGOs with little prior experience in camp management or protection and insufficient staff.

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, wrote in the *Forced Migration Review* of May 2005 that 'it is obvious that UNHCR is the organization with the most experience and capacity to protect and assist persons displaced by armed conflict who are in camps or to organize IDP returns . . . Indeed, it is difficult to understand why there should not be at least a presumption that the High Commissioner for Refugees should assume responsibility in such situations.' Today, UNHCR is the lead agency for the protection and return of some 700,000 internally displaced persons in West Darfur, while IOM was given responsibility for North and South Darfur. But IOM's lack of a protection mandate and experience has led some to suggest that UNHCR should assume the entire responsibility.

Human rights advocates believe that the Security Council's decision to refer individual perpetrators of crimes against humanity and acts of genocide in Darfur to the

International Criminal Court will help deter violence against civilians. However, the Sudanese government has rejected the Security Council decision and at the moment there is no assurance that perpetrators of genocide will actually be prosecuted by the court.

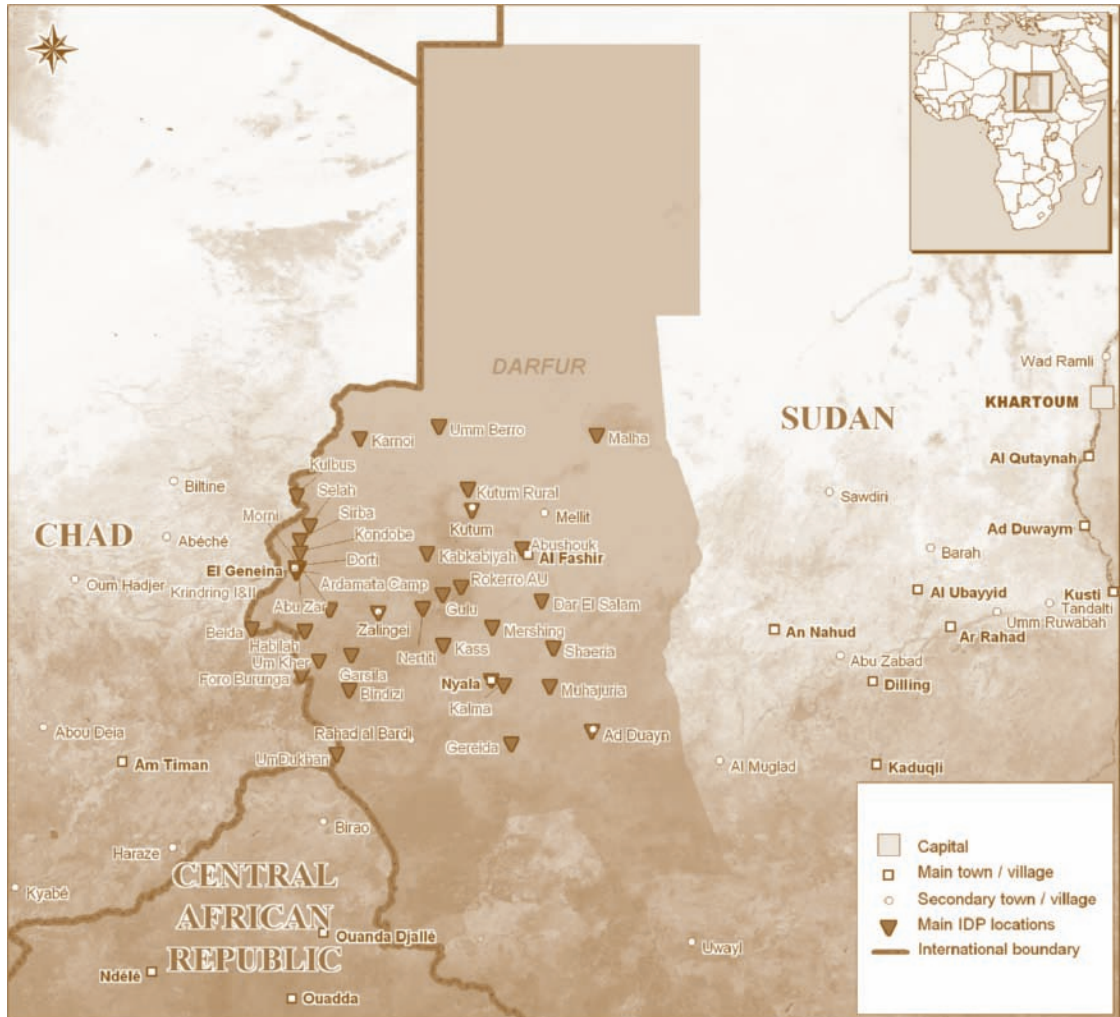
Opportunities

Despite the absence of strong international mechanisms to rely upon in internal crises such as Darfur's, there are still positive developments to build upon. One is the North-South peace agreement of January 2005, which offers the possibility of a political resolution of the crisis. The accord provides for the sharing of power and wealth between the Arab government in Khartoum and the black African tribes of the south as well as with other ethnic groups at war with the government. Were the African Union and the United Nations to persuade the government and rebels to extend this agreement to Darfur, it could help resolve the issues at the root of the conflict. Sudan's new unity government, installed in July 2005, has promised to promote a fair and just settlement in Darfur. The designation of Salim Ahmed Salim, former Secretary-General of the Organization of African Unity, as the African Union's Special Envoy to South Sudan has also raised the prospects for peace.

Strengthening the African Union's protection role offers another opportunity to address the crisis. Expanding its forces and mandate could not only enhance security for the displaced but also make possible their return; it would enable them to plant and grow crops and thereby reduce their dependency on international aid. This will require substantial resources and technical support from major donors, but without such steps, the Darfur crisis could become, in the words of Suliman Baldo of the International Crisis Group, 'another never-ending conflict in which donors spend large sums feeding the displaced but otherwise fail to protect civilians and to address the underlying political causes.'

Map 7.2

Internal Displacement in Darfur, November 2004



Statistical data source: OCHA - Humanitarian Profile, November 2004
 The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Geographical data sources: UNHCR, Global Insight digital mapping - © 1998 Europa Technologies Ltd.

responsibility in his dealings with governments. The Commonwealth too has emphasized national responsibility and drawn up 'best practice guidelines' for its member states.¹⁴ But the efforts of donor governments, regional bodies and the United Nations to encourage states to assume their responsibilities need to be strengthened. So too do initiatives to get rebel armed groups to adhere to international standards in their treatment of those under their control.¹⁵

Applying the Guiding Principles

Among the more effective tools for addressing situations of internal displacement are the Guiding Principles on Internal Displacement. The principles constitute a comprehensive minimum standard for the treatment of the internally displaced. They set forth the rights of the displaced and the obligations of governments, insurgent groups and other actors toward these populations. The principles are not legally binding but are derived from international human rights treaties and humanitarian law. Since their presentation to the UN Commission on Human Rights in 1998 by Deng, a growing number of governments, regional bodies, UN agencies and NGOs have begun to use them. Resolutions of the Commission and General Assembly regularly refer to them as ‘an important tool’ and ‘standard’ for dealing with situations of internal displacement.¹⁶ In the World Summit document of 2005, heads of government recognized the Guiding Principles as ‘an important international framework for the protection of internally displaced persons.’¹⁷ United Nations Secretary-General Kofi Annan has called upon states to promote their adoption through national legislation.¹⁸

Over the past five years, governments have begun to make the Guiding Principles a basis for their policies and laws on internal displacement. Angola based its 2001 law relating to the resettlement of displaced persons on the principles, and Peru used them when developing its 2004 law providing benefits to the internally displaced. Colombia’s Constitutional Court based three decisions in support of aid to the displaced on the principles, and Georgia amended its laws and improved its practices on the voting rights of internally displaced persons to conform to them. Burundi, the Philippines, Sri Lanka and Uganda have also based national policies on the principles, and Liberia’s president has announced his government’s adoption of them.¹⁹

Regional inter-governmental bodies use the Guiding Principles as a monitoring tool when measuring conditions on the ground and as a framework for their programmes and activities. UN agencies and NGOs provide training in the principles, while local groups in different countries have produced handbooks and illustrated materials to adapt them to conditions on the ground. In Sri Lanka, the Consortium of Humanitarian Agencies published a *Toolkit* based on the principles in three national languages, while lawyers in the South Caucasus and the Russian Federation have evaluated the laws of their countries in terms of the principles.²⁰ To date, the Guiding Principles have been translated into more than 40 languages.

The Guiding Principles have empowered internally displaced persons and their representatives. In Sierra Leone, displaced persons used the principles to call on UN agencies to provide education in camps. In Sri Lanka, representatives of the internally displaced used the principles to make their concerns known to camp commanders. Even armed rebel groups have acknowledged the value of the Guiding Principles: the southern Sudan People’s Liberation Movement and Army (SPLM/A), in collaboration with the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) and the UN

Box 7.3

Should UNHCR become a 'displacement agency'?

For more than a decade, influential voices have been calling for the enlargement of UNHCR's mandate to encompass internally displaced persons. In 1993, the Government of the Netherlands proposed at a meeting of UNHCR's Executive Committee that the United Nations assign 'a general competence' for the internally displaced to UNHCR. In 1997, prior to the announcement of the Secretary-General's reform programme, his senior adviser Maurice Strong sounded out UNHCR about becoming the premier assistance agency of the United Nations and assuming responsibility for internally displaced persons. In 2000, after visiting Angola and finding UN agencies in disarray, the US Ambassador to the United Nations at the time, Richard Holbrooke, made a public recommendation: 'The primary mandate for internal refugees should be given to a single agency, presumably the UNHCR.'

In 2004, following a visit to camps for internally displaced persons in Darfur, the UK's Secretary of State for International Development, Hilary Benn, posed the question: 'Is it really

sensible that we have different systems for dealing with people fleeing their homes dependent on whether they happen to have crossed an international border? I have my doubts.' In 2005 in the United States, a Congressionally-mandated bipartisan task force on the United Nations recommended 'redefining' the mandate of UNHCR to ensure the delivery of aid to refugees, internally displaced persons and those affected by natural disasters. Similarly, a report of the US Institute of Peace called upon the United Nations to designate UNHCR the lead agency for internally displaced persons.

UNHCR's long experience with refugees and its comprehensive mandate, encompassing both protection and assistance, makes it an obvious candidate for dealing with the internally displaced. Advocates of a larger role for the organization point to its involvement with the internally displaced since the 1960s, and its more substantial engagement since the 1990s, when a surge in civil conflicts following the Cold War began to produce more internally displaced persons than refugees. Currently, UNHCR is engaged in helping some

5 million internally displaced persons, one-fifth of the world's total. This number includes 1 million people in Africa, the continent most ravaged by conflict and displacement. Those in favour of a 'UNHCR solution' also argue that current institutional arrangements—namely the collaborative approach under the Emergency Relief Coordinator—have failed the internally displaced, especially in protection. As no other agency has the background or experience when it comes to uprooted populations, they see UNHCR as the only realistic alternative for dealing with the problem.

Nonetheless, strong objections to UNHCR assuming the primary responsibility for the internally displaced have been expressed. Indeed, UNHCR itself has long been divided on the issue. Some fear that the agency would be overwhelmed by the magnitude of the problem of internal displacement, and in the process undercut refugee protection. Others point to a conflict of interest between protecting people in their own countries and defending the right of people to leave and seek asylum abroad. In the former Yugoslavia, for

Children's Fund (UNICEF), has drafted a policy on internal displacement based on them.

But are the Guiding Principles actually improving conditions on the ground? No comprehensive study has yet been undertaken to evaluate their impact. Governments may announce laws and policies based on the principles but not necessarily implement them. As Deng observed in 2002, 'while the Guiding Principles have been well received at the rhetorical level, their implementation remains problematic, and often rudimentary.'²¹ Much is needed in the way of monitoring, advocacy and the engagement of international and local actors to promote their implementation.

It is frequently asked whether compliance would be greater if there were a legally binding treaty on internal displacement. Egypt, India and Sudan have pointed out that the Guiding Principles were not negotiated by governments or formally adopted by the UN General Assembly. Those who favour a treaty argue that it would hold states accountable if they disregarded its provisions. However, others point out that the

example, UNHCR was criticized for paying too little attention to gaining asylum and resettlement for victims of violations while at the same time failing to provide effective in-country protection. States have also used UNHCR's in-country protection activities as a pretext for refusing to grant asylum. Moreover, the prospect of UNHCR taking on responsibility for the internally displaced has triggered fears that other UN agencies would be sidelined and their roles diminished. Finally, many donor governments continue to favour the collaborative approach despite criticisms that it is ineffective when it comes to the internally displaced.

The debate need not be framed as a zero sum game, however. UNHCR could not possibly take on *all* internally displaced persons, millions of whom are displaced by natural disasters and millions more by development projects. Moreover, many of those displaced by conflict are integrated into cities, may be in protracted situations for decades and may not be able to avail themselves of the kind of support UNHCR can provide. The more pertinent question is whether UNHCR can enlarge its

role. In 2005, OCHA's Internal Displacement Division proposed that UNHCR carve out areas of responsibility for which it could be relied upon in emergencies. For example, drawing upon its expertise, it could take the lead in designing protection strategies and managing camps. By assuming responsibility for specific functions, it could help make the overall UN response more predictable and the collaborative approach work better. UNHCR's greater involvement, moreover, would not diminish other agencies' roles since it and they would have to work together, just as they do now when protecting refugees.

In 2005, senior UNHCR officials articulated a more expansive outlook, speaking of the organization's 'predisposition' to help the internally displaced and 'a generous and more flexible application of UNHCR policy criteria' in deciding when to become involved with those uprooted in their own countries. In support of an enlarged role, the positive consequences of UNHCR's involvement have been pointed out. Countries of asylum might be more inclined to maintain their asylum policies if

something is being done to alleviate the suffering of the internally displaced, reduce their need to seek asylum and create conditions conducive to their return. Moreover, UNHCR could expand its role gradually to enable it to monitor the impact of its actions on refugee protection and to assure other agencies of their continued roles.

UNHCR's 12 September 2005 agreement to assume lead responsibility for protection, camp management and emergency shelter for internally displaced persons, endorsed by the Inter-Agency Standing Committee, marks a milestone in the evolution of UN policy on this issue. Beginning in January 2006, UNHCR will take on this role in two or three countries. If it performs effectively, calls to expand its mandate will no doubt continue, and so will the debate on the best way to deal institutionally with the needs of internally displaced persons.

Guiding Principles do have 'legal significance' and are being applied internationally by a growing number of states.²²

Human rights treaty-making at the international level can take decades, with no guarantee that states will ratify instruments or observe their obligations. The process could also lead to watering-down of the accepted provisions of international law on which the principles are based. Until the international community is ready to adopt a binding instrument that accords with the protection level set forth in the Guiding Principles, the majority opinion is that the best approach is to expand the application of the principles at the national level.²³ Nonetheless, at the regional level the African Union is using the principles to develop a treaty on internal displacement for the continent.

Whatever the outcome of this debate, for the time being the Guiding Principles fill a major gap in the international protection system for internally displaced persons. They provide the displaced with a document to turn to when they are denied their rights. For

their part, governments and other actors have guidelines to follow in designing national policies and laws on behalf of the displaced. Indeed, some experts are building upon the Guiding Principles to spell out issues related to restitution, compensation and land use for the displaced in more detail.²⁴

Institutional arrangements: the ‘collaborative approach’

A multitude of international organizations offer protection to internally displaced persons and help them with aid for reintegration and development. First come the various UN agencies, ranging from UNHCR to UNICEF to OCHA. Others in the field are the ICRC, the International Organization for Migration and many NGOs. The overall UN response is the responsibility of the Emergency Relief Coordinator, who heads OCHA. Since 1997 he has served as the United Nations’ ‘focal point’ for internally displaced persons. In addition, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons serves as principal ‘advocate’ for the internally displaced.

Under this ‘collaborative approach’, all agencies share the responsibility for responding to situations of internal displacement. The system was decided upon by default. Neither the political will nor the resources existed to create a new agency to address the needs of the internally displaced. Such a new entity, it was feared, would duplicate the work of other agencies and almost certainly meet with opposition from governments that object to international involvement with their displaced populations. A second, frequently suggested option—the enlargement of UNHCR’s mandate to enable it to assume the responsibility—was also rejected (see Box 7.3). The scale of the problem, it was argued, was too large for one agency. Even the ‘lead agency’ option, in which one agency assumes the main role in the field (see Box 7.1), was largely sidelined by the collaborative approach, which substituted coordination by the Emergency Relief Coordinator at headquarters and by Resident/Humanitarian Coordinators (RC/HCs) in the field.

Most UN and independent evaluations have found the collaborative approach inadequate to the task and difficult to implement.²⁵ Critics charge that UN agencies regularly resist coordination and that there is no real centre of responsibility for the displaced in the field. ‘Co-heads are no-heads,’ quipped Richard Holbrooke, former US Ambassador to the United Nations, after visiting camps for internally displaced persons in Angola.²⁶ Critics also point to the lack of predictability, since the different agencies basically pick and choose the situations in which they wish to become involved on the basis of their mandates, resources and interests. For instance, most agencies rushed to South and Southeast Asia to help those displaced by the 2004 tsunami, but only a limited international presence could be mobilized for northern Uganda, where tens of thousands of children are at risk each night of abduction or maiming. The Humanitarian Coordinator lacks both the authority and resources to assign responsibilities. His only tool is persuasion. But can ‘persuasion without

authority over budgets and operations' be sufficient, asks Georgetown University's Susan Martin.²⁷

In response to these widely publicized deficiencies, a special office was created in OCHA in 2002, devoted exclusively to internal displacement. Upgraded to a division in 2004—the Inter-Agency Internal Displacement Division (IDD)—and with staff largely drawn from the different international agencies, it has sought to ensure that UN agencies in the field, under the leadership of RC/HCs, develop and implement a strategic action plan to meet the needs of internally displaced persons. To help with this, the IDD put together a policy package on the internally displaced which all the major agencies and NGOs agreed to.²⁸

But ensuring the implementation of action plans around the world soon proved to be beyond the capacity of one small non-operational office. The cooperation of the powerful operational agencies was needed to develop and carry out the plans. Yet there was no agreed division of labour among agencies, so that at the beginning of each new emergency it was unclear which agency or combination of agencies would become involved and which responsibilities they would assume.

To rectify this, the IDD came up with a proposal for a 'sectoral' approach, whereby agencies would be expected to carve out areas of responsibility (e.g. protection, camp coordination and management, emergency shelter, nutrition, water and sanitation) based on their expertise, and fulfil them in emergencies.

The most challenging sector by far is protection. While agencies regularly provide food, medicine and shelter to internally displaced persons, they are not well equipped to defend the physical safety and human rights of those endangered. Providing material aid while ignoring the fact that the displaced are being beaten, raped or killed too often leads to the tragic description of the victims as the 'well-fed dead' (see Box 7.1). Where national protection does not exist, international agencies may be called upon to set up early warning systems, negotiate access with governments and insurgent groups, deploy staff among threatened communities and protect women and children from rape and abduction. They may also be called on to arrange relocations and evacuations, intercede with authorities to assure that the displaced are not forcibly returned to conditions of danger, or accompany the displaced home.

These initiatives go beyond the mandates and expertise of most international field staff. Still, many are trying to enhance protection by reporting protection problems, becoming more engaged with the displaced and designing assistance programmes in ways that reinforce protection. They have also been working more closely with displaced communities to build the latter's coping skills. But the dangers are considerable. In some emergencies in recent years more aid workers have been attacked or killed than peacekeepers. This has sometimes led to assistance by 'remote control' (i.e., through local organizations) which has diminished protection, whether in Chechnya, Iraq or Somalia.²⁹

Only two agencies, the ICRC and UNHCR, have a specific legal mandate to carry out protection work. But even here there are limits. ICRC cannot always become involved

Box 7.4

Internal displacement in Colombia

With 2 to 3 million displaced persons, Colombia presents the highest number of internally displaced people in the western hemisphere, and the second largest displaced population in the world after Sudan. Most of the displacement is related to the country's four-decade-long internal armed conflict, the most protracted in Latin America. This 'dirty war' is a complex conflict fought primarily between left-wing guerrillas, right-wing paramilitaries and Colombian armed forces. But it also involves drug traffickers, landowners, and other legal and illegal interests.

More than 40,000 people, most of them civilians, have been killed in Colombia as a result of the armed conflict since 1990 alone. In recent years, Colombians have been fleeing over the country's borders in increasing numbers, most notably to Costa Rica and Ecuador (but also Panama and Venezuela) in the region, as well as to the United States and Europe. Since 2000, more than 100,000 Colombians have sought asylum abroad. But since 11 September 2001, states have adopted increasingly restrictive asylum policies, making it harder for Colombians to claim asylum. Although over 250,000 Colombians are thought to be currently seeking asylum abroad, many others have sought refuge abroad without seeking asylum.

However, the vast majority of those forced to flee are civilians who do not cross an international border, but become displaced within their own country. More than 1.5 million displaced persons are registered with the Colombian government, but NGOs estimate that the real figure is more than double this. Many

displaced people within Colombia do not register for fear of being attacked, stigmatized or displaced again. Official sources claim that 74 per cent of the internally displaced are women and children. The Consultancy for Human Rights and Displacement estimated that 288,000 Colombians were newly displaced during 2004, 39 per cent more than in 2003.

The vast majority of those displaced are dispersed rather than living in organized camps, and many seek anonymity in the country's big cities. Almost 40 per cent of the internally displaced have settled in and around the ten largest cities. Without official registration and proper identity documents, internally displaced persons often face difficulty in accessing basic government assistance, employment, healthcare and education. It has been estimated that only one in eight internally displaced pupils have returned to school after having been displaced. Displaced girls are more vulnerable to sexual exploitation and pregnancy than other teenagers.

Displacement has often been an end in itself rather than just a by-product of Colombia's conflict. For many years, both guerrillas and paramilitaries have depopulated rural areas and appropriated the land for political, economic and strategic gain. Upon seizing control of an area, armed groups often kill or displace civilians they suspect of supporting the opposing side. Human rights defenders frequently suffer a similar fate.

In recent years, indigenous communities and their leaders have increasingly been targeted by the irregular armed groups, who favour

action against the civilian population over direct military confrontation. Although indigenous people represent only 2 to 3 per cent of Colombia's total inhabitants, they make up as much as 8 per cent of the country's internally displaced population. If the current trend persists, there is even concern that some of the smaller and more vulnerable groups may disappear altogether.

And the story does not end with initial displacement. In some areas, there have been reports of internally displaced young men being forcibly recruited into irregular armed groups. In the cities, large sections of the population are increasingly being drawn into gang warfare which replicates war allegiances and divisions at the national level, bringing with it intra-urban displacements. Internally displaced persons are becoming displaced a second and even a third time.

Colombia's legislation on internal displacement is among the most advanced in the world. The country's 1997 Law on Internal Displacement (Law 387) is consistent with the UN Guiding Principles on Internal Displacement, requiring the state to create policies and adopt measures for displacement prevention, attention and protection. But the problem is implementation, and in February 2004, Colombia's Constitutional Court issued a landmark judgement, which deemed government policy in this regard inadequate and unconstitutional.

The government does not register or recognize in official statistics those displaced by the fumigation campaign, those unwilling or unable to apply for assistance and those rejected under its strict criteria. The

return of internally displaced persons, a priority for the administration of President Alvaro Uribe, has sometimes taken place despite the fact that the conditions which caused the displacements remain unchanged. Many return areas continue to be under the control of at least one irregular armed group and numerous returned internally displaced persons have been killed in recent years.

UNHCR established a permanent presence in Colombia in 1998. Uniquely, the organization's mandate in the country is concerned with the

protection of internally displaced people, as well as with refugees and others of concern. UNHCR's work focuses on capacity-building activities, notably in strengthening the protection regime through documentation campaigns, human rights training, pedagogy projects and integration initiatives. Rather than provide emergency assistance for internally displaced persons itself, UNHCR reinforces civil society organizations that address these needs. In particular, NGOs and church groups have long played a crucial role in assisting internally displaced persons in Colombia.

UNHCR follows a collaborative response to internal displacement by chairing the UN Thematic Group on Displacement. Partnerships have also been established with ECHO, ICRC, IOM, UNIFEM, several government departments including the one with responsibility for assisting the internally displaced (the Social Solidarity Network), and numerous NGOs. UNHCR's overall objective in relation to internally displaced persons in Colombia is to promote a comprehensive and coordinated response to the humanitarian crisis.



Many of Colombia's internally displaced people look for anonymity in the country's big cities. Of the 90,000 people living in Comuna 2 in northwest Medellín, up to 15 per cent are estimated to be displaced. (UNHCR/S. Loughna/2005)

in situations below the threshold of armed conflict—and sometimes is denied entry into conflict areas. UNHCR's mandate focuses primarily on refugees and restricts its involvement with the internally displaced under criteria which can range from a specific request from the Secretary-General and the agreement of the state concerned to adequate resources or a 'link factor' to refugees.

Given UNHCR's long experience in protecting uprooted populations (see Box 7.3), on 12 September 2005 the UN Inter-Agency Standing Committee assigned it lead responsibility for the protection of the internally displaced (as well as responsibility for camp management and emergency shelter). Its enlarged protection role will require it to ensure that joint steps are taken by all agencies in the field to enhance the security of the displaced. Special partnerships will be needed with the Office of the High Commissioner for Human Rights (OHCHR), which has largely stayed clear of operational engagement with internally displaced persons, and UNICEF, whose protection role with internally displaced children could be strengthened. A protection policy paper adopted by the Inter-Agency Standing Committee sets forth in detail the protection steps international agencies can take.³⁰ Currently under discussion are ideas for 'protection coalitions', 'interagency mobile protection advisory teams' as well as a 'protection standby force'.³¹

UNHCR will also have to navigate a collaborative system that often resists involvement with the security and human rights of internally displaced persons. As the Brookings–OCHA study, *Protect or Neglect*, found, the majority of RC/HCs, who direct the collaborative response in the field, are reluctant 'to advocate for the rights of the displaced in an effective and assertive manner'.³² Many fear that doing so could compromise their relationships with governments, threaten relief programmes or even lead to their expulsion. Moreover, RC/HCs in many countries report to Special Representatives of the Secretary-General who often put political concerns over humanitarian and human rights objectives.³³

Despite the obvious limits on the role outsiders can play in providing protection, how the humanitarian community deals with this major gap in the international response system will in large measure determine whether the collaborative approach will be successful or whether alternative arrangements will be needed.

The effectiveness of the collaborative approach will also depend on adequate resources. The UN's Consolidated Appeals Process (CAP) for emergencies now targets internally displaced persons. But the amounts allotted are often insufficient, and when it comes to protection and human rights initiatives, woefully inadequate.³⁴ Donors often lavish aid on areas of the world in which they have strategic interests, such as Afghanistan, the Balkans or Iraq, but seriously underfund humanitarian crises, especially in Africa, where the needs of vulnerable populations may be far greater.³⁵ Calls for international trust funds for emergency action and post-conflict reconstruction continue to be under discussion. In 2005 the World Summit approved the expansion of the UN Central Emergency Revolving Fund (CERF) to enable UN humanitarian organizations to receive 'instant' funds when a new disaster strikes and to inject 'equity' into the system.³⁶

The role of the military

In her book *The Turbulent Decade: Confronting the Refugee Crises of the 1990s*, Sadako Ogata describes UNHCR's initial hesitance to accept military cover for its humanitarian activities and its subsequent recognition of the importance of such support. Without it, UNHCR would not have been able to get supplies to displaced people in central Bosnia, undertake the Sarajevo airlift or make airdrops to besieged towns and villages.³⁷ Similarly, in Afghanistan in 2001, relief agencies found that working with the military benefited displaced populations: the WFP was able to position millions of metric tons of food in surrounding countries, truck them inside Afghanistan and thereby avert widespread famine. In Liberia in 2003, UN troops helped UNHCR to relocate thousands of internally displaced persons from public buildings in Monrovia to proper camps or settlements.

But humanitarian involvement with the military comes at a price. For the ICRC the cardinal principles of impartiality and neutrality, which aid agencies are bound to uphold, are compromised by 'blending' humanitarian action with military operations. NGOs such as *Médecins Sans Frontières* have pointed out that unless military and humanitarian action are separate, humanitarian workers can become identified with one side to the conflict, endangering both aid deliveries and humanitarian staff. Reportedly, camps of displaced persons in Macedonia became military targets when NATO involved itself in setting up tents and providing camp security. In Afghanistan, humanitarian workers were put in danger when Western military forces, wearing civilian clothes, did humanitarian and development work.

Nonetheless, it has become clear that the complete independence of humanitarian and military action is not possible in most emergencies, and may even prove perilous to the displaced populations the international community is trying to protect. In the words of Major-General William Nash, a veteran of the Balkan wars, 'Although the demand for independent humanitarian action is admirable, more important is an effective strategy to assist those who are in need'.³⁸ The importance of humanitarian, development and military actors working together has led UN agencies and a number of NGOs to call for better communication with military actors, including sharing of information and joint planning and strategizing. Currently, the United Nations is studying how best to organize 'integrated missions'.³⁹

Since the 1990s, UN Security Council resolutions have called upon peacekeepers to undertake a variety of protection responsibilities for the internally displaced, ranging from facilitating the delivery of relief and establishing and maintaining secure humanitarian areas to ensuring protection in camps, monitoring and reporting the conditions of the displaced and enabling their safe return home. Whether in the Balkans, the DRC, Haiti, Iraq, Liberia, Rwanda, Sierra Leone or Timor Leste, peacekeepers have been specifically charged with providing assistance or protection to internally displaced persons. Most recently, African Union troops have been called upon to enhance security for internally displaced persons in Darfur, Sudan (see Box 7.2).

But the record has been mixed. Whereas peacekeeping forces have generally been effective in preventing mass starvation by ensuring delivery and distribution of food through logistical support, they have been less effective when it comes to protecting the physical security of the internally displaced and other affected populations. In most cases, UN forces have not had enough troops to provide adequate protection, clear mandates to allow them to engage in robust action or the necessary training and equipment to do their jobs adequately. The lack of political will in the Security Council often contributed to this outcome.

An outstanding exception was Iraq in 1991, where multinational forces succeeded in creating a safe haven for internally displaced Kurds under attack in the wake of the Gulf War. This refuge existed for more than a decade. But in Bosnia and Herzegovina, the overrunning of the 'safe area' of Srebrenica in 1995 stands as one of the most ignominious examples of the international failure to provide protection to internally displaced persons. So too is what happened in Kibeho, Rwanda that same year, when UN forces stood by while several thousand internally displaced persons in camps were killed by the Rwandan army. Worse yet, earlier in this decade UN peacekeepers in the DRC and Sierra Leone were raping and sexually exploiting internally displaced women and children they were supposed to protect—using humanitarian supplies as bait.

Despite these well-publicized failures, there remain many instances where peacekeepers have provided security for displaced populations in internal conflict situations. East Timor, where a multinational force saved many lives and enabled the return of tens of thousands of refugees and internally displaced persons, is a good example. In Kosovo, Liberia, Mozambique and Rwanda, peacekeeping troops effectively facilitated the return of displaced persons. A 2004 report on the role of peacekeepers with internally displaced persons identified impressive 'best practices' in different countries in protecting the internally displaced.⁴⁰ In particular, military training has begun to focus on how to protect internally displaced persons, greater efforts are being made to deploy civilian police, protection mandates have been strengthened, and in some instances peacekeepers have taken a bolder approach toward protecting civilians. The United Nations also has begun to implement its 'zero tolerance' policy toward sexual exploitation.

But fundamental problems remain. Most internally displaced persons in need of protection are in Africa, yet most of the UN peacekeeping missions deployed there are understaffed and without sufficient resources. Even in the DRC, where 16,700 troops are on the ground, the mission is reported to have insufficient resources to fulfil its mandate, which includes protecting internally displaced persons in camps. Moreover, developed countries with well-trained, experienced and heavily-armed troops have been proving increasingly unwilling to offer their forces or resources to UN operations when their national interests are not at stake—currently less than 10 per cent of peacekeepers come from Western armies.⁴¹ Nor is there agreement among the major powers on creating a standing UN force that could be rapidly deployed in emergencies both for prevention and protection. Heads of government at the World Summit urged only the 'further development of proposals' to build up reserves for rapid deployment,

although they endorsed a standing police capacity which could prove valuable in protection.⁴²

Military intervention and humanitarian relief alone, however, are but stopgap measures. They can never substitute for the political settlements needed to resolve the conflicts that produce internal displacement. When peacekeepers and humanitarian workers are left on the front lines without efforts to resolve these conflicts, they can even unwittingly prolong them. Therefore, strong leadership is needed both from UN headquarters and from the international community to manage and mediate disputes and lay the foundation for transitions out of conflict.

The road ahead

Over the past fifteen years, international involvement with internally displaced persons has become an increasingly accepted course of action when governments are unable or unwilling to provide for the welfare and security of their displaced populations. One of the reasons for this change has been evolving notions of sovereignty. Although the World Summit in September 2005 did not go so far as to affirm *automatic* international protection of populations at risk, it did posit a collective ‘responsibility to protect’ when civilians are subject to ethnic cleansing, crimes against humanity or genocide.⁴³ This can be built upon to reinforce both national and international responsibility for internally displaced persons.

Similarly, the legal framework contained in the Guiding Principles on Internal Displacement has increasingly been guiding governments and international organizations in addressing situations of displacement, influencing how the displaced are perceived and treated at the national and international levels.

Less effective have been the institutional arrangements developed, but here too progress is discernible. The UN’s decision to assign responsibilities to specific agencies has the potential to bring predictability and clarity to the international response system for the displaced. UNHCR’s role in the new division of labour is pivotal because it is focused on protection, the biggest gap in the system. Indeed, UNHCR is at a critical juncture in its 55-year history, having agreed to substantially expand its role to encompass the internally displaced. For the first time since the end of the Second World War, a comprehensive regime is being designed to address the needs of forced migrants on both sides of the border. As High Commissioner António Guterres put it, the international community has finally awakened to its ‘biggest failure in terms of humanitarian action’ and decided to act in defence of those who ‘have not crossed a frontier’.⁴⁴

- 'The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern,' *Refugee Survey Quarterly*, September 2005.
- 6 R. Cohen and F. M. Deng, *Masses in Flight: the Global Crisis of Internal Displacement*, Brookings Institution, 1998, pp. 2, 27.
 - 7 'HIV Prevalence among IDPs Stands at 35 Percent', *The Monitor*, Africa News, 30 June, 2005.
 - 8 S. B. Holtzman and T. Nezam, *Living in Limbo*, The World Bank, 2004.
 - 9 R. Cohen and F. M. Deng, *Masses in Flight*, p. 275.
 - 10 D. A. Korn, *Exodus within Borders*, Brookings Institution, 1999, p. 49.
 - 11 Office for the Coordination of Humanitarian Affairs, Internal Displacement Unit, *No Refuge: The Challenge of Internal Displacement*, United Nations, 2003, pp. 68–9.
 - 12 United Nations General Assembly, 2005 World Summit Outcome Resolution A/RES/60/1, 15 September 2005, para. 139.
 - 13 *Addressing Internal Displacement: A Framework for National Responsibility*, Brookings Institution–University of Bern Project on Internal Displacement, April 2005.
 - 14 *Report of the Expert Group Meeting on Internal Displacement in the Commonwealth: Common Themes and Best Practice Guidelines*, Commonwealth Secretariat, 12–21 May 2003.
 - 15 Office for the Coordination of Humanitarian Affairs, *No Refuge: The Challenge of Internal Displacement*, pp. 64–7.
 - 16 See UN Commission on Human Rights Resolution 2003/51, 23 April 2003, and General Assembly Resolution 58/177, 22 December 2003.
 - 17 United Nations, 2005 World Summit Outcome Resolution, para. 132.
 - 18 K. Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All*, United Nations, New York, 2005, para. 210.
 - 19 R. Cohen, 'The Guiding Principles on Internal Displacement: An innovation in International Standard Setting', *Global Governance*, vol. 10, no. 4, October–December 2004, pp. 459–80. For Georgia, see E. Mooney and B. Jarrah, *Internally Displaced Persons' Voting Rights in the OSCE Region*, Brookings Institution, 2004, pp. 32–41.
 - 20 See R. Cohen, W. Kälin and E. Mooney, *The Law of the South Caucasus and the Guiding Principles on Internal Displacement*, American Society of International Law and Brookings Institution, 2004, and Memorial, *Annotations to the Guiding Principles*, Moscow, 2005.
 - 21 United Nations, Commission on Human Rights, Report of the Representative of the Secretary-General on Internally Displaced Persons, F. M. Deng, UN Doc. E/CN.4/2002/95, 16 January 2002, para. 98.
- ## Chapter 7
- 1 See the database of the Global IDP Project of the Norwegian Refugee Council (www.IDPProject.org) and the *World Refugee Survey* of the US Committee for Refugees and Immigrants.
 - 2 W. C. Robinson, *Risks and Rights: the Causes, Consequences and Challenges of Development-Induced Displacement*, Brookings-SAIS Project on Internal Displacement, May 2003.
 - 3 See www.IDPProject.org. The figures are largely 'guesstimates'. They include both people who are in a state of vulnerability and need international attention and those who may be well integrated, even well-off, in their countries, but who cannot return to the areas of the country from which they originally came and where they have property claims. These figures may also include children and grandchildren of originally displaced persons. Criteria for deciding when displacement ends are currently being developed by the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons in response to a request from the Emergency Relief Coordinator.
 - 4 J. Borton, M. Buchanan-Smith and R. Otto, *Support to Internally Displaced Persons – Learning from Evaluations*, Swedish International Development Cooperation Agency, 2005, pp. 14–15.
 - 5 J-D. Tauxe, 'We Should Have Humanitarian Access to Displaced Civilians,' *International Herald Tribune*, 1 March 2000. For a full discussion of internally displaced persons as a special category, see E. Mooney,

- 22 See W. Kälin, 'How Hard is Soft Law?' in *Recent Commentaries about the Nature and Application of the Guiding Principles on Internal Displacement*, Brookings–CUNY Project on Internal Displacement, April 2002.
- 23 *International Symposium on the Mandate of the Representative of the UN Secretary-General on Internally Displaced Persons: Taking Stock and Charting the Future*, hosted by the governments of Austria and Norway, Brookings Institution–SAIS Project on Internal Displacement, Vienna, Austria, 12–13 December 2002, pp. 8–11, 21.
- 24 United Nations Sub-Commission on the Promotion and Protection of Human Rights, Principles on Housing and Property Restitution for Refugees and Displaced People, E/CN.4/Sub.2/2005/17, 28 June 2005.
- 25 See United Nations, Commission on Human Rights, Report of the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, which reports on the results of four major studies on the collaborative approach, UN Doc. E/CN.4/2004/77, 4 March 2004, paras. 24–33.
- 26 R. Holbrooke, 'Forgotten people: a borderline difference', *The Washington Post*, 8 May, 2000.
- 27 S. Martin, *Refugee Women*, 2nd edition, Lexington Books, pp. 154–5.
- 28 Inter-Agency Standing Committee, *Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams*, September 2004.
- 29 Office for the Coordination of Humanitarian Affairs, *No Refuge*, pp. 42–3.
- 30 Inter-Agency Standing Committee, *Protection of Internally Displaced Persons*, Policy Paper Series, No. 2, New York, United Nations, 2000.
- 31 S. Bagshaw and D. Paul, *Protect or Neglect: Towards a More Effective United Nations Approach to the Protection of Internally Displaced Persons*, The Brookings–SAIS Project on Internal Displacement and Office for the Coordination of Humanitarian Affairs, p. 10, www.brookings.edu/fp/projects/idp/protection_survey.htm.
- 32 S. Bagshaw and D. Paul, *Protect or Neglect*, p. 4.
- 33 R. Cohen, 'UNHCR: Expanding its Role with IDPs', *Forced Migration Review*, Supplement, October 2005, p. 10.
- 34 See Office for the Coordination of Humanitarian Affairs, *No Refuge*, pp. 65–6, and S. Bagshaw and D. Paul, *Protect or Neglect*, pp. 75–6.
- 35 Refugees International, 'Funding shortfalls plague global humanitarian response', 13 June 2005.
- 36 J. Egeland, 'Towards a stronger humanitarian response system', *Forced Migration Review*, October 2005, p.5.
- 37 S. Ogata, *The Turbulent Decade: Confronting the Refugee Crises of the 1990s*, W.W. Norton & Co., New York/London, 2005, pp. 50–171.
- 38 Major-General W. L. Nash (Ret.) at a meeting on 'Independent Humanitarian Action: A Thing of the Past?' Brookings Institution, 16 April 2004.
- 39 See for example a recent study commissioned by the UN, prepared by E. B. Eide, A. T. Kaspersen, R. Kent and K. von Hippel, *Report on Integrated Missions: Practical Perspectives and Recommendations*, May 2005.
- 40 See W. G. O'Neill, *A New Challenge for Peacekeepers: The Internally Displaced*, Brookings–SAIS Project on Internal Displacement, April 2004, pp. 6–7, 8–9, 24–39.
- 41 M. Lacey, 'UN Forces Using Tougher Tactics to Secure Peace', *New York Times*, 23 May 2005.
- 42 United Nations, 2005 World Summit Outcome, paras. 92–3.
- 43 *Ibid.* para. 139.
- 44 'UN refugee boss says world tackling past failures', *News 1*, New Brisbane, Australia, 27 September 2005.