

New Directions for the Mandate of the Representative of the Secretary-General on Internally Displaced Persons

Roundtable, The United Nations, December 18, 1998

Chair: Ed Tsui, Office for the Coordination of Humanitarian Affairs (OCHA)

Summary Report

A roundtable of representatives from United Nations humanitarian, human rights and development agencies and other international organizations was convened to discuss future directions for the mandate of the Representative of the Secretary-General on Internally Displaced Persons.

The meeting was chaired by Ed Tsui of the Office for the Coordination of Humanitarian Affairs (OCHA), which has been requested by the Secretary-General and the Inter-Agency Standing Committee (IASC) to serve as reference point for the coordination of assistance and protection for internally displaced persons. OCHA, the Chair pointed out, has worked closely with the Representative of the Secretary-General and welcomed the opportunity to explore new directions for the Representative's mandate.

In his introductory statement, Dr. Francis M. Deng recalled that he has served as the Representative since 1992, when the U.N. Secretary-General, at the request of the Commission on Human Rights, asked him to study "ways and means for improved protection for and assistance to internally displaced persons." Since then, his activities have encompassed not only human rights concerns but humanitarian and development issues that cut across the entire UN system.

One aspect of the Representative's work has been the development of a normative framework for the internally displaced that culminated in the Guiding Principles on Internal Displacement, which were presented to the Commission on Human Rights in April 1998. The Principles were developed by a team of international legal experts under his direction and in collaboration with the UN and other international organizations. A second aspect of the Representative's work has involved the development of a collaborative institutional approach to deal with the problem of internal displacement. Together with Roberta Cohen and other experts in the field, the Representative has studied existing institutional arrangements and made recommendations on ways in which inter-agency collaboration might be improved to more effectively address the needs of the internally displaced. A number of these recommendations have been adopted at the international and regional levels. A third aspect of the Representative's work has involved country missions and dialogue with governments and heads of human rights, humanitarian and development agencies to raise awareness to the global problem of internal displacement. He has visited 13 countries with serious problems of internal displacement, published reports on these situations, and made recommendations for improving the conditions of the displaced. In large part, the position of the Representative

has evolved into one of a catalyst within the international system, focusing attention on the internally displaced and stimulating improvements.

The Representative noted that this roundtable was one of a series of meetings to elicit recommendations for the future of the mandate. He called for a discussion of new strategies and directions that could make an impact in the field, and, in particular, influence governments, insurgent groups and the international community to better protect and assist the internally displaced and prevent forcible displacement.

Strengthening the Mandate of the Representative

Roundtable participants welcomed the efforts of the Representative to date and complimented him for developing the Guiding Principles. Participants also expressed appreciation for the Representative's advocacy role on behalf of internally displaced persons, and commented on the shift within the UN system to a greater awareness of the problem of internal displacement. One participant also remarked that the Representative had helped to depoliticize the issue.

Several participants commented on the need for closer ties between the Representative and the inter-agency framework as well as other UN fora, in particular the Security Council.

Participants emphasized the importance of engaging the IASC more fully with the issue of internal displacement and suggested that ways be identified by which the inter-agency process could work more closely with UN country teams, facilitate the Representative's missions and do follow-up work in support of the internally displaced. It was suggested that the Representative play an active role in the IASC to ensure that the latter is proactive in its consideration of issues related to internal displacement. It was also emphasized that member organizations should raise issues related to internal displacement in other fora, thereby increasing the visibility of the problem.

Virtually all those who spoke strongly recommended that the position of the Representative become full-time, pointing out that the Representative could not be expected to carry out his activities fully and effectively on a voluntary, part-time basis. Addressing the crisis of internal displacement worldwide requires the Representative's full attention and strengthened ties to the UN system. In particular, UNICEF, WHO and UNESCO expressed this view; OCHA expressed its support for the Representative's spending more time on his mandate, but FAO stated that the mandate should remain as it is.

Although strong support was expressed for the need for a full-time Representative, no consensus emerged on whether this position should be integrated into the UN system or remain housed outside the system. Many participants argued in favor of a quasi-independent position. To date, it had proven beneficial in enabling the Representative to receive support from a wide range of governments, foundations, NGOs, and research institutions, and had helped him bring innovative ideas to his mandate without being

subject to the UN's "clearance" process. In emphasizing the value of an independent catalytic role, several participants suggested that having to speak from within the system might limit this role. Moreover, if a change were to be made to house the Representative within the UN system, some governments might use the occasion to attempt to place restrictions on the mandate.

Some participants, however, believed it extremely important for the Representative to be housed within the UN system, because the integration of the issue of internal displacement into policy decisions could best be done from "inside" the system. The Representative's responsibilities would be discharged in close collaboration with OCHA and within the framework of the IASC. Others maintained that it matters very little in the end whether the Representative is housed inside or outside of the UN system. One participant noted that despite being housed within the Secretariat, the Representative of the Secretary-General on Children in Armed Conflict had been able to maintain a degree of independence. While it may be easier to conduct studies from outside the system, it is quite possible for a person working within the system to maintain political or moral, if not bureaucratic, independence.

While it was agreed that the influence of the mandate needs to be felt in the field, participants cautioned against the mandate becoming operational. This, it was emphasized, would enlarge the system and risk duplicating the work of existing agencies. Instead, participants maintained that linkages should be strengthened with agencies which already have field presence. The Representative reported that a collaboration involving NGOs, donor governments and his mandate is currently under consideration, and that one or two pilot projects may be carried out in the field.

It was widely agreed that given the magnitude of the problem of internal displacement, resources will always be insufficient. This makes it all the more important to promote a division of labor within the UN system. As one participant noted, many operational agencies find that the needs of internally displaced persons fall under their mandates in one way or another. Instead of duplicating what slender resources are available, it was deemed advisable to build on the existing system and in particular make use of the Resident Coordinator system. Several participants maintained that the field coordination system has proved effective, and that Resident/Humanitarian Coordinators have helped arrange field visits and missions for other UN representatives, have cooperated with the Representative of the Secretary-General and could strengthen their ties with his mandate.

Given the challenge of limited resources, the Representative said it would be helpful if agencies could designate a member of their staff as "focal point" on the issue of internal displacement. OCHA, it was noted, would soon be appointing a senior officer to help integrate the needs of internally displaced persons into UN activities. In addition, the Representative suggested that any agencies which were able to do so might consider seconding a member of their staff to work with the Representative, whether housed within their own agencies, at OCHA, or directly with the Representative outside the system. Participants reported that some of their agencies already had created focal points and agreed that international agencies should examine how they could supply more field,

secretarial and research support to the mandate. Some, however, said that it would be very difficult administratively to second a staff member to the Representative. One suggested that an informal advisory committee be set up to help with some aspects of the Representative's work, such as the planning of missions.

Another participant cautioned against the development of a new independent body which would be unable "to deliver" in the field. Instead, the Representative's main role should remain one of catalyst that would press existing agencies to act, while the onus of making a difference in the lives of internally displaced persons would continue to lie with operational agencies. This participant proposed that the Inter-Agency Task Force on Internally Displaced Persons be re-activated to review cases of internal displacement and the UN response to these crises. Other participants disagreed with the proposal for reactivating the Task Force, but urged that the capacities of the IASC and its Working Group be more fully engaged, as "current inter-agency structures have been underutilized". Among the Representative, the IASC and focal points within agencies, much more could be done to fill identified gaps.

Promoting Compliance with the Guiding Principles

Roundtable participants warmly welcomed the introduction of the Guiding Principles on Internal Displacement, which were described as an "excellent synthesis" of existing humanitarian and human rights law, and refugee law by analogy. It was reported that the IASC had welcomed the Guiding Principles and encouraged its members to share them with their Executive Boards and staff and to apply them in their activities on behalf of internally displaced persons. Further, the Commission on Human Rights had adopted a resolution at its 1998 session, taking note of the Guiding Principles and the stated intention of the Representative to use them in his work. The UN Economic and Social Council had done likewise. OCHA had published 10,000 copies of the Guiding Principles in English and French for dissemination and would also be publishing copies in Spanish and Portuguese.

The Representative emphasized the importance of disseminating the Guiding Principles and of making them as "user friendly" as possible. Field staff must learn to apply them and internally displaced people must be empowered to understand the standards by which the international community holds their governments accountable. To this end, the Brookings Institution Project on Internal Displacement would be publishing a handbook on the Guiding Principles to provide practical guidance to field staff on how to implement the Principles in the field.

Several participants informed the Representative that their agencies had distributed the Guiding Principles to field staff. One participant commented, however, that beyond distribution, the Guiding Principles needed to be fully integrated into field operations. It was suggested that inter-agency missions be undertaken to several countries under the leadership of the mandate to hold consultations with field staff on ways in which the Guiding Principles might be incorporated into their daily work. Lessons learned from these consultations could help identify areas in which staff training needed to be

strengthened. Inter-agency missions could also promote the application of the Principles in particular countries.

Several participants emphasized the importance of having agency staff trained in the Guiding Principles, in particular Resident/Humanitarian Coordinators. It was noted that a training package is to be developed in the inter-agency process.

It was suggested that the Guiding Principles be made as visible as possible and that every opportunity to disseminate and cite them should be taken. For instance, one agency chose to highlight the Guiding Principles and the issue of internal displacement in a recent publication on the right to food in emergencies. A topical approach was also suggested, by which the Guiding Principles would be used as a reference tool on many different topics, whether landmines, torture or other issues.

Several participants suggested that the Representative increase efforts to promote compliance with the Guiding Principles at the national level. For countries with longstanding problems of internal displacement, national law should be examined to see the extent to which it complied with the Guiding Principles. Training programs for the military and police could also incorporate the Guiding Principles. In addition, it was recommended that the IASC Working Group closely monitor the collective experience in the application of the Guiding Principles in individual countries.

Participants suggested that one way of promoting the Guiding Principles at the national level would be to begin with issues of health which could serve as an impartial entry point for looking at controversial issues such as human rights. Another good entry point suggested for promoting compliance with the Guiding Principles was the UN treaty bodies which monitor compliance with international human rights agreements. These bodies could help sensitize governments to the Principles and promote their implementation at the national level.

It was further emphasized that the Guiding Principles be highlighted at the regional level. One suggestion was for the Representative to undertake a series of consultations with regional organizations, to see how the Guiding Principles could be best promoted and applied in different areas. The Representative welcomed this suggestion and reported that the mandate had been reaching out to regional organizations. After consultations with the Representative, the Inter-American Commission on Human Rights of the Organization of American States appointed a Rapporteur on Internally Displaced Persons, who has been using the Guiding Principles on his missions. In Africa, the Brookings Institution Project on Internal Displacement together with UNHCR and the Organization of African Unity had organized a regional workshop on internal displacement in Africa in October 1998. Other regional meetings were being planned in the Americas, Africa, Europe, and Asia to promote the Guiding Principles as well. It was also recommended that the Representative work to integrate concerns about internally displaced persons into regional consultations held by governments on migration issues.

Several participants suggested an examination of field practices so that examples could be compiled of how the Guiding Principles have been used in the field. It was noted that a report on "Field Practice in Internal Displacement" was being prepared within the IASC framework.

Finally, participants emphasized the importance of translating the Guiding Principles into a wide range of languages other than the UN's working languages, especially local languages. OCHA, it was reported, hoped to produce a CD-ROM containing the Guiding Principles and other instruments.

Increasing the Impact of Country Visits

It was emphasized that the Representative does not have the capacity to follow up on his visits to countries to ensure that the points agreed upon are carried out. Nor is there an established procedure or mechanism within the international system to monitor situations in the countries visited by the Representative. A related concern is the limited reporting received from Resident/Humanitarian Coordinators.

It was noted that OCHA has asked Resident Representatives/Coordinators for assessments of overall humanitarian situations in their countries, including the situation of the internally displaced. Efforts should therefore be made to forward the information on internal displacement contained in these and in other country team reports to the Representative and to agency focal points. It was suggested that the Representative circulate a list of countries he plans to visit to the IASC Working Group and that country teams be asked to assist the Representative by preparing summary reports on internal displacement to serve as background and reference documents for his country visits. After a visit, it was suggested that recommendations relevant to IASC organizations be presented to the IASC Working Group for action, monitoring and reporting back.

In instances where the Representative faces difficulties in visiting a country, it was proposed that an official mission by the Emergency Relief Coordinator or a designated IASC executive head should be explored. A related suggestion was that IASC members and the ERC, when visiting countries where there are internally displaced persons, liaise with the Representative to identify specific issues which might be further explored as part of the mission. Similarly, it was suggested that IASC members report back to the Representative and ERC when they have encountered new or emerging problems of internal displacement during their travels.

Sensitizing Governments and Non-State Actors

One participant commented that the Representative's most important role to date has been that of advocate. However, advocacy has political implications and thus raises sensitivities relevant to national sovereignty. The Representative would have to continue to find creative ways of influencing governments that do not cooperate effectively with his mandate. The Representative pointed out that many governments have been responsive, but that some remain particularly sensitive, especially with regard to

protection issues, and that the Brookings Institution Project on Internal Displacement was carrying out a research project on ways of engaging governments that challenge international cooperation.

One participant urged that IASC organizations "speak with a common voice" on subjects relevant to internal displacement, including the need for greater respect of international humanitarian and human rights law by state and non-state actors.

It was suggested that the Representative expand his contacts with non-state actors and that doing so now was more feasible than a few years ago.

UN treaty bodies, mentioned above, were also suggested as vehicles to help press governments to more effectively address situations of internal displacement.

Summary of Action Points [\[Top\]](#)

The Chair provided the following summary of action points emanating from the discussion:

- The best way to support the mandate of the Representative is through the inter-agency process. The IASC should look at the countries the Representative would like to visit, identify what should be done in terms of advocacy, missions and studies, and see how the system can best support the Representative's work. The IASC should identify mechanisms for follow-up to the Representative's missions, both within the system through IASC monitoring, and outside the system by determining where to apply pressure.
- The Representative should advise the IASC on how best it could help support his mandate and thereby enable the IASC to become a more pro-active body.
- Consideration should be given to the Representative's position becoming full-time. Most of those who spoke pointed out that the functions of the Representative require a full-time position. On the question of whether or not the Representative should be housed within the UN system, compelling arguments existed on both sides and the subject should be further discussed with the Secretary-General and the ERC.
- Support for the mandate should be provided through focal points both at headquarters and in the field. Whether the focal points should continue to work within their own organizations or be seconded to work directly with the Representative remained an open question. It should be left to individual agencies to decide, in light of their resources and their involvement with the issue of internal displacement. It is to be hoped that some organizations will be in a position to second staff.
- The Representative and the ERC will continue to work closely together, as there is an overlapping of their advocacy, protection, assistance, and monitoring functions. This collaboration should continue under the framework of the IASC, which should review the recommendations of the Representative as soon as they are available.

Additional action points emanating from the meeting included:

- The Representative should lead inter-agency missions to a select group of countries to "field test" the Guiding Principles and determine how they are being applied. The missions should be organized in cooperation with OCHA.
- The IASC Working Group should closely monitor the application of the Guiding Principles in individual countries, encourage their translation into a wide range of languages, include the Principles in the IDP training module being developed in the inter-agency forum, and organize training in the Principles for their staff on the basis of the module.
- UN treaty bodies should be used as vehicles to sensitize governments to the Guiding Principles and help press governments to more effectively address situations of internal displacement.
- The capacity of existing agencies and structures should be built upon in support of the Representative. Information on internal displacement that is contained in the reports of Resident/Humanitarian Coordinators and in other country team reports should be forwarded to the Representative and to agency focal points. Country teams should assist the Representative by preparing summary reports on internal displacement to serve as background and reference documents for the Representative's visits. IASC members and the ERC should liaise with the Representative when visiting countries with internally displaced populations, and IASC members should be encouraged to inform the Representative and the ERC when they have encountered new or emerging problems of internal displacement.

Participants List

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