

**Statement by Roberta Cohen, Co-Director, Brookings Project on Internal Displacement
NGO Conference – Refugee Protection in the 21st Century: Renewing our Commitment
Washington, D.C., November 14, 2000**

PROTECTING INTERNALLY DISPLACED PERSONS

My role on the panel is to focus attention on protection for internally displaced persons. It is now generally recognized that the international system set up after the second world war to protect refugees is incomplete and inadequate to the challenge of today's human rights and humanitarian emergencies. The internal conflicts that rage in Africa, Asia, Europe and the Americas produce both refugees and internally displaced persons. Indeed, in many cases, internally displaced persons outnumber refugees 2 to 1. It is the responsibility of the 21st century to develop a more comprehensive approach to the problem of forced displacement.

On the positive side, we have witnessed over the past decade a greater sense of international responsibility toward persons uprooted in their own countries when their own governments are unwilling or unable to meet their protection and assistance needs. To be sure, some of that interest arises out of a desire to prevent refugee flows. But a comprehensive approach would seek to reconcile both groups' need for protection. Just as we need to ensure that the right to leave a country and seek asylum is not eroded, so we must also ensure that persons displaced *within* their own countries are not overlooked or neglected. Always remember that not everyone can make it across the border or wants to cross the border. Yet considerable discrepancy continues to exist in the way the international community perceives and treats refugees and IDPs, even when they face similar problems and sometimes are in virtually the same circumstances. I would appeal for much closer working relationships between refugee and IDP advocates so that protection for both groups is advanced in emergencies and that the need for protection of one group is not pitted against the need for protection of the other.

The creation of a normative framework for internally displaced persons has been an important step forward toward enhancing protection. The Guiding Principles on Internal Displacement were introduced into the United Nations in 1998 by the Representative of the UN Secretary-General on Internally Displaced Persons, Francis Deng. They were developed by a team of international legal experts under the Representative's direction. What the Principles do are to clarify the rights of the internally displaced and the obligations of governments and other actors toward these populations, and they bring together into one document the disparate provisions of international humanitarian law, human rights law and refugee law by analogy that apply to displaced populations. Although not a binding document, they are based on existing law and are being widely acknowledged and disseminated. The international humanitarian, human rights and development organizations and NGO umbrella groups comprising the UN's Inter-Agency Standing Committee endorsed the Principles, and these organizations have been integrating them in varying degree into their programs and activities. UN resolutions have welcomed the Representative's use of the Principles in his dialogues with governments and other actors and have requested their continued dissemination and application by international organizations, regional bodies and NGOs.

At the same time, we must be aware that a group of governments at the UN within the Group of 77 are raising objections to the fact that the Principles were not developed in an intergovernmental process - governments didn't draft them. Of course, the UN Commission on Human Rights and General Assembly, both governmental bodies, requested the Representative to develop a normative framework and the Representative has kept both bodies informed about his progress in doing so. The concerns of this group of governments are best understood in terms of broader concerns about sovereignty, fears of humanitarian intervention, and resistance to international standards in this area. Meanwhile, governments in different parts of the world, including in the G77, have begun to use the Principles - in public awareness campaigns, in the development of laws and policies, and even to justify their own actions in situations of displacement. Recently, the Colombian constitutional court cited the Principles in two decisions to protect internally displaced persons. National human rights commissions in a number of countries have also been using the Principles. And regional intergovernmental organizations - the OAU, OAS, OSCE - have begun to circulate them, hold seminars on them and use them as a guide for monitoring conditions on the ground. As would be expected, NGOs have been in the forefront of promoting attention to the Principles. Local and international NGOs use them as advocacy tools with governments and non-state actors, monitor conditions of displacement in terms of the Principles, suggest changes in laws and practices on the basis of the Principles, and hold public campaigns around them. (I've begun to receive emails regularly from local groups in different parts of the world about innovative ways to apply the Principles.) Displaced communities too have begun to use the Principles to enhance protection for their own communities.

Continued worldwide usage, reference to, and support of the Principles are the best way to strengthen local efforts around the Principles and reinforce the standing of the Principles. I hope all the NGOs here will familiarize themselves and their field staffs with the provisions in the Principles and with the *Handbook* published by the UN on how to apply them in the field. And I hope you will rally around the importance of having international standards in this area.

Better institutional arrangements are also needed for the protection of internally displaced persons. Right now, as we speak, a Senior Inter-Agency Network of UN organizations and NGOs, headed by Dennis McNamara, is going around the world assessing the extent to which UN agencies and their partners in the field are effectively responding to the needs of internally displaced persons and how existing gaps can be filled. The creation of the Network is certainly to be commended and supported. But at the same time we must all be aware that the impetus for its creation was the sharp criticisms leveled against the UN system of inter-agency collaboration by the US Ambassador to the UN, Richard Holbrooke. On his visit to Angola, Holbrooke found inexcusable neglect of IDPs and questioned the existing system - whereby different organizations work together in some sort of ad hoc collaborative arrangements to provide protection and assistance to IDPs. Many in the UN took umbrage at his criticism, particularly at his suggestion that the UNHCR should take on the IDP issue. But what resonated with me was the deep frustration he felt with a system that he found not to be working well for IDPs. You see what he found in Angola is not unique to Angola. A delegation of the Women's Commission for Refugee Women and Children just returned from Burundi with similar reports of the neglect of IDPs and the absence of any locus of responsibility for them in the field.

Clearly what is needed is a serious debate about whether the current inter-agency collaborative system is the most effective arrangement for protecting IDPs. Maybe it is and maybe the Network will strengthen the system. Certainly Dennis McNamara will do his best. But right now what we have, in response to criticism, is a lockstep, international closing of ranks behind coordination, one of the aims of which is to keep a lid on institutional turf battles. While no single agency wants responsibility for IDPs, no agency wants any other agency to get it either. This is hardly an atmosphere conducive to decisions on what is in the best interests of internally displaced persons.

If we come at the question from the protection needs of IDPs, it is legitimate to ask whether coordination can work well in the absence of a strong central point to do the coordinating and where agencies regularly resist coordination? It is also relevant to ask whether there should be a locus of responsibility in the field for internally displaced persons and whether that locus should be the resident coordinators/humanitarian coordinators? While there have been improvements made in the coordinator system, at present these coordinators do not regularly monitor IDP conditions, do not regularly report on gaps that need to be addressed, and often have little or no experience in protection and human rights issues, one of the most serious problems confronting internally displaced persons.

In my own view, I believe in a more targeted approach – namely where a specific agency in the field is tasked with serving as the locus of responsibility for IDPs. The agency can vary, depending on the situation, and it can then coordinate with other agencies but at least there is a point of responsibility. I also believe that organizations like UNHCR should do more because of its expertise with protection and long experience with uprooted populations. UNHCR's role today in Colombia, Sri Lanka, Angola, the former Yugoslavia and earlier in Tajikistan is valuable for IDPs and also for refugees. I would hope that everyone here concerned with the protection of internally displaced persons would take a very close look at institutional arrangements in the field from the perspective of IDPs and speak up about what works and what doesn't. Developing a more comprehensive international system for forced displacement is one of the more compelling and cutting edge issues of the 21st century.