

OPENING STATEMENT OF DR. FRANCIS M. DENG, REPRESENTATIVE OF THE UN SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS

JUNE 26, 2001

(Delivered by Roberta Cohen, Co-Director with Dr. Francis Deng of the Brookings-CUNY Project on Internal Displacement)

Ladies and Gentlemen,

Although compelling family reasons prevent me from being with you, it gives me great pleasure to welcome you all to this important seminar which provides us with the opportunity to focus on problems related to displacement - a problem of particular significance to Indonesia. I would particularly like to express my gratitude to the Government of Indonesia for generously extending an invitation for me to visit this beautiful country and allowing this gathering to take place.

The seminar also provides us with an opportunity to reflect on the progress made by the international community in response to internal displacement since my mandate was created nearly ten years ago and the challenges that lie ahead in the monumental quest for an effective system of protection and assistance for the world's internally displaced.

Internal displacement is a global crisis that affects an estimated 20 to 25 million people in over 40 countries, in literally all regions of the world. In Asia alone, some five million persons are estimated to be displaced by internal conflicts, inter-communal violence and related violations of human rights.

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, and above all, tensions between centralised political and economic forces and various local constituencies demanding autonomy and equitable participation in political and economic life. Often these tensions are exacerbated by the ethnic, religious or linguistic differences of the various groups which seek greater acknowledgment of their identity.

Unfortunately, there is considerable inconsistency in Asia, as elsewhere, in the extent to which those internally displaced receive 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, also obstruct efforts on the part of the international community to provide assistance and protection.

Further compounding the crisis of internal displacement in Asia is the fact that national, sub-regional or regional mechanisms either do not exist or are insufficient to deal with such problems.

I should note that I do not approach the problem of internal displacement in Asia from a high moral ground, because my own continent, Africa, with half the world's displaced

populations, is the worst hit continent. And in Africa, my own country, the Sudan, with over 4 million internally displaced persons, leads the continent with the dubious distinction of being the most affected. And in the Sudan, the people of the southern part of the country are by far the most afflicted.

These human realities give me a particular sense of purpose. I do not approach my mission with detachment and neutrality; rather, I see it as a personal commitment to do all I can to help alleviate the tragic conditions of internally displaced persons worldwide. Irrespective of the level of development in their country, these populations share a common need for protection of their physical security and their fundamental human rights, for humanitarian assistance, and for durable solutions in accordance with universal standards of human dignity.

My experience with the work of the mandate as Representative of the Secretary-General has demonstrated to me that the crisis is more than statistical evidence shows. My country missions around the world reveal that there are real human beings with tragic faces behind those statistics. These are people uprooted and forced to flee from their homes and areas of normal residence. Displacement deprives them of the basic necessities of life - shelter, food, medicine, education or employment opportunities, and often they are discriminated against where they seek refuge. Their family and communal ties are shattered. And worse, they are oftentimes trapped within the zone of the very conflict which they seek to flee, forcing them to move again and again.

The tendency in the international community is to respond to the crisis with humanitarian relief assistance with little or no attention given to their protection. Internal displacement is indeed a humanitarian issue, but it is also a human rights concern. It is therefore critical that assistance be closely linked to protection.

While the internally displaced are particularly vulnerable with distinctive needs, they often represent a sample or a microcosm of the wider community affected by the conflict. The goal, therefore, must be to aim at comprehensive protection and assistance for all those affected, while at the same time addressing the specific needs of vulnerable groups. Even among the displaced populations, certain categories, notably children, women, the elderly, and the disabled, who constitute the overwhelming majority of the displaced, are more vulnerable and deserve special attention.

Many 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 armed force, avoid arbitrary detention, or seek employment. Displaced populations, as a result, have among them disproportionate numbers of widows with children, as well as unaccompanied minors who have been separated from their guardians or whose guardians have been killed. And war itself cripples many fighting men who are then abandoned and left without care.

Internal conflicts, especially those connected with acute ethnic, religious or cultural contradictions in nation-building are often associated with a crisis of national identity, creating severe cleavages in society between the victim population and their government or other controlling authorities. Instead of being seen as citizens who merit protection and

humanitarian assistance, they are often perceived as part of the enemy, if not the enemy itself, and therefore neglected, and perhaps even persecuted. Dispossessed by their own national authorities, their only source of protection and assistance becomes the international community. The critical question then is how the international community can intercede to overcome the obstacles of negative sovereignty and ensure access to the needy population.

An effective response should not be limited to addressing the crisis of internal displacement as a symptom; it must go to the deeper, root causes which lie in the structural problems of nation-building: mismanagement of identity conflicts, gross inequities in the shaping and sharing of power, national wealth, and opportunities for development; and chronic abuse of power resulting in egregious violations of human rights.

During the Cold War period, these internal problems were over-shadowed by the larger global confrontation of the super powers and their proxy conflicts between and within nations. The tendency was to see conflicts largely in terms of this global ideological divide. Internal and regional crises were addressed, contained, or covered up through this bi-polar control mechanism of the Cold War global order.

With the end of the Cold War, and the strategic withdrawal of the major powers, crises are now being perceived in their proper national and regional contexts. This is indeed a positive development. But commensurate to this is the need to reapportion responsibility, with the state concerned assuming the primary role, countries of the region affected by the overflow of internal crises coming next, but with the international community still needed to play a supporting role as the ultimate guarantor of universal human rights and humanitarian standards.

As a symptom of the structural problems that generate conflict, displacement is a national challenge that ultimately calls for creating an environment where all citizens feel a sense of belonging on equal footing, where their human rights and fundamental liberties are respected without discrimination on the grounds of race, national origin, ethnicity, religion, culture, gender, among other grounds, where the state will respond effectively to their needs for protection and humanitarian assistance, and where, in the end, they are guaranteed lasting solutions to return to their homes, or be resettled and assisted, through for example income generating projects, to resume self-reliant and integrated development.

Ironically, displacement often exposes the affected rural population to the opportunities which citizens in urban centers enjoy and which they have been denied. Consequently, it can have the effect of increasing their resentment and hostility. In addition, tensions can develop between IDPs and local residents who fear scant resources will be depleted by the burden of additional populations. Unless effectively remedied, these tensions can sow the seeds of further conflict in the country. Indeed, the crisis of displacement should be seen as a wake-up call and an opportunity for addressing the deeper, structural ills of the country to forge a national common ground, and a collective vision for nation-building.

To give you a sense of how the international community has responded to the global crisis of internal displacement, I would like to provide you with an overview of the work of my mandate since its creation in 1992. Over the years, the role of my mandate has crystallized into that of a catalyst within the international system, to raise the level of awareness about the plight of the internally displaced, to advocate their cause, and to dialogue with Governments and all pertinent actors on ways of ensuring their protection and assistance. Looking back to where we were a decade ago, and the discourse on the crisis today, there can be no doubt that there has been encouraging movement in acknowledging the crisis, developing appropriate normative and institutional frameworks for international response, and improving the performance of operational agencies in delivering protection and assistance to the internally displaced.

The process of developing a normative framework began with an initial request by the UN Commission on Human Rights for my mandate to review the state of existing international law in relation to the needs of the internally displaced. This led to the preparation of a comprehensive compilation and analysis of existing law, on the basis of which I was requested by the Commission and the General Assembly to develop an appropriate framework on internal displacement. The purpose was to meet the urgent need for a normative framework which many U.N. agencies and other intergovernmental organizations and non-governmental organizations in the field had identified as requiring immediate attention and remedy. Accordingly, we opted for non-binding Guiding Principles on Internal Displacement, instead of a legally binding instrument such as a convention, which would have required a considerable length of time to prepare and adopt.

It is however important to note that the Guiding Principles are based on existing norms of human rights law, humanitarian law, and analogous refugee law. It is therefore an authoritative and morally persuasive document that should fill the existing vacuum without undermining the sovereign rights of States. The positive response the Guiding Principles have received at all levels, nationally and internationally, by Governments, U.N. agencies, intergovernmental and non-governmental organizations, is testimony to the need for guidance in providing protection and assistance to the internally displaced.

Developing appropriate institutional arrangements for the internally displaced has been even more challenging than developing a normative framework. But in this area too there has been movement. My initial report to the Commission proposed several options: appointing a new agency for the internally displaced; designating an existing agency to assume full responsibility for them; and strengthening the collective capacity of all the different international agencies through a collaborative approach. The last has emerged as the preferred option and although coordination has been problematic, steps are being taken to try to make it work more effectively. Among these has been the Secretary-General's 1997 reform agenda which assigned responsibility for the coordination of assistance to the internally displaced to the Emergency Relief Coordinator who heads the Office for the Coordination of Humanitarian Affairs (OCHA) and chairs the Inter-Agency Standing Committee which is composed of the heads of the main international actors in the humanitarian field.

Last year the Standing Committee established a Senior Inter -Agency Network on Internal Displacement to evaluate the effectiveness of coordination at the country level and to ensure that the international response to the needs of the internally displaced populations is more effectively met. The Network plans to pay a visit to Indonesia in the near future and it is to be hoped that tangible results will be achieved. The Network's framework of reference, I am pleased to report, is the Guiding Principles on Internal Displacement. Its report to the Secretary-General, submitted in late May, proposed the creation of a special unit on internal displacement within the UN Office for the Coordination of Humanitarian Affairs. This unit has now been approved by the Secretary-General, an important development and indeed very much in line with recommendations that I have made over the years to improve the effectiveness of coordination. My mandate will cooperate closely with the new unit, creating complementarity between the mandate's role as a catalyst and advocate and the capacity of the operational agencies that the Network rallies in the field. It is my hope that this effort to inject renewed vigour into the UN's addressing the plight of the displaced will promote needed progress on the ground. Focal points or other targeted approaches may need to be created in the field to better address protection and assistance concerns. Special protection strategies will need to be developed as well, including access to vulnerable populations, in an effort to enhance the physical safety and human rights of the affected populations.

The litmus test for the significance and effectiveness of international efforts is the difference they make in seeking sustainable solutions for and ensuring protection and assistance to the internally displaced on the ground. That is why my country visits are a critically important aspect of the mandate. They offer the opportunity to witness first hand conditions on the ground, how the needs of the displaced populations are being met, what gaps exist in meeting them, and what can be done to improve coverage.

My dialogue with Governments and all other relevant actors is premised on the recognition of the problem as internal and therefore as falling under state sovereignty. But we see sovereignty, not as a barricade against the outside world, but as a normative concept of responsibility for citizens and all those under state jurisdiction.

Since the primary responsibility for the internally displaced lies with the State concerned we encourage any efforts that aim to strengthen relevant national laws, policies and institutions that would serve to enhance a national response to displacement. I understand there are several proposals on the table here in Indonesia for strengthening the national capacity to respond to the problems of internal displacement. It is my hope that the discussions held here will serve to advance the debate on some of these proposals for stronger national institutions. Indeed I hope that the discussions produce concrete recommendations for plans of action that involve both the government and civil society. National responsibilities can of course be augmented by international support and we in the international community stand ready to provide such support as required.

The role of the mandate is essentially to facilitate cooperation between the States and the international community in meeting those needs for which the capacity of the State may not be adequate. One must, with respectful candour, point out that where a population is in dire need for protection and assistance, and their own Government shows no will to

protect and assist them, the international community must find ways of remedying the situation. Sovereignty can therefore be best protected by discharging the responsibilities associated with it and by facilitating international cooperation on behalf of the needy populations.

To date, I have undertaken 19 country missions in different regions of the world, including Sri Lanka and East Timor in Asia and plan shortly to reschedule my missions to Indonesia and the Philippines. The findings of these missions are set out in my reports to the United Nations. Needless to say, country missions are especially meaningful if they include full and unhindered access to IDP populations and result in improving the conditions of the internally displaced in a practical and visible way. If not, they can only raise hopes, which degenerate into despair and the loss of faith in the United Nations and the international community. This is why it is crucially important to see the conditions of the internally displaced, assess the real needs in the areas of protection and assistance, and in the dialogue with Governments and other pertinent actors, plead with authorities at all levels to meet their needs and thereby give these field visits a positive meaning for the affected populations.

In addition to the efforts of the national authorities, we try to ensure that the international community, in particular agencies on the ground, contribute the necessary resources to meet the material needs of the internally displaced.

Another important aspect of the work of our mandate has been to pursue ongoing, independent studies of various aspects of internal displacement, both generically and in specific situations. Since the Secretary-General challenged me to conduct through an independent research institution, an independent study of the problem of internal displacement, my colleague Roberta Cohen and I have prepared in collaboration with other experts, an exhaustive study in the two volumes: *Masses in Flight: The Global Crisis of Internal Displacement*, *The Forsaken People: Case Studies of the Internally Displaced* and their abridged version, *Exodus within Borders*, authored by David Korn. In addition, we have continued research to focus on specific issues to deepen our understanding of this global crisis and the multiple challenges it presents to the international community.

This cursory overview of the work done under this complex and challenging mandate indicates that while we have only just scratched the surface, we have laid a foundation for what could eventually become an effective normative, institutional and operational system of protection and assistance for the world's internally displaced.

This seminar is challenged to elaborate on strategies that Indonesia might adopt and implement toward a comprehensive and integrated approach to the crisis of internal displacement with which it is faced. Such an approach must be built upon partnerships among Government, civil society, international agencies, research institutions and the non-governmental community. One of the courses of action 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. Indeed, the Principles could be a possible framework for the laws and policies that could be developed for the displaced within Indonesia. This

could bring about a more effective and comprehensive response for those persons whose desperate plight demands our collective concern and action.

Thank you.