



**Brookings Project
on Internal Displacement**



**Regional Workshop on Internal Displacement
in the South Caucasus
(Armenia, Azerbaijan, Georgia)**

May 10-12, 2000

Tbilisi

Georgia

SUMMARY REPORT

OSCE/ODIHR

Brookings Institution Project on Internal Displacement

Norwegian Refugee Council

Almost one million persons have been forcibly displaced within the countries of the South Caucasus, primarily by armed conflict and ethnic strife but also by natural disaster. Unlike refugees who have an established system of international protection and assistance upon which to rely, the internally displaced often find themselves with no predictable institutions to turn, although they are in equally desperate straits.

To promote more effective solutions to the plight of internally displaced persons in the South Caucasus, a high level gathering was convened on May 10-12, 2000 in Tbilisi, Georgia at the invitation of the Representative of the Secretary-General on Internally Displaced Persons, Dr. Francis M. Deng. Participants included officials of the Governments of Armenia, Azerbaijan and Georgia responsible for displaced populations; NGOs, academic institutions and displaced communities from the three countries; representatives of regional organizations, international organizations, and international NGOs; and international experts.

The workshop was sponsored by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE), the Brookings Institution Project on Internal Displacement, and the Norwegian Refugee Council.

Participants at the workshop reviewed internal displacement in Armenia, Azerbaijan and Georgia, in particular the number of those internally displaced, the composition of the displaced populations, their conditions and special needs, and the role that governments, regional organizations, local non-governmental and international organizations can play in addressing these concerns.

Participants emphasized the vulnerability and range of hardships that internally displaced persons endure. Along with emotional trauma, displacement often results in separation from family members, loss of economic opportunities, disruption of education and schooling and the severance of cultural and social ties. In the case of the South Caucasus, participants underscored the highly negative consequences that protracted internal displacement has had on the region and called upon the governments concerned to reflect seriously on these consequences. For example, a number of speakers pointed out that internally displaced persons have become marginalized within their societies, which impedes their ability to contribute to the communities in which they now live in a constructive and productive manner. High levels of poverty and unemployment in the region further affect the internally displaced disproportionately. Concerns were also expressed about the growing number of internally displaced children who have had to resort to begging or even criminality. Several speakers pointed out that certain areas have experienced substantial depopulation combined with the growing trend towards "ethnic

homogeneity.” In addition, the continued absence of sustainable political solutions to the conflicts impedes possibilities for safe and durable return and perpetuates the state of uprootedness. Such conditions also undermine the claims states may have to future participation in European political institutions such as the Council of Europe and European Union. Furthermore, these “frozen conflicts” and the difficulties of economic transition have resulted in a continuing “brain drain” or departure of the most economically active part of society and have undermined the region’s attractiveness to international investment and the opportunities that this would create. After many years of providing humanitarian relief, without an end in sight to the fundamental problems causing the displacement, international organizations and NGOs are now reconsidering their humanitarian relief efforts, from which an unhealthy dependency has developed. Some no longer feel they can provide effective assistance, feel deadlocked by the frozen political situation and have begun to question their presence in the region.

In addition, there is a lack of clarity about the difference between refugees and internally displaced persons. Unlike internally displaced persons, refugees have left their country of origin. Because they are abroad, they can benefit from an established international legal and institutional framework applicable to them. As such, they have a distinct legal identity which enables them to receive the protection of the state of which they are *not* a citizen. By contrast, the internally displaced remain within the borders of their own countries, which means that primary responsibility for meeting their protection and assistance needs rests with their home governments. As citizens of their countries, they are entitled to the full protection provided by international human rights law and international humanitarian law as well as domestic law. Indeed, they have the same rights as all *other* citizens in their country which means that under no circumstances should they be discriminated against on account of their displacement. Internally displaced persons, however, do have special needs arising from their displacement. Responding to these needs sometimes requires that special measures be taken to ensure realization of their rights. The Guiding Principles on Internal Displacement serve as a guide to the governments and other relevant actors in the region on how to make these rights operational during all phases of displacement.

Workshop participants welcomed the Guiding Principles as a useful restatement of hard international law as well as an instrument providing clear guidance in cases where existing international law contains grey areas. There is a growing worldwide acceptance of the Guiding Principles and recognition of the fact that they have gained international standing and authority. Hope was expressed at the meeting that the Principles would mature in time into customary international law.

From among the Principles, those relating to non-discrimination and equality, freedom of movement and choice of residence, political participation, return, resettlement and reintegration as well as the special needs of women and children were discussed in some detail. Particular emphasis was given to the right to political participation. Several participants pointed out that in Georgia, while the internally displaced are able to vote in Presidential elections and for nationwide parliamentary lists, they are not able to vote for their local parliamentary and municipal representatives – that is for those who could most directly help improve their current conditions. The government's position, it was noted, reflects the apparent concern, also expressed by some internally displaced persons, that by voting at the local level internally displaced persons will relinquish their right to return to areas from which they came. It was emphasized, however, that the two are not mutually exclusive and that the rights of the internally displaced should not be restricted on account of their displacement. A number of persons at the workshop expressed the view that the law should be amended and brought into line with international standards. Problems of political participation of the internally displaced were also noted in Azerbaijan and Armenia stemming from the remnants of the *propiska* system.

In general, the legacy of legislation and practices from the Soviet period, such as the *propiska*, has acted as impediments to the full exercise of property rights, freedom of movement and choice of residence, and hampered the ability of the internally displaced to partake easily of micro-credit projects. Since the governments in the region were in a process of transition from one type of economic and political system to another, laws relating to citizenship, property, political participation and freedom of movement and choice of residence were also in a state of transition, creating additional problems for the internally displaced. Ultimately, the right of internally displaced persons to return to their home areas should not impede their access to more permanent housing, their right to vote for local representatives, and the possibility of finding employment in their current area of residence.

Attention also focused on the issue of property restitution in view of growing recognition that this is a crucial aspect of the peace-building process. A number of participants described different means by which property issues could be resolved. Certain precedents were cited from the context of Bosnia and other Balkan countries that could prove instructive in the South Caucasus region. It was noted that states have an obligation to amend their legislation in such a way as to facilitate property restitution. The government of Georgia informed the workshop of a new draft law on property restitution which would facilitate the return of persons displaced due to the Georgian–South Ossetian conflict. Several participants noted the importance of land allocation as a means of solving property problems.

In the three countries, women and children, the majority of the displaced, carry a disproportionate share of the burden resulting from displacement. For example, unemployment levels are higher among women. Children's education is interrupted. These socio-economic problems are reflected in family life. Participants pointed out that women surveyed by NGOs expressed their priorities to be: employment opportunities, the ability to utilize their skills, permanent and sanitary housing conditions, and above all, more normal lives for their children. Despite a strong sentiment in favor of return, women wanted the opportunity to live productive lives in their current places of residence, revealing once more that the right to return and the exercise of other basic rights need not be mutually exclusive. Several participants expressed the view that development programs should be accompanied by psycho-social assistance for both women and children. This was considered to be as relevant now as it was immediately after hostilities since many children who previously did not receive such assistance were now beginning to show signs of traumatization. Indeed, it should be a fundamental component of efforts to rebuild conflict-affected nations. Reference was made to innovative NGO efforts, such as "peace camps", that were bringing together internally displaced and other war-affected children from different ethnic groups in order to promote inter-cultural dialogue and raise public consciousness to the importance of reconciliation and peace-building.

The subject of return occupied many participants. The Guiding Principles emphasize the importance of being able to choose between voluntary return and resettlement or integration in another part of the country. In the South Caucasus, however, participants noted that most internally displaced persons have a very strong desire to return to their places of origin, in part not to reward perceived past injustices. But unfortunately, as also pointed out, all attempts to solve the root causes of the various conflicts were frozen, making large-scale and durable returns in the near future unlikely.

Several participants noted the importance of developing a mechanism for reviewing the extent to which conditions for internally displaced persons in specific states accord with the standards contained in the Guiding Principles. A number of participants referred to the need for national legal and policy frameworks for responding to the needs of the internally displaced. In this regard, reference was made to the role that the Guiding Principles could play as a guide in the development of such frameworks. Mention was also made of the utility of incorporating the Principles into national legislation and ensuring their application at the local and district levels. In this context, the discussion revealed substantial differences in how the different countries of the region approach internal displacement as well as in the actual situations themselves, including their causes and consequences. At the same time, there were some strong similarities.

Some participants suggested that a regional approach to monitoring the Principles might be appropriate. For example, a regional council of experts might be established to monitor the Guiding Principles. Others suggested that the regional effort also include government representatives, in particular local government representatives. Still others felt that all forced migration should be covered and that internal displacement should be included as one component within a broader regional framework dealing with conflict resolution, regional stability, economic progress and the development of civil society. It was in particular suggested that support be given to the continuation beyond 2000 of the CIS Conference process so as to continue to reinforce the development of local capacities and strengthen networking among non-governmental organizations.

Another dominant theme at the workshop was how the international community could better address the needs of the internally displaced in the region. Given the protracted nature of displacement, international organizations had already begun to reduce their levels of humanitarian assistance to the countries concerned. Some participants expressed the view that relief assistance unaccompanied by development assistance had not served the region well. Development projects should have been introduced at an earlier stage to build self-reliance and fill the gap between relief and development. It was also pointed out that new emergencies in the world were detracting from the high levels of humanitarian assistance to the South Caucasus and that the unresolved conflicts in the region were eroding interest in funding development projects of the sort required. The OSCE Meeting on Migration and Internal Displacement scheduled for 25 September 2000 should be useful in focusing the international community's attention on the plight of the internally displaced in the South Caucasus.

Meanwhile, of particular relevance to the region was the "New Approach to IDP Assistance in Georgia", described by international organizations at the workshop. Building upon a similar initiative launched in Azerbaijan, the "New Approach" is an innovative partnership among the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office for Coordination of Humanitarian Affairs (OCHA), the World Bank and the Government of Georgia. It recognizes the right of internally displaced persons to return to their homes in safety and dignity. But absent these conditions, it recognizes the right of the internally displaced to be treated in the same manner as all citizens. Therefore, it aims at giving the internally displaced an opportunity to build skills and a level of self-reliance that they can take home - capacities available from development-oriented assistance rather than from traditional humanitarian aid. To this end, a fund is being set up which will be used for micro-credit and other rehabilitation projects, and it will also be designed to take into account gender needs. The "New Approach" is intended to help bridge the gap

between humanitarian relief and development assistance and serve as a model for how the international community can best address the needs of the internally displaced in a frozen conflict setting. Such an approach usefully could be applied comprehensively in all countries in the region.

Another significant means identified for addressing displacement, promoting solutions and encouraging transitions and change in society was the strengthening of civil society. Local NGOs have become active throughout the South Caucasus in working with displaced populations but they need increased training, funds and also stronger partnerships with their respective governments. In particular, legislation is needed to encourage and facilitate their work and eliminate restrictions on their activities. Further, full partnerships are needed by local NGOs with international NGOs, international organizations and the private sector. Indeed, the view was expressed that national NGOs should play the lead role in their societies with internally displaced populations. To this end, a group of NGOs at the workshop made a series of proposals (see Annex I). These include the intention to develop a common framework for disseminating and promoting the Guiding Principles in the South Caucasus; the translation of the Guiding Principles into local languages (they are already available in Azerbaijani and Georgian) and in a format best suited to target groups; the initiation of regional consultations on issues relating to the internally displaced; the creation of country-specific monitoring mechanisms based on the Guiding Principles to assess the region's displacement situations; and the opening of a dialogue among governments, NGOs and international organizations about the issues raised and their potential policy implications.

Workshop participants were informed about the Norwegian Refugee Council's Global IDP Database, created in support of the mandate of the Representative of the Secretary-General on Internally Displaced Persons and to assist in monitoring the application of the Guiding Principles. Participants were encouraged to share information and to establish networks to ensure that available resources are utilized effectively. They were also invited to share information with the Database to help promote international awareness of the situation in the South Caucasus. The availability of up-to-date information on internal displacement in the region is essential to local, regional and international advocacy efforts.

The workshop was further informed of government efforts with regard to the internally displaced in their respective countries. A number of government initiatives were considered promising, especially the stated willingness to revise current policies and legislation relating to the internally displaced and the intention to establish better cooperation frameworks with non-governmental organizations. However, it was noted that limited resources constrain

governmental efforts and make cooperation with the international community essential. In particular, the role of international and regional organizations was found by participants to remain critical in several key areas:

- advocacy to promote the rights of internally displaced persons;
- advice to governments on best practices;
- resource mobilization through the donor community to complement national efforts;
- reinforcement of coordination by governments in their support of internally displaced persons; and
- promotion of political solutions to the region's frozen conflicts.

As concerns political solutions, participants emphasized that the provision of humanitarian assistance and development aid could never replace the need for the resolution of conflicts that engender displacement. Indeed, in the absence of political will to resolve these conflicts, the present difficult situation will continue despite other efforts.

Annex I

Statement of the Undersigned NGO Participants at the Regional Workshop on Internal Displacement in the South Caucasus, 10-12 May 2000, Tbilisi, Georgia

Drawing on the discussions during the workshop that have vividly demonstrated the wide scale and scope of the problems of internal displacement in our region;

Acknowledging that the problems of displaced populations in the South Caucasus increasingly have to deal with citizenship rights and seeing the problems of IDPs within the general context of vulnerability;

Also acknowledging that these issues are civil in nature, necessitating the increased involvement of civil society institutions alongside the governments of the respective countries;

Noting that international efforts have to be supported locally to be efficient and to have impact on local IDP communities;

Seeing the need to ensure further promotion and monitoring of the Guiding Principles in the region in local languages and with explicit reference to local needs;

On behalf of the undersigned NGOs participating in this workshop, we would like to approach the organizers - OSCE/ODIHR, the Brookings Institution Project on Internal Displacement and the Norwegian Refugee Council, the distinguished guests at the meeting, the Special Representative of the Secretary-General Dr. Francis M. Deng, and invited international organizations with a proposal to:

1. Develop a common framework for local and international agencies and organizations for advocating the "Guiding Principles" in our region;
2. Initiate a process of regional consultations among civil and government experts on IDP-related issues;
3. Create in cooperation with local NGOs country-level mechanisms for civil monitoring of the IDP situation, based on the "Guiding Principles";
4. Support government-NGO consultations in the respective countries with the participation of international intergovernmental and non-governmental organizations to discuss the monitoring results and engage in a policy dialogue;
5. Guarantee the leading role of national civil society institutions assisted by international NGOs in disseminating the Guiding Principles in IDP communities and in the society at large through education, training and monitoring, and assist in making available the materials needed for this purpose in local languages and in a format most suited to the needs of the target groups.

We express our readiness to cooperate to the fullest extent possible in preparation and implementation of these proposals.

Signed

Jaba Devdariani, United Nations Association of Georgia

Ketevan Dadunashvieri, Humanitarian Society “Domus Mobilis,” Georgia

Nino Elizbarashvili, Association of Women in Business, Georgia

Irakli Gogishvili, Charity Humanitarian Centre “Abkhazeti” , Georgia

Julia Kharashvili, Association of IDP Women, Georgia

George Khutishvili, International Centre on Conflict and Negotiation, Georgia

Levon Nersisyan, Sakharov Fund, Armenia

Gevorg Pogonian, Armenian Sociological Association, Armenia

Nodar Sarjveladze, Foundation for the Development of Human Resources, Georgia

Annex II

AGENDA
Regional Workshop on Internal Displacement in the South Caucasus
Sheraton Metechi Palace Hotel
Tbilisi, Georgia
May 10-12, 2000

WEDNESDAY 10 MAY

13.00 – 14.00: Registration: Salkhino Room, 1st Floor

14.00 – 15.00: Welcome and Introductions: Salkhino Room, 1st Floor

Mr. Giorgi Burduli, First Deputy Minister of Foreign Affairs of Georgia

Ambassador Jean-Michel Lacombe, Head, OSCE Mission to Georgia

Dr. Francis M. Deng, Representative of the United Nations Secretary-General on Internally Displaced Persons

Ms. Oddhild Gunther, Head, International Department, Norwegian Refugee Council

Introducer: Roberta Cohen, Co-Director, Project on Internal Displacement, Brookings Institution, Washington DC

15.00 – 16.00: Internal Displacement: A Global Overview

In 1992, at the request of the United Nations Commission on Human Rights, the Secretary-General appointed a representative on internally displaced persons. This session provides an overview of the problem worldwide and examines the response of the international community, including institutional arrangements, country visits and the development of a legal framework.

Moderator: Irakli Macharrvariani, Personal Representative of the President of Georgia

Presentation: Francis M. Deng, Representative of the Secretary-General on Internally Displaced Persons

Discussion

16.00 – 16.30: Coffee Break

16.30 – 18.15: Internal Displacement in the South Caucasus

There are an estimated one million internally displaced persons in the states of the South Caucasus. This session seeks to identify the main trends in internal displacement in the region; the causes of displacement and its impact on communities, countries and the region as a whole.

Moderator: François Bellon, Head of Delegation, ICRC, Georgia

Presentation: Marco Borsotti, UN Resident Coordinator, Georgia

Commentator: The NGO Perspective: Krishna Sob, Mercy Corps International, Azerbaijan

Gevorg Pogosian, President, Armenian Sociological Association

Discussion

18.30: Reception: Karavansarai Room, 10th Floor

THURSDAY 11 MAY

09.00 – 10.30: Guiding Principles on Internal Displacement

In 1998, the first international standards for internally displaced persons were presented to the UN Commission on Human Rights. Entitled the Guiding Principles on Internal Displacement, the Commission, Economic and Social Council and General Assembly acknowledged them, the Inter-Agency Standing Committee has endorsed them, and they are being widely disseminated by the UN. Regional organizations in Africa, Europe and the Americas have also acknowledged them, as have many NGOs. This session reviews their origin and content, and how they are being applied worldwide.

Moderator: Imran Veliyev, Centre for Legal and Economic Education, Azerbaijan

Presentations: Walter Kaelin, Professor of Constitutional and International Law, University of Bern, Switzerland

Roberta Cohen, Co-Director, Project on Internal Displacement, Brookings Institution, Washington DC, and co-author with Francis M. Deng of 'Masses in Flight: The Global Crisis of Internal Displacement'

Discussion

10.30 – 11.00: Coffee Break

11.00 – 13.00: Protection and Assistance

Internally displaced persons require protection and assistance which encompasses a broad range of economic, social, cultural, civil and political rights. For instance, in addition to the right to basic material assistance (food, medicine, shelter), as citizens of their countries the internally displaced are entitled to freedom of movement and residence, political rights such as the right to participate in elections and in governmental and public affairs as well as economic rights such as the right to seek employment and participate in economic activities. This session seeks to identify and discuss the main protection and assistance concerns of the internally displaced in the states of the South Caucasus and to identify priorities for the future.

Moderator: Ekber Menemencioglu, UNHCR

Presentations: Basic Subsistence: Deborah Hines, WFP

Basic Subsistence: Ervin Blau, IFRC

Political Participation: Simon Bagshaw, Election Observer, UK

Political Participation and Freedom of Movement and Residence: Vladimir Shkolnikov, OSCE/ODIHR

13.00 – 14.00: Luncheon: Narikala Restaurant, Sheraton

14.00 – 15.15: Particular Concerns of Internally Displaced Women and Children

The vast majority of internally displaced persons are women and children, many of whom find themselves in situations of vulnerability. This session seeks to identify the particular concerns internally displaced women and children face in the South Caucasus region, the extent to which these are being addressed and by whom, and future strategies for doing so.

Moderator: Lilita Aslanyan, Deputy Head, Department of Migration and Refugees, Armenia

Presentations: Julia Kharashvili, Association of IDP Women, Georgia

Nino Elizbarashvili, Association of Women in Business, Georgia

Hranush Kharatian, Armenian Centre for Anthropological Studies

Imran Veliyev, Centre for Legal and Economic Education, Azerbaijan

Discussion

15.15 – 15.45: Coffee Break

15.45 – 18.30: Return, Resettlement and Reintegration

Finding durable solutions, the ultimate goal for internally displaced persons, may be achieved when internally displaced persons are able to resume stable, secure lives by returning to their places of origin or resettling in another location in their country. This session focuses on conditions for safe and voluntary return, including the protection of returnees and questions of property restitution and compensation, and looks at alternatives to return since the search for lasting political solutions often takes time and situations of internal displacement easily can become protracted.

Moderator: Vladimir Shkolnikov, OSCE/ODIHR

Presentations: Protection of Returnees: Ekber Menemencioglu, UNHCR

Property Restitution: Marcus Cox, European Stability Initiative; Former Legal Adviser to the High Representative and the Commission for Real Property Claims, Bosnia, and to the Housing and Property Directorate, Kosovo

Property Restitution: Zurab Burduli, Georgian Young Lawyers Association

Alternatives to Return: Arthur C. Helton, Senior Fellow, Council on Foreign Relations, New York

Discussion

Free Evening

FRIDAY 12 MAY

09.00 – 10.00: Role of National and Local Government

As Guiding Principle 3 affirms, the duty and responsibility for meeting the protection and assistance needs of the internally displaced rests first and foremost with the national and, through them, local authorities. This session aims to identify the means through which national and local governments in the South Caucasus region are seeking to respond to the needs of their internally displaced populations and the level of success they have enjoyed, and what steps are envisaged for the future.

Moderator: Jafar Jafarov, NGO Resource and Training Centre, Azerbaijan

Presentations: Representative of Armenian Government Delegation

Representative of Azerbaijani Government Delegation

Representative of Georgian Government Delegation

Discussion

10.00 – 11.00: Role of Local NGOs and Civil Society

Often, the efforts of national and local government in meeting the protection and assistance needs of the internally displaced may be supplemented by the efforts of local NGOs and civil society. This session examines the role of local NGOs and civil society in the promotion of solutions and also how to strengthen their collaboration with national and local government.

Moderator: Arthur C. Helton, Senior Fellow, Council on Foreign Relations, New York

Presentations: Levon Nersisyan, Sakharov Fund, Armenia

Jafar Jafarov, NGO Resource and Training Centre, Azerbaijan

Jaba Devdariani, United Nations Association, Georgia

Discussion

11.00 – 11.20: Coffee Break

11.20 – 13.15: Role of Regional and International Organizations

In recent years a broad range of humanitarian, human rights and development organizations have begun to provide protection, assistance, and reintegration and development support to internally displaced populations, and regional organizations have been promoting political solutions. In addition, international NGOs have been developing and strengthening information systems on IDPs. This session looks at the role and approaches of these organizations in the South Caucasus, ways to increase local and national capacity building, promotion of solutions and whether there is a need for such organizations to play an expanded role with the internally displaced.

Moderator: Marco Borsotti, UN Resident Coordinator, Georgia

Presentations: Brian Keane, OCHA Georgia

Roman Sischuck, Chief, UN Human Rights Office Abkhazia, Georgia

Christophe Beau, Global IDP Database, Norwegian Refugee Council

Vladimir Shkolnikov, OSCE/ODIHR

Discussion

13.15 – 14.30: Luncheon: Narikala Restaurant, Sheraton

14.30 – 16.00: Identification of ‘Best Practices’ at the Local, Regional and International Levels

This session will bring together the major conclusions and recommendations reached during the workshop, identifying the optimal means through which the protection, assistance, reintegration and development needs of internally displaced persons in the South Caucasus region can be best met at the local, regional, and international levels.

Moderator: Walter Kaelin, Professor of Constitutional and International Law, University of Bern, Switzerland

Presentation: Simon Bagshaw, Rapporteur, Office of the Representative of the Secretary-General on Internally Displaced Persons, and Gimena Sanchez, Co-Rapporteur, Brookings Institution Project on Internal Displacement

Commentators: Representative of Armenian Government Delegation

Representative of Azerbaijani Government Delegation

Representative of Georgian Government Delegation

Discussion

16.00 – 16.30: Coffee Break

16.30 – 17.00: Concluding Remarks

Moderator: Roberta Cohen, Co-Director, Project on Internal Displacement, Brookings Institution, Washington, DC

Presentation: Francis M. Deng, Representative of the Secretary-General on Internally Displaced Persons

18.30 - Bus from Sheraton to the Old Town

19.00 - Farewell dinner in the Old Town

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Annex IV

Background Memorandum for the Regional Workshop on Internal Displacement in the South Caucasus *Tbilisi, 10-12 May 2000*

**From Roberta Cohen and Simon Bagshaw, Brookings Institution Project on Internal Displacement,
and Vladimir Shkolnikov, ODIHR/OSCE**

Internal displacement has come to the fore in recent years as one of the most pressing humanitarian, human rights and political issues now facing the global community. There are an estimated 20 to 25 million persons world-wide, forcibly displaced within the borders of their own countries, often in acute need of protection and assistance. Whereas refugees, who total around 13 million, can look to the 1951 Convention Relating to the Status of Refugees and the United Nations High Commissioner for Refugees (UNHCR) for support, internally displaced persons have no comparable international system in place to respond to their needs. True, *ad hoc* arrangements have developed, but large numbers of internally displaced persons remain outside established systems of protection and assistance.

UN Secretary-General Kofi Annan has described the problem as creating 'an unprecedented challenge for the international community: to find ways to respond to what is essentially an internal crisis.' Internally displaced persons, after all, are within their own countries but often fall within a vacuum of responsibility in the state. Too often, their governments are unwilling or unable to provide for their protection and assistance needs, and in some cases there is no government at all. Thus, while primary responsibility for the security and well-being of the displaced rests with their governments, the need for regional and international attention and involvement is often essential.

Issue of Sovereignty

In 1992 the UN Secretary-General, at the request of the Commission on Human Rights, appointed a Representative on Internally Displaced Persons, Dr. Francis M. Deng, a former diplomat and scholar from the Sudan. Deng formulated the doctrine of 'sovereignty as responsibility' as the most suitable conceptual framework for dealing with the problem. It stipulates that when states are unable to provide life-supporting protection and assistance for their citizens, they are expected to request and accept outside offers of aid. Should they refuse or deliberately obstruct access to their displaced or other affected populations and thereby put large numbers at risk, the international community has the right and responsibility to assert its concern. In his dialogues with governments, Deng has repeatedly made the point that sovereignty must mean accountability to one's population and also to the international community in the form of compliance with international human rights and humanitarian agreements.

The three countries of the Southern Caucasus bear, in accordance with their OSCE commitments, the responsibility for protection and promotion of human rights of their citizens. In addition, as with all other OSCE participating States, they are accountable to other participating States. This is enshrined in the OSCE commitments according to which matters related to human rights are of direct and legitimate concern to all participating States.

Legal Framework

To provide the international community with a basis for action, Deng, together with a legal team, developed the Guiding Principles on Internal Displacement. For many years, international organisations and NGOs had pointed to the absence of a document to turn to when dealing with

internally displaced populations. To fill this gap and at the request of the Commission on Human Rights and General Assembly, the Representative studied the extent to which international law provides protection for the internally displaced. A *Compilation and Analysis of Legal Norms*, produced by the legal team, concluded that while existing international law provides substantial coverage for the internally displaced, there are considerable grey areas and gaps in the law. Applicable provisions were, moreover, dispersed in a wide variety of instruments. Following consultations with a wide range of international and regional organisations, NGOs and experts, the legal team recommended the creation of one coherent document that would restate the law, make grey areas explicit, and fill the gaps.

The Guiding Principles on Internal Displacement, finalised in 1998 and introduced to the Commission on Human Rights by Deng, are the first international standards specifically tailored to the needs of the internally displaced. Based on existing human rights and humanitarian law and refugee law by analogy, the thirty Principles set forth the rights of the internally displaced and the obligations of governments, insurgent groups and other relevant actors toward these populations. They apply to all phases of displacement, offering protection prior to displacement (that is, against arbitrary displacement), protection and assistance during displacement and in the return and reintegration phase.

Although not a binding legal document like a treaty, the Principles are based on law that is binding and have gained, in a relatively short period of time, considerable recognition and standing. The Commission on Human Rights, Economic and Social Council (ECOSOC) and General Assembly have adopted resolutions taking note of the Principles and of the Representative's intention to use them in his dialogues with governments, intergovernmental bodies and NGOs. Prior to their presentation to the Commission on Human Rights, the Inter-Agency Standing Committee (IASC), composed of the heads of the major international relief, development and human rights agencies (i.e., UNHCR, World Food Programme (WFP), United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC) etc.) welcomed and endorsed the Guiding Principles and encouraged its members to share them with their Executive Boards and their staff and to apply them in the field. In his report to ECOSOC in 1998, the Secretary-General listed the Principles as one of the notable achievements in the humanitarian field in 1998. And in a report to the Security Council in September 1999 on the protection of civilians in armed conflict, the Secretary-General recommended that in situations of massive displacement the Security Council encourage States to follow the legal guidance provided in the Principles. In January 2000, the Security Council, in a Presidential statement, took note of the Guiding Principles.

Regional organisations have also begun to take note of and disseminate the Principles. The Organisation for Security and Cooperation in Europe (OSCE) has expressed support for and begun to disseminate the Principles to its field staff and is co-sponsoring the current workshop to promote the Guiding Principles in the South Caucasus. In the Americas, the Inter-American Commission on Human Rights of the Organisation of American States (OAS) has welcomed and expressed its support for the Principles, and in its missions to different countries measures conditions on the ground in terms of the Principles. The Organisation of African Unity (OAU) formally expressed appreciation of the Principles, and several OAU-sponsored seminars have emphasised the importance of the Principles to Africa.

In addition, international and national non-governmental organisations (NGOs) have been publicising and widely circulating the Principles and have organised workshops and meetings in a number of countries, together with regional and international organisations, to discuss how best to implement them in the field. In 1998, a regional conference was held in Addis Ababa, organised by the OAU, UNHCR and the Brookings Institution Project on Internal Displacement. In 1999 a workshop was held in Colombia, in the Americas, by the *Grupo de Apoyo a Organizaciones de Desplazados* - a consortium of Colombian NGOs - in collaboration with the US Committee for Refugees (USCR) and the Brookings Project. A meeting scheduled for Europe in 1999, in particular for local NGOs from Kosovo, and organised by the OSCE, the Open Society

Institute and the Brookings Project, unfortunately had to be cancelled because of the tragic developments there. Also in 1999, country workshops were held in the Philippines and Uganda, organised by the Norwegian Refugee Council (NRC) in collaboration with local NGOs and organisations of displaced persons. Most recently, in February of this year, a regional workshop was convened in Bangkok, Thailand, sponsored by UNHCR, the Brookings Project, Forum Asia, NRC and USCR.

As a result of these efforts, some governments have begun to find the Guiding Principles a useful guide for the development of laws on internal displacement and as a yardstick for measuring conditions in their countries. For many international organisations and NGOs, the Principles have been proving a valuable advocacy tool in their work on behalf of the displaced.

To be sure, the mere existence of a legal document can hardly deter a government from arbitrarily displacing or abusing its citizens. Nonetheless, an acknowledged set of standards has been helping to raise international awareness to the needs of the internally displaced and provide guidance and support to displaced communities and those working on their behalf. It is to be hoped that the Principles in time may begin to act as a deterrent to arbitrary displacement.

The South Caucasus Workshop and the Guiding Principles

The Regional Workshop on Internal Displacement in the South Caucasus, to be convened in Tbilisi, Georgia, is the first regional meeting to be held in the South Caucasus on the Guiding Principles. There are an estimated one million persons internally displaced in the states of Armenia, Azerbaijan and Georgia, primarily as a result of armed conflict -- both international and internal -- which occurred in the region between 1989 and 1994. While the conflicts still lack sustainable political solutions, the situation of internal displacement in the region has largely stabilised in recent years (although some 40,000 persons were forcibly displaced in May 1998 as a result of conflict in and around the town of Gali in the region of Abkhazia, Georgia).

The Guiding Principles quite innovatively formulate a right not to be arbitrarily displaced and prohibit displacement on ethnic, religious or racial grounds. Further, they set forth a broad range of rights addressing the protection and assistance needs of persons once they are displaced. As is clear from Guiding Principles 14-23, protection of the internally displaced encompasses a broad range of economic, social, cultural, civil and political rights. For instance, the right to basic material assistance (food, medicine, shelter), freedom of movement and residence, political rights such as the right to participate in elections and in governmental and public affairs as well as economic rights such as the right to seek employment and participate in economic activities. The importance of these various rights for the internally displaced will be discussed at the workshop.

In the return phase, the Principles not only emphasise the importance of voluntary and safe return but of the need to assist the displaced to recover their property and possessions. When recovery is not possible, the Principles call for compensation or just reparation. The workshop will look at what is required to facilitate and ensure conditions for safe and voluntary return, and discuss issues such as property restitution and compensation. Since the Principles emphasise both return and voluntary resettlement as solutions, the workshop will also examine alternatives to return in the case of protracted displacement. Although there have been some important developments in the search for lasting political solutions to the conflicts in the region, it remains difficult to predict when sustainable peace agreements will be concluded. In the meantime, efforts need to be undertaken to strengthen the capacities of the displaced themselves during this period and to promote their self-sufficiency. To this end, training and education programmes, development projects and economic opportunities need to be explored.

Definitional Issues

The introduction to the Guiding Principles contains a description of internally displaced persons: 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or

places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognised state border.’

The two crucial elements of the definition are coerced or involuntary movement and remaining within one’s national borders. Also included in the definition are the major causes of displacement, although the qualification, ‘in particular’, makes clear that internal displacement is not limited to these causes alone.

The definition tries to strike a balance between too narrow a framework that risks excluding people and one so broad that it could prove operationally unmanageable. While focusing primarily on people who, if they were to cross a border, would qualify as refugees, it also includes people who would not qualify as refugees, for example those uprooted by natural and human-made disasters. The argument for including natural and human-made disasters was based essentially on cases where governments respond to such disasters by discriminating against or neglecting certain groups on political or ethnic grounds or by violating their human rights in other ways.

Persons who migrate because of economic causes do not, however, fall under the definition. Whereas people forced from their homes because of economic injustice and marginalisation tantamount to systematic violation of their economic rights would come under the definition, in most cases of economic migration, the element of coercion is not so clear.

Finally, it should be borne in mind that the term internal displacement is a descriptive one; unlike the refugee definition, it does not confer legal status on the displaced.

Institutional Arrangements

As noted earlier, primary responsibility for the security and well-being of displaced populations lies with the national authorities. However, because governments may lack the capacities to provide protection, assistance or reintegration and development support to their displaced populations, or may fail to do so, the international community has become increasingly involved in these situations. Over the past decade, a multitude of humanitarian, human rights and development organisations have come forward to provide protection, assistance, reintegration and development support to internally displaced persons. These include UNHCR, which regularly becomes involved with at least 5 million internally displaced persons, the ICRC, WFP, UNICEF, the UN Development Programme (UNDP), the World Health Organisation (WHO), the International Organisation for Migration (IOM), the Office for the High Commissioner for Human Rights (OHCHR), and a myriad of NGOs. Most have shown themselves remarkably flexible in interpreting their mandates broadly to encompass internally displaced persons and in developing special expertise and skills to reach displaced people. Nonetheless, the overall response has been often *ad hoc*, with the result that world-wide, large numbers of internally displaced persons go without adequate protection, assistance or reintegration and development support.

Currently there is a wide-ranging debate within and outside the UN about how to improve the international response to situations of internal displacement. Among the options frequently put forward are whether a new agency should be created, whether an existing agency should be assigned the responsibility, or whether the strengthening of collaborative arrangements among agencies whose mandates and activities relate to internally displaced persons is the most practical alternative.

The first option has never garnered support. Neither the political will nor the resources exist to create a new agency. The second option, enlarging the mandate of an existing agency, is more regularly discussed. Indeed, every few years, governments, NGOs or experts put forward the idea that UNHCR should assume the responsibility because of its expertise in providing

protection and assistance to uprooted people. UNHCR, however, considers the magnitude of the problem to great for one agency to shoulder.

The third option, currently in place, and the one garnering the most support, is improved coordination among the different agencies by the Emergency Relief Coordinator (ERC). The UN Secretary-General's 1997 reform programme requested the ERC to serve as central point for coordinating assistance to the internally displaced. The ERC was also asked to ensure that protection needs of the internally displaced are addressed. Since assuming this position in 1998, Sergio Vieira de Mello has made a real effort to try to strengthen existing collaborative relationships and promote a division of labour with regard to the internally displaced. Whether these efforts are translating into improvements on the ground needs to be evaluated.

Particularly troublesome has been the issue of protection of the physical safety and human rights of the internally displaced. Too often, providing, food, medicine and shelter has taken priority over the equally compelling need of persons to be protected against assault, expulsions, forcible conscription, landmines, rape and other egregious human rights abuses. While in some instances, the only way protection may be possible is through military or police action, in other instances, steps can be taken by international organisations on the ground with experience in providing protection. Most humanitarian and development organisations, however, with the exception of ICRC and UNHCR, do not have such experience although many are now exploring measures they can take to enhance protection for displaced populations. Monitoring and reporting mechanisms, increased presence, joint advocacy, reinforcing local capacities and existing coping mechanisms are all means of enhancing protection.

Regional organisations are also beginning to play a role in situations of displacement. The Inter-American Commission on Human Rights of the OAS has appointed a rapporteur on internally displaced persons and as noted above, its missions now measure conditions of the internally displaced in terms of the Guiding Principles. As for the OAU, it has set up conflict prevention machinery to prevent the conditions that cause displacement and its Commission on Refugees has begun to monitor the situation of internally displaced persons. The OSCE also has conflict prevention machinery and has deployed field staff to defuse tensions and promote protection for the internally displaced. In Tajikistan, for example, OSCE field officers brought to the attention of the authorities instances of harassment of internally displaced persons and have taken up individual cases of illegal house occupation to facilitate the return and reintegration of the displaced. The OSCE Assistance Group to Chechnya, once fully deployed in the North Caucasus, is expected to work with the authorities of the Russian Federation on addressing the protection needs of internally displaced persons. Given that OSCE participating States have committed themselves to the principle that matters related to human rights are of direct and legitimate concern to all participating States, issues related to the plight of internally displaced persons may be and have been discussed in the Permanent Council of the OSCE in the context of discussions of the situation in various parts of the OSCE region.

The role that regional and international organisations and NGOs can play in developing strategies for dealing with internal displacement will be discussed at the workshop.

Concluding Remarks

Internal displacement in the South Caucasus shares a common characteristic with many other situations of internal displacement throughout the world, namely its cause -- armed conflict. However, unlike many other situations throughout the world, there exists a certain amount of solidarity between the Governments of Armenia, Azerbaijan and Georgia and their internally displaced populations. Consequently, threats to the life and physical security of the displaced are not the critical issues they are in other contexts. However, protection extends beyond safeguarding physical security to encompass freedom of movement and residence, political participation, and access to housing, education, medical and social services, and economic opportunities. Moreover, the increasingly protracted nature of the displacement and the on-going

lack of durable political solutions to the conflicts of the South Caucasus region necessitate a reappraisal of priorities for the displaced so that their lives become more self-sufficient and sustainable in their new environments.

By identifying the patterns and trends of internal displacement in the region and the applicability of the Guiding Principles on Internal Displacement to the problem, the South Caucasus workshop hopes to raise consciousness to the issue and encourage more effective national, regional and international strategies for promoting protection, assistance and durable solutions for the displaced.