

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

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A roundtable of internationally recognized experts in the humanitarian and human rights fields was convened to discuss future directions for the mandate of the Representative of the Secretary-General on Internally Displaced Persons. Dr. Francis M. Deng opened the meeting by noting 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, the Representative has engaged in 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 collaboration with international legal experts, he has developed a normative framework for the internally displaced in the form of Guiding Principles on Internal Displacement, which he presented to the Commission on Human Rights in April. Together with Roberta Cohen and other experts, 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. In large part, the position of the Representative has evolved into one of catalyst within the international system, focusing attention on the internally displaced and stimulating improvements.

Now that the issue of internal displacement is internationally recognized, it is time to examine new strategies and directions that go beyond the creation of an international framework to making 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 remarked that he has acted effectively as a catalyst in "building a critical mass of recognition" for the issue of internal displacement. His visits have often mobilized public attention at the national level to the needs of internally displaced persons and in certain cases have spurred the creation of mechanisms and institutions to deal with the problem at that end.

Several participants commended the Representative for his conception of "sovereignty as responsibility," whereby a state is expected to carry out its internationally recognized responsibilities of providing protection and assistance for those under its jurisdiction; and if it fails to do so, some degree of international attention and involvement can be expected. The doctrine of sovereignty as responsibility had helped raise awareness of national and international responsibilities toward internally displaced persons.

At the same time, participants noted that resolving the crisis of internal displacement is a lengthy process requiring a sustained effort. To effectively influence events on the ground and ensure implementation of the Guiding Principles, the Representative's mandate would have to be strengthened. In particular, participants unanimously recommended that the position of the Representative of the Secretary-General become full-time. They did not consider it possible for the Representative to do a truly effective job of influencing governments and international organizations and promoting compliance with the Guiding Principles on a voluntary, part-time basis. A full-time position with more extended funding and staff would enable the Representative to increase his visits to countries with serious problems of internal displacement, undertake follow-up activities, and accelerate his efforts to promote greater assistance, protection and reintegration and development support for internally displaced persons. The mandate, it was pointed out, was different from that of other rapporteurs and representatives emanating from the Commission on Human Rights in that it cut across the human rights, humanitarian and development sectors of the U.N. Several recommended that the appointment of an Under-Secretary-General for Internally Displaced Persons would give greater weight to the issue. At the same time, participants pointed out that a full-time position need not be a permanent one, as permanent status might elicit opposition from various corners of the U.N.

No consensus emerged on whether a full-time position should be integrated into the U.N. system or whether the Representative should remain housed outside the U.N. system. Participants recognized that the quasi-independent nature of the position to date had proven beneficial, as it had enabled the Representative to receive support from a wide range of governments, foundations, NGOs, and research institutions, and to bring innovative ideas to the mandate without being subject to the U.N.'s "clearance" process and "bureaucratic trappings."

Nonetheless, many participants felt that the time had come for the Representative to play an "insider role" within the U.N. system and be housed in the Secretariat. They felt that to influence and effectively integrate the issue of internal displacement into humanitarian, human rights and development programs, the Representative would have to be an integral part of the system. It could be left to groups outside the U.N., especially NGOs, to mobilize the outside pressures needed to support the mandate's activities.

Others, however, felt that the Representative's role of "watchdog" and "auditor"—which all participants supported—would be undermined if the position were bureaucratized. In order to effectively monitor the U.N. system, the Representative would have to have distance from it. As one participant asserted, you can only "name names if outside the

system; an Under-Secretary-General would not be able to raise the Kosovo issue [i.e., criticize the performance of international agencies] with Security Council members." Indeed, as argued by another participant, "effectiveness can be measured in inverse proportion to bureaucratization." The great campaigns of the last decade, whether on landmines, a criminal court or environmental issues, had come from outside the system and had proved effective because they were not institutionalized.

A number of participants maintained that a person within the system could still maintain a degree of independence. The way a person was selected would guarantee whether or not he or she acted independently. An appointment for a set period of time, for example, could strengthen independence. Commitment to the issue would also ensure that the person would continue to act as a critic. Moreover, if the individual had his or her own source of funding as well as an outside constituency, he or she would act more independently.

Whether or not the mandate becomes institutionalized, participants recommended that the Representative strengthen his ties to the political and peacekeeping organs of the U.N. and that he develop a relationship to the Security Council since issues of internal displacement often relate to international peace and security. In particular, it was recommended that the Representative brief the Council when that body is considering how to respond to humanitarian crises or is dealing with a country in which there are large numbers of internally displaced persons. Participants also recommended that the Representative play a more active role in inter-agency decision-making bodies like the Inter-Agency Standing Committee (IASC), of which the Representative is now a standing member, and the Executive Committee for Humanitarian Affairs (ECHA), of which the Representative is not a member. Participants emphasized the importance of the Representative serving as a "watchdog" in these bodies, pointing out when the system was not working well with regard to internally displaced persons.

While it was agreed that the Representative's influence needs to be felt in the field, most participants cautioned against the mandate becoming operational, which would elicit strong resistance from agencies, risk duplication, and raise problems of expense and institution-building. Instead, participants maintained that linkages should be strengthened with agencies which already have field presence. In particular, improved interaction was called for between the Representative and Resident/Humanitarian Coordinators as soon as they are appointed. Their terms of reference, it was suggested, should reflect a broader "strategic" framework inclusive of internally displaced persons. It was furthermore suggested that field staff deployed by the Office of the High Commissioner for Human Rights be asked to assume responsibilities for internally displaced persons and that collaborative relationships between field staff and the Representative be developed. The recent anticipated appointment of a senior officer for internally displaced persons in the Office for the Coordination of Humanitarian Affairs (OCHA) should help integrate the needs of the internally displaced into U.N. humanitarian, human rights and development activities in the field.

Several participants emphasized that close collaboration between the Representative and international field staff and NGOs could assist him with fact-finding. The Representative's monitoring role should not be confused with fact-finding. The Representative should rely on field personnel, in particular human rights field staff and NGOs, for factual assessments of the situation on the ground.

Increasing the Impact of Country Visits

Participants agreed that follow-up to the Representative's country visits is essential to sustaining the momentum of the visits and monitoring points agreed upon during meetings with the government and other authorities. Closer relationships with U.N. field staff on the ground was recommended to promote follow-up. It was also suggested that the Representative develop closer linkages with NGOs so that they could monitor the aftermath of his visits. One NGO participant reported that he had been to two countries in the aftermath of the Representative's visits and had been able to see tangible results emanating from the visits.

It was further suggested that the Representative develop partnerships with research institutions in different regions of the world and develop with them programs that will involve the building of constituencies in affected countries. The Representative's missions should include a research component that would engage people on the ground and thereby create a follow-up mechanism.

Another suggestion was for the Representative to undertake his country visits with an emphasis on "thematic studies." Topics could include the reintegration of internally displaced persons, urban migration, and others. Publication of such studies could enhance the impact of the missions.

Finally, it was suggested that the Representative intensify his consultations with bilateral donors, the World Bank, NGOs, and the media after his visits so as to mobilize support for his findings.

Promoting Compliance with the Guiding Principles

Participants warmly welcomed the introduction of the Guiding Principles on Internal Displacement and suggested ways in which these could be widely disseminated and applied. One participant proposed that the Representative identify three key constituencies: allies, who could help promote and circulate the Principles; those who are not well acquainted with the issue of internal displacement but should be engaged and targeted to receive copies of the Principles; and those who resist international efforts to protect and assist the internally displaced, using "sovereignty" as their defense. In the case of the latter, efforts should be made to counteract their narrow and negative attitudes.

The International Committee of the Red Cross was suggested as a particularly useful vehicle for disseminating the Guiding Principles since it organized training programs in

humanitarian law throughout the world. Meetings by the Representative and other international actors with governments and regional organizations were also strongly supported to disseminate the Principles.

It was suggested that training materials be developed to turn the Guiding Principles into guidelines for agencies in the field. One participant reported that a handbook for field personnel was being developed, and recommended the development of instruments to assess the applicability of the Principles. Such instruments existed for refugees, in particular refugee women and children, and should be developed for the internally displaced as well. Assessment instruments should be used during country visits to determine how effectively the Principles are being implemented on the ground. In addition, it was suggested that training modules be developed to ensure that NGO, UN and government officials understand the Guiding Principles and know what to do when the Principles are violated.

It was proposed that multinational corporations be urged to sign onto the Principles. Some of these corporations had been successfully pressured on human rights issues, it was pointed out.

In addition, participants stressed that more should be done to empower the internally displaced themselves. The Guiding Principles should be translated into as many local languages as possible. It was also suggested that various means of communication, such as radio and TV programs, dance, drama, or cartoons be employed to inform internally displaced persons, especially those who were not literate, of the provisions in the Guiding Principles. With better information, the internally displaced should be able to use the Principles in their own defense and exert influence on governments and other authorities. NGOs in particular should be encouraged by the Representative to work with displaced communities to this end.

Finally, it was suggested that compliance with the Guiding Principles should be a part of the role of the U.N. treaty bodies monitoring compliance with international human rights agreements. Guidelines for reporting to treaty bodies could be restructured to include reporting requirements on internal displacement. Country rapporteurs of the Commission on Human Rights should also be required to devote sections of their reports to internally displaced persons.

Sensitizing Governments and Non-State Actors

It was recognized that humanitarian agencies frequently face challenges of access to beneficiary populations and that greater acceptance of their role by governments was needed. The Representative, it was pointed out, also faced difficulties of access since some governments are reticent to invite the Representative to visit their countries. In such cases, it was suggested that NGOs undertake visits and keep the Representative informed. It was also suggested that pressure from various actors in the international community be exerted and that the Representative maintain close contact with those who could exercise pressure, such as donors, media and NGOs, and use positive incentives. Being able to

report to the Security Council would also help. It was further suggested that a group of "eminent persons" be established to serve as "friends of the mandate" and help sensitize governments to the plight of the internally displaced. Such a group might carry more weight than other bodies. It could include statesmen, senior international civil servants, corporate sector representatives, and Nobel Laureates with influence in key countries and regions.

In addition, participants recommended that creative ways be found to engage non-state actors in dialogues since they control many of the areas in which internally displaced persons can be found. One participant suggested that the Representative develop relationships with non-state actors and help educate military and rebel actors in international norms and principles. Rebel groups, it was pointed out, could play a positive role in some instances in advancing human rights in the areas under their control, but they have to be aware of the roles they can play. In his reports, the Representative should regularly provide information on the situation on both sides of conflicts.

Developing Public Awareness Strategies

Participants stressed that while the Representative has done much to bring the issue of internal displacement to the attention of international organizations, much more needs to be done to build public awareness of the problem. Several participants recommended that the Representative undertake an information campaign to bring the issue to the attention of policymakers, the mainstream media, and the broader public, including the corporate and educational sectors.

Specific suggestions included the production of documentaries on the Representative's country visits and on the overall issue of internal displacement; the inclusion of a journalist or photographer in the Representative's visits to promote media attention to the situations in the countries concerned; the use of broadcast and print journalism to disseminate information on the Guiding Principles and the general issue of internal displacement; and the use of the Millennium as a platform for examining issues of internal displacement, in particular the future of stateless zones in which traditional governments do not exist. The use of the "eminent persons" group as a vehicle for promoting greater public awareness was also recommended. One participant noted that new technologies, such as closed circuit video conferencing, could be used to bring conversations in the field before other audiences. It was suggested that roundtable discussions with media executives and personalities be held to discuss how best to bring issues like internal displacement to the general public. The development of a public information strategy and the hiring of a media strategist was also suggested.

One participant urged that educational materials on internal displacement be created, in cooperation with the National Education Association, Turner Learning, or other entities, to be incorporated into school curricula. In addition, the books *Masses in Flight* and *The Forsaken People* should be disseminated more widely in school libraries and classrooms across the country. A well-informed public, it was pointed out, could better advance the cause of internal displacement. In this regard, it was reported that a popularized version

of Masses in Flight, entitled Exodus Within Borders, would be published by Brookings in 1999 and was slated for wide circulation.

The roundtable ended with a general commitment on the part of the participants to help carry out the recommendations put forward and to strengthen their support of the Representative in carrying out his mandate.

Framework for Action

The following is a list of action points emanating from the meeting for the future agenda of the Representative of the Secretary-General. They focus on four areas of critical importance—institutional collaboration, the Guiding Principles on Internal Displacement, country missions, and public information activities. A number of the action points fall under overlapping categories. For example, the point about developing partnerships with overseas research institutions, which is listed under country visits, is also relevant to public information strategies.

Strengthen Institutional Collaboration

- Steps should be taken to make the mandate a full-time position with more extended funding and staff.
- Further consideration should be given to whether the mandate should be more fully integrated into the U.N. system, or whether it should retain its "quasi-independent" status.
- The Representative in collaboration with OCHA and NGOs should monitor countries and regions experiencing problems of internal displacement. When problems are detected, the Representative together with other concerned entities should determine who should intercede and at what point. In particular, the Representative should play an active role in the Inter-Agency Standing Committee and the Executive Committee for Humanitarian Affairs.
- The Representative should strengthen ties with the political and peacekeeping organs of the U.N. He also should brief the Security Council when that body is considering how to respond to humanitarian crises or is dealing with a country in which there are large numbers of internally displaced persons.
- A group of "eminent persons" with international influence should be established to serve as "friends of the mandate" and help sensitize governments to the plight of the internally displaced.

Promote and Disseminate the Guiding Principles on Internal Displacement

- The Guiding Principles on Internal Displacement should be widely disseminated and applied. Meetings with governments, international and regional organizations, and NGOs should be held to disseminate the Principles. The ICRC in particular should be asked to publicize the Principles, given its worldwide programs in humanitarian law.

- Training materials should be developed to turn the Guiding Principles into guidelines for agencies in the field and to ensure that NGO, U.N. and government officials understand the Principles. Assessment instruments should also be designed to determine how effectively the Principles are being implemented.
- Multinational corporations should be approached with a view to their signing onto the Guiding Principles.
- The Guiding Principles should be translated into as many local languages as possible. In collaboration with NGOs and local authorities where possible, innovative means should be developed to inform internally displaced persons, particularly those who are illiterate, of the provisions in the Guiding Principles. For example, television and radio programs, dance, drama, or cartoons could be employed.
- Compliance with the Guiding Principles should be made a part of the role of the U.N. treaty bodies which monitor compliance with international human rights agreements. The guidelines for reporting to treaty bodies should include requirements to include coverage of internal displacement.

Increase the Impact of Country Visits

- To promote follow-up, the Representative should strengthen relationships with U.N. and NGO staff working in the field.
- Partnerships should be developed with research institutions in different regions of the world, and programs developed with them that will involve the building of constituencies in affected countries and the creation of follow-up mechanisms.
- The Representative should undertake country visits with an emphasis on "thematic studies" and publish the results of such studies.
- The Representative should maintain close contact with donors, media and NGOs so that they might influence governments to comply with the Representative's recommendations and influence other governments to extend invitations to the Representative to visit their countries.
- Creative ways should be identified to engage non-state actors in dialogues since they control substantial areas where internally displaced persons can be found.
- Consultations with bilateral donors, the World Bank, NGOs, and the media should be intensified after country visits so as to mobilize support for visit findings.
- Publicity should be developed at the international level on the outcome of country visits.

Develop Public Information Activities

- A public affairs strategy should be designed and an information campaign undertaken to bring the issue of internal displacement to the attention of policymakers, the mainstream media, and the broader public, including the corporate and educational sectors. For instance, documentaries could be produced on the Representative's country visits, a journalist or photographer could be included in his visits, and broadcast and print journalism could be used to disseminate information on the Guiding Principles. Roundtable discussions with

media executives and personalities should be held to discuss public information strategies.

- Educational materials on internal displacement should be created to facilitate the incorporation of the issue of internal displacement into school curricula.
- The books *Masses in Flight*, *The Forsaken People*, and the forthcoming *Exodus within Borders* should be disseminated widely and in particular made known in regions of the world experiencing internal displacement.