

TEN YEARS OF THE IDP MANDATE
Taking Stock and Charting the Future
Vienna, Dec. 12, 2002

Opening Remarks by the Representative
of the UN Secretary-General on Internally Displaced Persons,
Francis M. Deng

I. Introductory Remarks

Let me begin with a word of thanks to our host Governments, Austria and Norway, not only for making this symposium possible, but also for championing the cause of the internally displaced for over a decade. As co-sponsors of the original resolution of the Commission on Human Rights that created the mandate in 1992, they are the gender-blind “parents” of the mandate. Since then, they have divided their resolution-drafting roles between the Commission and the General Assembly, with Norway assuming responsibility for the former and Austria for the latter. Together, they are indeed the reason for our being here.

I also want to thank at the outset all the participants in this symposium and their willingness to share with us their experiences and reflections on the issues under discussion.

Let me also thank my colleague and friend, Professor Thomas Weiss, for having prepared an excellent concept paper for our discussions. I want to emphasize that in asking him to prepare the paper, we had no predetermined expectations. His views are his views, and anyone who knows Tom must realize that it could not have been otherwise.

A special word of appreciation must go to my colleague, Roberta Cohen, who, as a long-standing human rights expert and activist, was one of those that lobbied the Commission on Human Rights to place the issue on its agenda. Since my appointment as Representative of the Secretary General on Internally Displaced Persons, I have depended heavily on Ms. Cohen who has been a close partner in all we have been able to do on behalf of the world’s internally displaced.

There are, of course, many more people to thank, for our work on the mandate has been a truly collaborative effort, involving a number of

dedicated individuals and a broad-based circle of partners from around the world. While I cannot list them all by name, this should in no way detract from my profound appreciation.

Permit me now to say a word about our expectations from this meeting by sharing with you some reflections on how the idea originated. In recent years, I have been struck by the progress that the international community had made in its response to the global crisis of internal displacement. And yet, the problem and the needs of the internally displaced remain acute and monumental.

We have developed an appropriate normative framework in the form of the Guiding Principles on Internal Displacement. We have set up collaborative institutional arrangements that seem to be the preferred option in the international community. The level of awareness of the problem has been raised considerably, including through country missions. We have also developed a sound knowledge base through research, documentation and dissemination.

Balancing the progress made in the international response to internal displacement and the persistence of the crisis worldwide, I began to wonder whether we had reached a plateau and to worry about our becoming complacent. I thought then that it was time to take stock and explore ways of improving our performance, explore new horizons, and identify new heights to climb.

In sharing these thoughts with our long-time supporters, Austria and Norway, we were glad to find that they shared our view and agreed to host a meeting that would address our concerns.

II. The Starting Point

To appreciate the nature of the challenge presented by stock-taking, it is worth retracing the path of the mandate, beginning with the starting point. Perhaps the most important factor is the degree to which the issue was considered extremely sensitive because, being internal, it touched on state sovereignty. This was why the Commission decided to establish the position of Representative of the Secretary-General instead of that of a Rapporteur or a Working Group. The original mandate was for one year to study the problem from a legal and institutional perspective and to make

recommendations on whether and how the Commission might respond to the crisis toward developing an effective international system of protection and assistance for the internally displaced. In my original study, I recommended that the Commission remain engaged with the problem and through the same mechanism of the Representative of the Secretary-General. The mandate was then extended for two years and since then for three-year terms.

I would now like to highlight the approach I adopted pursuant to the mandate and in consideration of the sensitivities on sovereignty that had been the major concern. From the start, and specifically in my first report and statement to the Commission, I emphasized the nature of the problem as inherently internal and therefore falling under state sovereignty. However, I recast sovereignty as a positive concept of state responsibility to protect and assist its needy citizens, and not a negative concept of barricading against international involvement and cooperation in meeting the needs of the internally displaced.

III. Implementation of the Mandate

In implementing the mandate, I conceptualized my role as a catalytic one of raising the level of awareness about the problem and developing a system of response to the crisis at various levels, from national, through regional, to international, using the overriding framework of sovereignty as responsibility. The thrust of this framework is that meeting the protection and assistance needs of the internally displaced is first and foremost the responsibility of Governments. The role of the international community is to provide complementary support to Governments to discharge that responsibility in cooperation with international actors.

Responsibility, however, implies accountability. And in the exceptional situations where states not only lack the capacity, but also the will to provide protection and assistance for their needy population and large numbers of people suffer and are perhaps threatened with death, the international community cannot remain aloof. On the basis of humanitarian and human rights standards, the international community will then be called upon to get involved through various forms and degrees of intervention, from diplomatic dialogue, to the imposition of sanctions, and, in extreme cases, to coercive action. Discharging the responsibilities of sovereignty is therefore the best way to safeguard state sovereignty.

The actual activities of the mandate have focused on four areas: developing a legal framework for protecting and assisting the internally displaced; developing international institutional arrangements toward the same end; engaging Governments and other pertinent actors on behalf of the internally displaced, especially through country missions to affected countries; and pursuing an agenda of research and analysis of specific issues relating to internal displacement.

Our work in developing a legal framework was carried out in close collaboration with a team of international legal experts and began with a compilation and analysis of existing standards in international human rights law, humanitarian law and analogous refugee law. This analysis found that while there was significant coverage in existing law, there were also gray areas and gaps which needed to be remedied. Besides, existing standards were diffused and differed in many instruments without focus on the needs of the internally displaced. On the basis of the findings of the Compilation and Analysis, the Commission requested me to develop an appropriate framework for the protection and assistance of the internally displaced. Continuing to work with a dedicated team of legal experts and the participation of representatives of the various U.N. agencies and other organizations, we agreed to develop a set of non-binding Guiding Principles on Internal Displacement, instead of a binding legal instrument. In taking that route, we wanted to avoid what might be a controversial and lengthy process and instead provide a document that could authoritatively reflect the law and be persuasive in meeting the urgent needs of the displaced, without threatening Governments with a binding authority.

As the Guiding Principles on Internal Displacement were being presented to the Commission on Human Rights, the Inter-Agency Standing Committee happened to meet in Geneva at about the same time and placed the Principles on its agenda. After due deliberations, the Committee endorsed the Principles and requested the members to bring them to the attention of their governing bodies and to their field staff for application in their activities. A few days later, they were officially submitted to the Commission which was requested to only take note of them, since, as a non-binding document, they did not require formal adoption. The Commission also took note of the decision of the Representative of the Secretary-General to use the Principles in his dialogue with Governments and all other actors as well as the action already taken by the Inter-Agency Standing Committee to promote and apply the Principles.

Published in an attractive format by the Office for the Coordination of Humanitarian Affairs (OCHA), the Guiding Principles have been translated into U.N. languages and in many national and local languages around the world. The Brookings-SAIS Project, which supports the mandate of the Representative on internal displacement, has organized a series of national and regional seminars in all parts of the world. Some countries have used the Guiding Principles in drafting pertinent legislation and formulating policies on internal displacement. The Principles have even been invoked by the Constitutional Court of one country as a guide to the guarantees of the rights of the internally displaced. They are being used by humanitarian, human rights and development agencies and by intergovernmental and non-governmental organizations. It is particularly significant that the Principles have been a source of empowerment to the internally displaced who are able to demand their rights rather than see themselves as recipients of humanitarian favors.

While the Guiding Principles have been very well received worldwide, some Governments have questioned the manner in which they were developed and the fact that they have not been formally adopted by the appropriate U.N. bodies other than merely taken note of. These Governments would prefer that the Principles be formally tabled for discussion and adoption. Our response to this criticism has been to explain that the development of the Guiding Principles was mandated by appropriate U.N. bodies, notably the Commission on Human Rights and the General Assembly, which were kept informed of the progress at various stages of the process. The reasons for preferring a non-binding set of principles have also been explained. Through a dialogue sponsored by the Permanent Representative of Switzerland to the U.N. and the Emergency Relief Coordinator/Under-Secretary-General for Humanitarian Affairs, differences with these Governments have been considerably narrowed and an even broader consensus behind the Principles is emerging.

Agreeing on the Guiding Principles is only one aspect of the challenge. Equally important is the development of appropriate institutional arrangements for ensuring protection and assistance for the internally displaced in accordance with the Guiding Principles. Originally, the mandate presented three options: creating a new agency for the internally displaced, designating an existing agency to assume full responsibility for them, or involving all the relevant agencies in a collaborative approach. The last of

these options has been selected as a preferred and most practical one. This option, of course, requires coordination, and in his 1997 reform program, the Secretary-General charged the Emergency Relief Coordinator with the responsibility of ensuring that the protection and assistance needs are effectively met and not allowed to fall through the cracks of the various mandates.

This coordination, carried out through the Inter-Agency Standing Committee which the ERC chairs, has evolved through several phases: The first was the creation of an Inter-Agency Task Force on internal displacement. This was replaced by a Working Group of IASC. A Senior Inter-Agency Network was then created to develop ways in which the collaborative approach could be made more effective in the affected countries. The Senior Network then recommended the establishment of an IDP Unit at ACHA to assist the ERC in his task. The Unit, located in Geneva, is largely staffed with officers seconded by the operational agencies, with one seconded by the mandate of the Representative of the Secretary-General on Internally Displaced Persons. The Unit carries out country reviews and makes recommendations for effective collaboration among the agencies. In country collaboration is effected through the country team under the coordination of the Resident Coordinator, often but not always also the Resident Representative of the UNDP. With these coordinating structures at various levels, the appropriate institutional arrangements are now in place for the collaborative approach to function effectively. On the other hand, it is probably too soon to evaluate the effectiveness of the arrangement.

A third area of activity for the mandate, one that provides the litmus test for the effectiveness of system, is the country missions. In this area, the mandate has been relatively successful, although there are also significant constraints. Approaching sovereignty as a concept of responsibility has proven a palatable argument which the States accept. However, the Governments whom the Representative engages in dialogue, are those who have extended invitation to him and are therefore receptive and likely to be cooperative. The critical question is how to engage those Governments that do not extend invitations and are therefore not accessible for constructive dialogue. Sovereignty as a responsibility implies accountability at the national, regional and international levels. In most cases, national accountability lacks the power to be effective in scrutinizing actors. The residual responsibility to hold the pertinent authorities accountable must therefore fall on the international community. The process by which this

accountability is exercised is a challenge the international community is still called upon to address.

The fourth pillar of the mandate is the development of the knowledge-base on internal displacement. This aspect of our work was initiated by the then Secretary-General Boutros Boutros-Ghali when he suggested to me, as Representative of the Secretary-General, that there was a need to study the problems of internal displacement in an independent research institution, such as the Brookings Institution, where I was then a Senior Fellow. The critical questions he thought needed to be investigated were: Who are the internally displaced? What are their numbers? Where are they to be found? What are their needs? Who is providing for their needs? What are the gaps in providing for those needs? How can those gaps be filled? And, over all, who should do what to provide for comprehensive response to the global crisis of internal displacement? Secretary-General Kofi Annan reaffirmed the need for such independent research and advocacy outside, but in close collaboration with the U.N. system through my role as Representative of the Secretary-General. The first research product of the Project was the two volume study on internal displacement: *Masses in flight: The Global Crisis of Internal Displacement; The Forsaken People: Case Studies of the Internally Displaced*; and as an abridged version of the two volumes, *Exodus Within Borders: An Introduction to the Crisis of Internal Displacement*, prepared at the request of Secretary-General, Kofi Annan. All these books were published by the Brookings Institution.

This creative approach of having one leg within the U.N. system and another in an institution for research and advocacy was found in the Brookings Project on Internal Displacement which has supported the research agenda and the various activities of the mandate since 1994. The Brookings Project has developed close partnerships with several institutions over the years, among them, the Refugee Policy Group, U.S. Committee for Refugees, The City University of New York Graduate Center and most recently, the Johns Hopkins' School of Advanced International Studies, SAIS, from which the latest name, Brookings-SAIS, Project on Internal Displacement derives. In addition, the project has collaborated very closely with other research institutions, agencies and organizations within and outside the U.N. system and in different countries and regions of the world.

The role of the Project has been of crucial importance, considering the limited resources available within the U.N. system. So has the funding that

Governments and Foundations have provided to support the Project. I would like to express, at this point, my deep appreciation to those who have supported the Project, Governments and Foundations. Without their support we could not have done much of what we have been able to do in the implementation of the mandate.

IV. Addressing the Root Causes

In my statements on the global crisis of internal displacement and any reports to various organs of the U.N. system, I always end on the challenging note of seeing the crisis as offering opportunities for addressing the root causes. Displacement is only a symptom of the causes, reflected in conflicts, communal violence, human rights violations and human-made disasters. Even these are also symptoms of deeper causes, embodied in diversities characterized by acute disparities or inequalities in the shaping and sharing of power, national wealth, public services, and development opportunities. Discrimination on the basis of race, ethnicity, religion, culture or gender mean that there are those who are “in,” enjoying the dignity of full citizenship and those who are “out,” marginalized to the point of virtual statelessness. Unless these inequities are affirmatively addressed, these countries will have a hard time achieving peace, security, stability and development.

Ironically, while conflicts, displacement and the resulting violations of international human rights and humanitarian standards are rooted in gross inequities, displacement itself exposes the disadvantaged to conditions in the more privileged areas, which sharpen even more their realization of how marginalized as citizens they really are. Even if peace is achieved and the displaced are able to return to their areas of origin, they cannot be expected to go back to the conditions of dire poverty and lack of essential services, employment opportunities and prospects for economic, social and cultural development. Not only should they be guaranteed a process of return in safety and with dignity, but in addition they need to be provided with assistance for their general welfare and a sustainable development.

V. The Challenges Ahead

I end my remarks with the questions with which I started: Has the international community reached a plateau in its response to the global crisis of internal displacement? Are we running the risk of becoming complacent

in our response to the crisis? What should we do to increase the momentum of response to this still monumental problem? Those are only some of the questions we hope to address and find answers in this stock-taking meeting.

While we will of course be pleased to receive compliments for what has been accomplished so far, our purpose in organizing this meeting is to stimulate a genuine appraisal of the situation, including where we started, how far we have come, and what still remains to be done. We sincerely hope that the meeting will challenge us with a sharpened vision of the challenge ahead and creatively suggest the tools for meeting that challenge.

Internal displacement is a global crisis that challenges the international community with the need to develop ways of preventing the arbitrary displacement of populations, responding to the protection and assistance needs of those displaced and finding durable solutions in the form of safe return with dignity, alternative resettlement, and social reintegration and development. Beyond that, it requires addressing the root causes to create conditions of peace, security, stability and development which would, in turn, prevent or discourage displacement. The international community has done a great deal to address this crisis over the last decade. The crisis, however, persists and a great deal more needs to be done to provide an effective regime of prevention, response and solutions. This is called upon to take stock of what has been done and to stipulate what still needs to be done to improve international response to this global crisis of monumental magnitude.

