

Internal Displacement: A Global Overview

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Prelude

Internal displacement caused by violent conflicts, systematic violations of human rights and other traumas is truly a global crisis, affecting an estimated 20 to 25 million people in over forty countries. Some five million internally displaced persons can be found in Asia. Although Asia is the continent with the smallest percentage of internally displaced persons in relation to the overall population, it is also the most heavily populated region and one with a great diversity of ethnic and religious identities—lines along which displacement tends to occur. Where problems of internal displacement do exist in Asia, they are severe.

In Asia, as elsewhere, there is considerable inconsistency in the extent to which internally displaced persons are provided protection and assistance. Quite apart from the problems of a lack of political will to protect and assist the displaced, the sheer lack of capacity is often a formidable constraint on the ability of Governments to respond, even if they wanted to. Some States, it must be said, obstruct efforts on the part of the international community to provide assistance and protection. At the same time, in the global climate of the post-Cold War era, major powers are disengaging from the problems of other countries. Further compounding the crisis of internal displacement in Asia is the fact that there do not exist regional mechanisms for dealing with such problems.

The Post-Cold War International Climate [\[Top\]](#)

Two major trends have characterized developments in international relations since the end of the Cold War. One is that internal and regional conflicts around the world are now being seen in their proper context, instead of being distorted as episodes in the global confrontation of the super-powers. This is undoubtedly a positive development. The other is that the strategic withdrawal of the major powers resulting from the end of the global rivalry of the Cold War has led to the marginalization and even neglect of certain regions, including parts of Asia. This is, of course, a negative development. The international community remains engaged primarily on humanitarian grounds and, to a lesser extent, to ensure the protection of human rights, but usually provides reluctant and often belated Band-Aid responses to crises of grave magnitude.

The implications of these two trends are two-fold. One is the need to analyze problems contextually to identify the critical problem areas, probe into their root causes, and

explore appropriate solutions. The other is the reapportionment of responsibility for addressing these problems, with the primary responsibility now placed on the states concerned, supplemented by a graduated sharing of responsibility and accountability at the sub-regional, regional and, residually, the international community.

Focus on Asia [\[Top\]](#)

My understanding of the global crisis of internal displacement and the international response to it, including in Asia, has been informed by the findings of a research agenda carried out at the Brookings Institution over the past several years. In developing the conceptual framework for the project, we had to pose and try to address a series of policy questions: What are the critical problem areas that call for analysis? What are the root causes of these problems? What can be done about them? What policies of response can be formulated?

Asia's list of problems calling for urgent attention must place internal conflicts highest in the order of priorities, followed by human rights violations, dictatorial or authoritarian systems of governance, and flawed economic policies, all of which are closely interconnected in a chain of cause and effect. These factors and the related issues of responsibility are all germane to the crisis of internal displacement.

As is evident in our book, *[Masses in Flight: The Global Crisis of Internal Displacement](#)*, which I co-authored with Roberta Cohen, most of the countries affected by internal displacement in Asia have suffered from acute problems associated with nation-building: crises of national identity and unity, ineffective government authority and control, limited capacity for economic growth and distribution, and, above all, tensions between centralized political and economic forces and various local constituencies demanding autonomy and equitable participation in political and economic life. Overwhelmingly, the main cause of displacement is civil wars or armed insurgencies, which force large numbers to leave their homes or areas of residence.

Attention must particularly be drawn to the fact that a large proportion of the internally displaced consists of women and children. In countries beset by internal displacement, many of the displaced women become heads of household because men have gone to war, have been killed, have chosen to remain behind to protect their land and other properties, or have moved to areas where they can avoid recruitment into the army or to seek employment opportunities. As a result, displaced populations have among them disproportionate numbers of widows with children and unaccompanied minors who have been separated from their families or whose families have died.

In all their configurations, internally displaced populations live under conditions of severe deprivation, hardship and discrimination. And again, women and children are the worst affected. Many displaced women become victims of sexual violence, intimidation, and discrimination. Children are often forced to serve as soldiers, porters, or human shields.

It is important to emphasize that in many of these countries the crisis of national identity is both a cause in generating conflict and a factor in the response to its humanitarian consequences. The result is often a vacuum or a void of responsibility, with the victim population perceived not as citizens meriting protection and assistance, but as part of the enemy, if not the enemy. Even worse than being neglected, the internally displaced may find themselves persecuted. Under those circumstances, their only alternative source of protection is the international community.

The Response of the International Community [\[Top\]](#)

It is because of the mounting crisis of internal displacement and its global dimension that the United Nations Commission on Human Rights decided in 1992 to request the Secretary-General to appoint a Representative on Internally Displaced Persons. I was honoured to be asked by the Secretary-General to undertake that challenging responsibility.

The initial objectives of the mandate were to study the causes and consequences of internal displacement, to evaluate the extent to which existing international law provided protection and assistance for the internally displaced, to undertake a similar evaluation of existing institutional arrangements, and to make recommendations toward the improvement of the international response to the needs of the internally displaced.

With the extension of the mandate after the initial study, I conceptualized the role of the Representative as that of a catalyst in the international system and crystallized my activities in areas pertinent to the objectives of the mandate. These included developing an appropriate normative framework for meeting the protection and assistance needs of the internally displaced, fostering effective international institutional arrangements for responding to their needs, focusing attention on specific situations through country missions, and undertaking further research to broaden and deepen our understanding of the problem in its various dimensions.

With respect to the first area of work, many inter-governmental and non-governmental organizations had pointed to the absence of a framework to guide their work with internally displaced populations. The development of such a normative framework was carried out in close collaboration with international legal scholars, led by Professor Dr. Walter Kälin whom we are honoured to have with us to formally introduce the [Guiding Principles](#) in the next session. The first product of the legal team, however, was the Compilation and Analysis of Legal Norms relevant to internally displaced persons and drawn from human rights law, international humanitarian law and refugee law by analogy. The Compilation concluded that while existing law provides substantial coverage for the internally displaced, there were gaps and grey areas requiring clarification. There was also a need to consolidate in one document the various relevant norms that were dispersed in a number of international instruments. The Commission welcomed the Compilation and, on that basis, requested the Representative to develop an appropriate normative framework for the internally displaced. The Guiding Principles on Internal Displacement were prepared in response to this request.

The Guiding Principles are the product of a collaborative effort that involved not only distinguished international legal experts, but also a broad-based process in which representatives of UN agencies, non-governmental organizations and regional organizations participated actively. The Principles cover all phases of displacement, providing protection from arbitrary displacement, protection and assistance during displacement, and solutions through safe return, resettlement, and reintegration. Their aim is to provide practical guidance to all those dealing with the needs of the internally displaced. While they reflect and are consistent with existing human rights and humanitarian law, they are neither a draft declaration nor do they constitute, as such, a binding instrument. For that reason, the Principles do not offer a legal definition of internally displaced persons. Instead, they offer a descriptive identification of those whose plight has become the concern of the international community and for whom the mandate of the Representative was created.

In the short time since their presentation to the Commission in 1998, the Guiding Principles have gained significant international recognition and standing. The Secretary-General, in his recent report on the protection of civilians in armed conflict, has recommended in cases of mass internal displacement that States follow the guidance offered by the Principles. The Security Council indeed has begun to make reference to the Guiding Principles in its resolutions on specific country and regional situations. Meanwhile, the Inter-Agency Standing Committee, comprised of the major international humanitarian and development agencies, has welcomed the Principles and encouraged its members to share them with their Executive Boards and their staff, especially in the field, and to apply them in their activities. The General Assembly and the Commission on Human Rights have taken note with interest of the use of the Principles by IASC members. Both of these forums have requested the Representative to make use of the Principles in his dialogue with Governments, international agencies and non-governmental organizations. They also have encouraged the wide dissemination of the Principles, in particular through the context of regional seminars and workshops, such as this conference.

Regional organizations also have responded positively to the Principles. The Commission on Refugees and Displaced Persons of the Organization of African Unity, after having invited me to formally present the Principles last June, has taken note of them with interest and appreciation. The Organization for Security and Cooperation in Europe (OSCE) has disseminated the Principles to its staff and field offices as well as invited me to present them to its membership later this spring. The Inter-American Commission on Human Rights of the Organization of American States has welcomed the Principles and begun to apply them to its work.

The manner in which the Guiding Principles have been received by international and regional organizations as well as by NGOs bodes well for their potential value for addressing the needs of the internally displaced. They will certainly facilitate the on-going dialogue of the Representative with Governments and other pertinent actors on behalf of the internally displaced. They should also provide guidance to States, inter-

governmental and non-governmental organizations, and all those whose mandates and activities engage them with the millions of internally displaced persons around the world.

With respect to institutional arrangements, the gaps in the international system relating to the internally displaced have always been obvious: in contrast with refugees, there is no single specialized agency to provide protection and assistance to the internally displaced. My first study identified a number of remedial options ranging from the creation of a specialized agency for the internally displaced, to the designation of an existing agency to assume full responsibility for them, to a collaborative arrangement that would utilize existing capacities and enhance the effectiveness of the international system. The argument that one single agency should be charged with responsibility for the internally displaced is one which I initially found persuasive. It is indeed an idea that resurfaces periodically, as it has again in recent weeks. However, the broad consensus seems to have emerged that the problem is too big for one agency and requires the collaborative capacities of the international system.

There is therefore a need to continue to support and strengthen the collaborative approach, despite the challenging problems of co-ordination and the gaps in response, especially in the realm of protection, that frequently arise in the present system. The reform agenda of the Secretary-General drew special attention to the gaps in the international system in responding to the protection and assistance needs of the internally displaced and gave the newly appointed Emergency Relief Co-ordinator the responsibility of seeing to it that these needs are adequately addressed. The Emergency Relief Coordinator has undertaken his mission with vigour, creativity, and a result-oriented focus that has placed the cause of the internally displaced high on the international humanitarian agenda.

Working in close collaboration with the Emergency Relief Coordinator and within the framework of the IASC, the human rights, humanitarian and development agencies have recently adopted a policy paper on the protection of internally displaced persons, which sets out a number of strategic areas of activity for ensuring protection. The IASC also has begun to take joint stands on specific situations of internal displacement, namely in Burundi where I visited earlier this month to formally present the IASC common policy to the Government and other interested actors.

Parallel to the process of supporting greater collaboration at the international level, the mandate also is in the process of developing cooperation with regional organizations. One tangible result of this dialogue is the appointment by the Inter-American Commission on Human Rights of a Rapporteur on internally displaced persons, with whom my mandate works closely. Partnerships are also being forged with the OAU and OSCE, as well as with sub-regional organizations.

While it is too early to assess the effectiveness of all these arrangements, there is sufficient ground for optimism that a more effective international response to the needs of internally displaced persons is emerging through this collaborative framework. An

important area still needing to be developed, however, is that of a monitoring mechanism on the extent to which the Guiding Principles are actually being respected.

Country missions are the most tangible means for assessing conditions on the ground and the effectiveness of the international response to specific situations. They offer the opportunity for dialogue with Governments and other concerned actors on ways to improve the conditions of the internally displaced, in particular by bridging the gap between principles of protection and assistance and the actual needs of the internally displaced on the ground. They also help advance our understanding of the generic problems of internal displacement and the needed response at various levels.

To date, I have undertaken fifteen country missions. Included among these is a visit undertaken in 1993 to Sri Lanka, where I hope to undertake a follow-up visit. This past November, I was to have attended a workshop on internal displacement in the Philippines but, at the request of the Government, had to postpone my trip. One of the recommendations of the workshop was that my mandate undertakes a mission to the country. And now, I am en route to East Timor where, following this conference, I will undertake a mission at the request of the special session of the UN Commission on Human Rights on that situation.

In addition to country visits, the mandate also has been involved in the preparation of studies on internal displacement, the most significant of which is the comprehensive study requested of the Representative by former UN Secretary-General Boutros Boutros-Ghali. The objective of this study was to probe into such issues as the numbers and distribution of internally displaced persons globally, their needs, how they are being met, what gaps exist in meeting them, and how these gaps can be bridged by the international community, including non-governmental organizations. The study is composed of two volumes. The first volume, *Masses in Flight*, comprises a preface by Secretary-General Kofi Annan, a global overview of the crisis, an analysis of the relevant legal norms, a similar analysis of institutional arrangements, and recommendations of strategies for prevention, response, and solutions. The companion volume, *The Forsaken People: Case Studies of the Internally Displaced*, co-edited with Roberta Cohen, addresses similar issues in the specific contexts of national and regional case studies. It contains ten country and regional case studies, including one on Sri Lanka. The two volumes are published by the Brookings Institution. It is my hope that they will contribute to a more in-depth understanding of the global crisis of internal displacement, and of the steps needed to address it.

The Challenge in Perspective [\[Top\]](#)

When I first undertook the mandate on internal displacement, it was my hope and expectation that the reaction to the options presented in my first study would result in an international mechanism of response to the crisis that would make the mandate no longer necessary. The need for the catalytic role the mandate has played, however, seems to persist. The high number of internally displaced persons and the magnitude of their suffering call for continued international attention to their plight.

Let me conclude, now, as I began, by referring to my conceptual approach to the crisis of internal displacement. In brief, there are two main tenets to this approach that are pertinent to the required response to the crisis of internal displacement and, therefore, to the work of this conference. First, problems of conflict and the resulting humanitarian and human rights challenges they pose are essentially internal and therefore under State responsibility. But the dynamics of the post-Cold War era require that sovereignty be given a positive meaning. Instead of being perceived negatively as a means of insulating the State against external scrutiny or involvement, it is becoming increasingly postulated as a normative concept of responsibility, which requires a system of governance that is based on democratic popular citizen participation, constructive management of diversities, respect for fundamental rights, and equitable distribution of national wealth and opportunities for development. For a Government or a State to claim sovereignty, it must establish legitimacy by meeting minimal standards of good governance or responsibility for the security and general welfare of its citizens and all those under its jurisdiction. This, in turn, means a clear statement of the postulated standards or norms comprising the responsibilities of sovereignty and a system of accountability at the various interactive levels, from national, through sub-regional and regional, to international.

The second tenet, which emanates from the first, is that beyond the State level, sub-regional and regional organizations are being challenged to assume the second level of responsibility. As crises of conflict and their consequences flow across State borders, whether through bona fide refugees, or dissident groups carrying their political baggage with them, neighbours become affected and therefore have legitimate concerns with developments inside the borders of neighbouring countries. Given the artificiality of these borders, they are constantly defied by the overlapping identities and interests of shared ethnic groups, which must be of mutual concern to the affected countries.

The emerging response to internal displacement accordingly needs to be comprised of a number of elements. The first is the need to develop a policy framework that would oblige States to treat their citizens with dignity by ensuring their physical protection and enjoyment of democratic values, respecting fundamental rights and freedoms, and providing reasonable standards of social and economic welfare. These are what a citizen needs to feel a sense of belonging and loyalty to the nation. With respect to the internally displaced, the [Guiding Principles](#) provide the norms for such treatment. This implies the second line of action: the creation of strong regional and sub-regional arrangements to promote regional peace, security, stability, and development. Indeed because they offer a more cohesive framework for setting standards and providing enforcement mechanisms, they could be the first tier in the development and implementation of agreed international standards. Donor countries and the international community in general could contribute to their development by assisting them financially and technically.

This conference is challenged to elaborate on strategies that Asia as a region might adopt and implement in a comprehensive regional approach to the crisis of internal displacement with which it is faced. Such an approach must be built upon partnerships among States, the regional and sub-regional organizations, research institutions and the

non-governmental community. Its first course of action usefully could be to promote the Guiding Principles and make them better known to responsible authorities, the citizens whose rights they aim at protecting, and all those who can assist in monitoring and reporting on their application. These Principles and strategies, if adopted and acted upon, should ensure a more effective and comprehensive response to the millions of internally displaced persons in Asia whose desperate plight demands our joint concern and action.