

***Courses Focused Exclusively on Conflict
Induced Internal Displacement***

Refugees and Internally Displaced Persons Regimes

**Johns Hopkins School of Advanced International Studies (SAIS)
International Law Program**

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United States of America**

Course Description:

The principle of sovereignty as a concept of state responsibility to guarantee the protection and general welfare of citizens and those under state jurisdiction is becoming increasingly accepted in international law. And yet, this concept poses serious practical problems in countries experiencing ethno-cultural pluralism, often characterized by acute crises of national identity which create cleavages among the various ethnic, cultural, and religious groups in the country. While those who cross international borders and become refugees are protected by the 1951 Convention, the internally displaced fall into the vacuums of the national identity crisis.

What principles of international law provide a basis for their protection and assistance? What durable solutions (including the options of return, resettlement, and reintegration) are open to them? What normative standards can be applied to addressing the root causes of the tensions, conflicts, and egregious violations of human rights that generate displacement? What principles should govern the management of identity differences based on ethnicity, religion, language, and culture within a state? Should the overriding norm be to assimilate, integrate, or co-exist? And under what conditions are discriminated or marginalized groups entitled to the exercise of the right to self-determination, whether within or outside the state framework?

The course will explore these and other questions in the context of such theoretical and practical issues as the role of law as a regulator of political, economic, social, and cultural processes, involving values, institutions, and patterns of behavior, the status of individuals and groups as competing subjects of legal recognition, the principles for protecting and assisting minorities and those displaced within the borders of their own countries, and the search for durable solutions by addressing the roots of displacement.

Syllabus:

The course will be constructed around categories of issues and empirical questions. These will include, but will not necessarily be limited to, the following:

January 29

I. Introduction to the Course

- Self-introductions by Prof. Deng and students.
- Strategic vision of the study of displacement.
- Course outline: subjects and themes.
- Conduct of the course: readings, papers and class presentations.

February 5

II. Overview of the Crisis:

- Who are the internally displaced?
- Where are they located on the political map?
- What are their needs?
- How and by whom are their needs being met?
- What gaps exist in meeting their needs?
- What is the effect of national sovereignty on access to the internally displaced?
- What can be done to overcome the barrier of sovereignty and bridge the gaps?
- Can displacement be viewed as an opportunity for addressing the root causes?

Readings:

“Introduction” and “Global Overview” in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 1–72.

“Nowhere to Run, No Place to Hide,” by Roberta Cohen, *Bulletin of the Atomic Scientists*, (November/December 2002), pp. 37–45. Available from www.brook.edu/fp/projects/idp/idp.htm

“Down the Rabbit Hole: The Strange Logic of Internal Flight Alternative,” by Bill Frelick in *World Refugee Survey 1999*, U.S. Committee for Refugees, Washington, D.C., 1999, pp. 22–29.

“Exodus within Borders,” by Roberta Cohen and Francis M. Deng, *Foreign Affairs*, vol. 77, no. 4 (July/August 1998), pp. 12–16.

“Dealing with the Displaced: A Challenge to the International Community,” by Francis M. Deng, *Global Governance*, vol. 1, no. 1 (1995).

“Exodus within Borders,” by Roberta Cohen and Francis M. Deng, *Foreign Affairs*, vol. 77, no. 4 (July/August 1998), pp. 12–16.

“Dealing with the Displaced: A Challenge to the International Community,” by Francis M. Deng, *Global Governance*, vol. 1, no. 1 (1995).

Optional:

Special Issue: Internal Displacement, *Refugee Reports*, U.S. Committee for Refugees, vol. 21, no. 6 (July 2000).

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III. Definitional Issues:

- By what causes is internal displacement defined?
- What is the significance of crossing international borders?
- What are the similarities and differences between IDPs and refugees?
- Do the similarities and differences justify different treatment or a unified response?

Readings:

Sections on protection in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 162–166, 176–181, 195–207 and 254–289.

Protection of Internally Displaced Persons, by the Inter-Agency Standing Committee (IASC), XXIInd Meeting, New York, December 6, 1999. Available at www.idpproject.org/pdf_files/ProtectionPolicyPaper.pdf

“Protecting the Internally Displaced,” by Roberta Cohen, *World Refugee Survey 1996*, U.S. Committee for Refugees, Washington, D.C., 1997, pp. 20–27.

Optional:

“Convention and Protocol: Relating to the Status of Refugees,” by UNHCR. Available at www.unhcr.org

Students may wish to take a look at the following debate. Articles can be viewed at www.fmreview.org

“Tensions Between the Refugee Concept and the IDP Debate,” by Michael Barutciski, *Forced Migration Review*, 3 (December 1998), pp. 11–14.

Responses to Barutciski’s article:

“How Tense is the Tension Between the Refugee Concept and the IDP Debate?,” by Bonaventure Rutinwa, *Forced Migration Review*, 4 (April 1999), pp. 29–31.

“What May Be Borrowed; What is New?,” by Michael Kingsley-Nyinah, *Forced Migration Review*, 4 (April 1999), pp. 32–33.

“Rights and Borders,” by Jon Bennett, *Forced Migration Review*, 4 (April 1999), p. 33.

“Protection and Assistance to IDPs,” by Marc Vincent, *Forced Migration Review*, 4 (April 1999), p. 34.

Barutciski’s Reply:

“Questioning the Tensions Between the ‘Refugee’ and ‘IDP’ Concepts: A Rebuttal,” by Michael Barutciski, *Forced Migration Review*, 4 (April 1999), p. 35.

Barutciski’s Reply:

“Questioning the Tensions Between the ‘Refugee’ and ‘IDP’ Concepts: A Rebuttal,” by Michael Barutciski, *Forced Migration Review*, 4 (April 1999), p. 35.

*February 19***IV. Normative Framework**

- Do existing international human rights and humanitarian standards provide adequate bases for protecting and assisting the internally displaced?
- If not, what are the gaps?
- Can these gaps be better bridged through the interpretation and implementation of existing standards or is a new normative framework needed?
- If a new framework is needed, what form should it take, a legally binding instrument or a non-binding tool for interpreting and facilitating the implementation of existing standards?
- Under what circumstances could the Guiding Principles on Internal Displacement become customary law or is a new legally binding instrument needed?

Readings:

“Legal Framework,” by Robert K. Goldman and Walter Kälin in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 73–125.

The Guiding Principles on Internal Displacement, United Nations Office for the Coordination of Humanitarian Assistance (OCHA), 1998 and United Nations Commission on Human Rights, Addendum to the Report of the Representative of the Secretary-General, Mr. Francis M. Deng, E/CN.4/1998/53/Add. 2, February 11, 1998. Available at www.unhcr.ch/html/menu2/7/b/principles_lang.htm

The Handbook For Applying the Guiding Principles on Internal Displacement, by Susan Forbes Martin, The Brookings Institution Project on Internal Displacement and United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2000. Available at www.reliefweb.int/ocha_ol/pub/IDPprinciples.PDF

Manual on Field Practice in Internal Displacement, Inter-Agency Standing Committee Policy Paper Series No. 1, Office for the Coordination of Humanitarian Affairs (OCHA), 1999. Available at www.reliefweb.int/ocha_ol/pub/IDPManual.pdf

Optional:

Guiding Principles on Internal Displacement: Annotations, by Walter Kälin, The American Society of International Law and The Brookings Institution Project on Internal Displacement, Washington, D.C., 2000.

Report of the Vienna Colloquy on the Guiding Principles on Internal Displacement, Vienna, Austria, September 2000, by the Brookings Project on Internal Displacement. Available at www.brook.edu/fp/projects/idp/conferences/vienna200009/summary.htm

“Property Restitution and the Development of A Normative Framework for the Internally Displaced,” by Simon Bagshaw, *Refugee Survey Quarterly*, vol. 19, no. 3 (2000).

*February 26***V. Institutional Framework**

- Do existing international human rights, humanitarian and development agencies provide adequate coverage for the protection and assistance needs of the internally displaced?
- If not, what gaps exist in the present institutional arrangements for their protection and assistance?
- What alternative arrangements are needed to provide comprehensive coverage?

- In particular, should a new agency be created for the IDPs, along the lines of UNHCR, or should an existing agency be assigned full responsibility for them, or should a lead agency be designated in a given displacement situation, or is the collaborative approach involving all relevant agencies the appropriate alternative?

Readings:

“Institutional Arrangements” in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 126–186.

“UNHCR and Internal Displacement: Stepping into a Legal and Political Minefield,” by Guy S. Goodwin-Gill, *World Refugee Survey 2000*, U.S. Committee for Refugees, Washington, D.C., pp. 26–31.

“Whither International Efforts for Internally Displaced Persons?,” by Thomas G. Weiss, *Journal of Peace Research*, vol. 36, no. 3 (May 1999), pp. 363–373.

Students should take a look at the Internal Displacement Unit of the UN Office for the Coordination of Humanitarian Affairs (OCHA) website: www.reliefweb.int/idp/

Optional:

“Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees, 6 March 2000,” by UNCHR in *Refugee Survey Quarterly*, Special Issue on Internal Displacement in Asia, vol. 19, no. 2 (2000), pp. 271–280.

March 5

VI. National and International Response

- What variations are there in the way national authorities respond to the needs of their internally displaced populations?
- What factors determine the extent to which national authorities respond positively or negatively to the needs of their displaced populations?
- In particular, what role do ethnic, racial, religious, cultural or class differences play in the response by national authorities?
- To what extent is response to displacement caused by inter-state conflict different from that caused by internal conflict?
- How should the international community address the paradox of internal displacement being perceived as primarily the responsibility of the state, while, oftentimes, the state not only neglects its displaced populations, but may in fact cause the displacement, persecute the displaced, and then shield itself from international scrutiny through the conventional notion of national sovereignty?
- How should the international community engage non-state actors in the context of national sovereignty?

Readings:

“Regional Responses” in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 213–238.

“The Role of Nongovernmental Organizations” in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 187–212.

Seminar on Internal Displacement in Southern Sudan, The Brookings-SAIS Project on Internal Displacement and the United Nations Children's Fund (UNICEF), November 2002. Available from www.brook.edu/fp/projects/idp/idp.htm

March 19

VII. Vulnerable Groups

- Given the fact that conflicts affect all those in the conflict zone, should a distinction be made between those who have fled from their areas of normal residence (IDPs) and those who have remained?
- On what basis should such a distinction be made?
- What categories of the internally displaced (e.g. women, children, the elderly, the disabled) need special attention because they are particularly vulnerable?
- What are their distinctive needs and how can they be met effectively?

Readings:

"Protecting Internally Displaced Women and Children," by Roberta Cohen, *Rights Have No Borders: Worldwide Internal Displacement*, Earthscan Publications, Ltd, London, 1998, pp. 63–74.

"The Needs of Internally Displaced Women and Children: Guiding Principles and Considerations," by James Kunder, Office of Emergency Programmes Working Paper Series, UNICEF, 1998.

Older Displaced People: at the back of the queue, Forced Migration Review, 14 (July 2002). Available at www.fmreview.org

Optional:

Displaced Children and Adolescents: Challenges and opportunities, Forced Migration Review, 15 (October 2002). Available at www.fmreview.org

War Brought Us Here: Protecting Children Displaced Within Their Own Countries By Conflict, by Andrew Mawson, Rebecca Dodd and John Hilary, Save the Children (UK), London: UK, 2000.

March 26

VIII. Comparative Case Studies

- Building on a number of variables about the manifestation of the displacement crisis (such as the causes of displacement, the intensity of the crisis, the response of the national authorities), which country cases would best represent comparative samples?
- To what extent does the nature of the conflict causing displacement (such as ethnic, religious, class, regional, or interstate conflicts) affect both the magnitude of the crisis and the response of the national authorities?
- How does the response of the national authorities to displacement caused by natural disasters differ from that caused by conflict?
- How do the above factors influence international response and the receptivity of the national authorities to it?
- What challenges does displacement in failed or collapsed states present to the international community?

Readings:

“Africa,” “The Americas,” “Asia and the Pacific,” “Europe,” and “The Middle East” section of “Global Overview” in *Internally Displaced People: A Global Survey*, 2nd Edition, Global IDP Project of the Norwegian Refugee Council, Earthscan Publications, London, 2001, pp. 25–29, 83–87, 101–104, 133–138, 169–172.

“The Sudan: Cradle of Displacement,” by Hiram A. Ruiz in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 139–174.

“Dealing with the Displacement and Suffering Caused by Yugoslavia’s Wars,” by Thomas G. Weiss and Amir Pasic in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 175–231.

Optional:

“The Sudan: A Nation Divided,” in *Protecting the Dispossessed: A Challenge for the International Community*, by Francis M. Deng, Brookings Institution Press, Washington, D.C., 1993, pp. 63–81.

April 2

IX. Burundi, former-Yugoslavia, Sudan and Sri Lanka: The Ethnic Factor

- What are the similarities and differences in the four conflict situations?
- What are the similarities and differences in the national response to the displacement crises?
- What is the role of the international community in these countries?

Readings:

“Burundi: A Patchwork of Displacement,” by the U.S. Committee for Refugees in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 15–56.

“Sri Lanka’s Vicious Circle of Displacement,” by H. L. Seneviratne and Maria Stavropoulou in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 359–398.

Optional:

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Forced Relocation in Burundi*, E/CN.4/2001/5/Add. 1, March 6, 2000.

“Presence ergo Protection? UNPROFOR, UNHCR and ICRC in former Yugoslavia.” Erin Mooney, *International Journal of Refugee Law*, vol. 7 (1995), p. 436.

“Profiles in Displacement: Sri Lanka — Report of the Representative of the Secretary-General, Francis M. Deng, to the Commission on Human Rights (1994),” in *Refugee Survey Quarterly*, vol. 14, nos. 1&2 (1995), pp. 1–44. Also available as UN Doc E/CN.4/1994/44/Add.1.

*April 9***X. Colombia, Mexico and Peru: The Class Factor**

- What are the similarities and differences in these conflict situations?
- What are the similarities and differences in the national response to the displacement?
- What is the role of the international community in these countries?

Readings:

Internal Displacement in the Americas: Some Distinctive Features, by Roberta Cohen and Gimena Sánchez-Garzoli, Occasional Paper, Brookings-CUNY Project on Internal Displacement, May 2001. Available from www.brook.edu/fp/projects/idp/idp.htm

Americas section of “Global Overview” in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 64–71.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Follow up Mission to Colombia*, E/CN.4/2000/83/Add.1, January 11, 2000.

“Will Peru’s Displaced Return?,” by Maria Stavropoulou in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, (1998), pp. 455–494.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Mexico*, E/CN.4/2003/86/Add.3.

Optional:

Internal Displacement in Colombia: Workshop on Implementing the Guiding Principles on Internal Displacement, Summary Report, May 27–29, 1999-Bogota, Colombia, Bjorn Pettersson, Brookings Institution Project on Internal Displacement, Grupo de Apoyo a Organizaciones de Desplazados (GAD), and the U.S. Committee for Refugees, UN Document: E/CN.4/2000/83/Add. 2.

“In Search of Hope: The Plight of Displaced Colombians,” by Liliana Obregon and Maria Stavropoulou in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, 1998, pp. 399–454.

*April 16***XI. Liberia, Sierra Leone, Somalia and East Timor: Failed and Collapsed States**

- Whose responsibility is it to provide protection and assistance to displaced persons in failed or collapsed states?
- How can national, regional and international actors share the responsibility of protecting and assisting the internally displaced in failed or collapsed states?

Readings:

“Liberia: A Nation Displaced,” by Colin Scott in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 97–138.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: East Timor*, E/CN.4/2000/83/Add.3, April 6, 2000.

“Somalia: From Disintegration to Reconstruction,” in *Protecting the Dispossessed: A Challenge for the International Community*, by Francis M. Deng, Brookings Institution Press, Washington, DC, 1993, pp. 51–63.

Optional:

Workshop on the UN Guiding Principles: Freetown, Sierra Leone, 10–14 March 2001, by the Global IDP Project of the Norwegian Refugee Council, 2001. Available at www.idpproject.org

April 23

XII. Armenia, Georgia and Azerbaijan: The External Factor

- What are the similarities and differences in these conflict situations?
- What are the similarities and differences in the national response?
- What is the role of the international community?
- When does displacement end?

Readings:

“Internal Displacement in the North Caucasus, Azerbaijan, Armenia, and Georgia,” by Thomas Greene in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 233–311.

An IDP No More? Exploring the Issue of When Displacement Ends, by Erin Mooney Discussion paper for the Brainstorming Session on When Internal Displacement Ends, co-sponsored by the Brookings-CUNY Project on Internal Displacement and the Institute for the Study of Forced Migration, Georgetown University, Washington, DC, April 2002.

Optional:

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Georgia*, E/CN.4/2001/5/Add. 4, December 19, 2000.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Armenia*, E/CN.4/2001/5/Add. 3, November 6, 2000.

United Nations Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis Deng, *Profiles in Displacement: Azerbaijan*, E/CN.4/1999/79/Add. 1, January 25, 1999.

April 30

XIII. Opportunity in Crisis

- If internal displacement effectively draws attention to the deep rooted, structural problems that underlie the conflicts and human rights violations in the affected country to what extent can the search for durable solutions address these deep rooted problems?
- How can national response to internal displacement be prioritized so that urgent needs are addressed on an emergency basis while longer term solutions are sought? What role should the international community together play in seeking remedies to these structural problems toward an all-inclusive universal goal of human dignity?

Readings:

The Internally Displaced People of Iraq, by John Fawcett and Vincent Tanner, Occasional Paper, Brookings-SAIS Project on Internal Displacement, October 2002. Available from www.brook.edu/fp/projects/idp/idp.htm

Optional:

“September 11: Has Anything Changed?” *Forced Migration Review*, 13 (June 2002). Available at www.fmreview.org

Concluding Appraisal

- In retrospect and reflecting on the displacement crisis, how much progress has the international community made in providing protection for and assistance to the internally displaced?
- What gaps still exist in the legal and institutional frameworks for providing a comprehensive system of protection and assistance?
- To what extent does sovereignty still act as a barrier to international response to the crisis of internal displacement?
- What needs to be done to overcome the barrier of sovereignty in order to provide effective, comprehensive coverage for the needs of the internally displaced?

Readings:

Sections on return, resettlement, reintegration and development in *Masses in Flight: The Global Crisis of Internal Displacement*, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998, pp. 285–304.

Rethinking ‘Relief’ and ‘Development’ in *Transitions from Conflict*, by Steven Holtzman, Brookings Project on Internal Displacement, January 1999.

Course Readings:

Masses in Flight: The Global Crisis of Internal Displacement, by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998.

The Forsaken People: Case Studies of the Internally Displaced, edited by Roberta Cohen and Francis M. Deng, Brookings Institution Press, Washington, D.C., 1998.

Internally Displaced People: A Global Survey, 2nd Edition, Global IDP Survey of the Norwegian Refugee Council, Earthscan Publications, London, 2001.

Additional Readings:

Exodus within Borders: An Introduction to the Crisis of Internal Displacement, by David A. Korn, Brookings Institution Press, Washington, D.C., 1999.

World Refugee Survey (2002), U.S. Committee for Refugees, Washington, D.C.

The Responsibility to Protect, Report of the International Commission on Intervention and State Responsibility, International Development Research Center, Ottawa, 2001.

Protecting the Dispossessed: A Challenge for the International Community, by Francis M. Deng, Brookings Institution Press, Washington, D.C., 1993.

Rights Have No Borders: Worldwide Internal Displacement, edited by Wendy Davies, Global IDP Survey/Norwegian Refugee Council, 1998.

Another good resource is the Brookings-SAIS Project on Internal Displacement website (see www.brook.edu/fp/projects/idp/idp.htm).

Many of the UN Reports can be found at the UNHCHR site devoted to Dr. Deng's mandate as Representative of the Secretary General on Internally Displaced Persons:
www.unhchr.ch/html/menu2/7/b/midp.htm

Students are also encouraged to read additional materials on the subject of internal displacement. For information on additional items on this subject, consult *Selected Bibliography on the Global Crisis of Internal Displacement*, by Gimena Sánchez-Garzoli, Brookings-CUNY Project on Internal Displacement, December 2001.

Contact Information for Francis Deng:

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