

The Global Crisis of Internal Displacement

It should be noted at the outset that internal displacement is truly a global crisis, affecting an estimated 25 million people in over 50 countries. Literally all regions of the world are affected. An estimated 3.3 million of the world's internally displaced persons are found in the Americas. While the magnitude of the problem is small compared to other regions of the world, such as Africa, Europe, or Asia-Pacific, it is important to emphasize that the level of suffering of this population is real and should not be understated.

According to the definition adopted in the Guiding Principles, internally displaced persons are those uprooted by armed conflicts, communal violence, violations of human rights and other human-made or natural disasters, but who remain within the borders of their own countries. By remaining within a country of conflict, they are often exposed to risks to their physical security, gross violations of human rights, denial of such basic needs as shelter, food, medicine, sanitation, potable water, education, as well as a means of self-sufficiency. Had the displaced crossed international borders, they would be refugees for whom the international community has well-established legal and institutional frameworks of protection and assistance.

It should be noted that women and children are disproportionately affected by displacement and experience particular risks and needs. Internally displaced children often are at risk of abuses such as military recruitment. They suffer severe trauma. Their education is interrupted, often for years on end. For young internally displaced persons in

protracted situations of displacement, their entire childhood can be lost. Women face additional protection and assistance challenges when displaced such as sexual violence, discrimination and having to serve as the main breadwinners for the families.

Response of the International Community and Mandate's Role on Behalf of IDPs in the Americas

In 1992, in response to the growing phenomenon of internal displacement and as the issue began to garner international attention, the Commission on Human Rights decided to place the issue on its agenda and request the United-Nations Secretary-General to appoint a Representative on Internally Displaced Persons. I was honored to have been given that responsibility.

Over the past 11 years of the mandate, my role has been to serve as an advocate or, or as some would say, as “ombudsman” for the internally displaced. My office has focused its activities in a number of areas: raising the level of awareness of the crisis of internal displacement; developing an appropriate normative framework for meeting the protection and assistance needs of the internally displaced; fostering effective international and regional institutional arrangements; focusing attention on specific situations through country missions which offer the opportunity for advocacy and constructive dialogue with all concerned; reinforcing and building regional, national and local capacities for effective response; and undertaking policy-oriented research to broaden and deepen our understanding of the problem in its various dimensions and how to most effectively

respond. While advocacy and the research agenda operate within a broad and open-ended scope, the other areas of activity have been relatively specific with tangible results. Most significantly, the development of a normative framework, has resulted in the Guiding Principles on Internal Displacement whose use in the Americas will be discussed in detail later. It should be noted that the principle of sovereignty as responsibility which underpins all areas of the work of my mandate is expressly evident in the Guiding Principles.

While the growing acceptance of the Guiding Principles is vitally significant, the development of effective institutional mechanisms at the international level that assist States in carrying out their responsibilities with regard to the internally displaced is equally important. The international community has been grappling with this task for some time. To date, the preferred response has been the “collaborative approach,” according to which existing humanitarian and development agencies and organizations agree to work collectively to address the needs of the internally displaced within their various mandates and with regard to their comparative advantages. Important steps have been taken to implement this approach, including the designation of Resident and Humanitarian Coordinators as officials charged with ensuring coordination of assistance to , and protection of, the internally displaced at the country level, the designation of the Emergency Relief Coordinator (ERC) as the focal point for issues of internal displacement at the headquarter level, and the creation of the OCHA IDP Unit to assist the Emergency Relief Coordinator (ERC) in his task.

Nevertheless, too often, internally displaced persons continue to fall through institutional cracks, leaving their pressing needs unmet. Serious questions remain to be answered, including how responsibilities are assigned and how to ensure that appropriate accountability mechanisms are in place. This is widely acknowledged within the humanitarian community and I sense a growing willingness from all parts of the system to look for answers. Yet, it bears repeating that the current shortcomings require immediate, effective and efficient action by the international community. The country missions, a third of my mandate, have allowed me to dialogue with governments and to assess national and international responses to the crisis. Through my reports on these missions, I have endeavored to turn statistics into human faces, making visible the deprivation and degradation which displacement inflicts on the dignity of human beings. So far, I have undertaken twenty-eight missions around the world, most recently to Uganda and the Russian Federation. One of the first visits I undertook was to El Salvador in 1992. I have since visited a number of other countries in the Americas: Colombia (in 1994 and 1999), Peru (in 1995) and most recently Mexico (2002). During my visits, I have been encouraged to find governments in the region, most notably Colombia, are increasingly using the Principles as guidelines in dealing with situations of internal displacement and that they have begun to base policy and law upon their provisions.

In my visits to Colombia in 1994 and 1999, I found a willingness on the part of the Government to open itself to international cooperation for addressing the problem and an acknowledgement of its responsibility for the internally displaced. Indeed, after my 1994 visit the Government began to develop national legal and institutional frameworks to

address the problem. Since my last visit to Colombia in 1999, I am pleased to note that the Government has taken additional steps to strengthen these frameworks. While I am encouraged by the normative and institutional frameworks developed in Colombia to address the concerns of the displaced, the main issues and recommendations made in my 2000 report to the UN Commission on Human Rights and which I have reiterated in public statements remain valid. There continues to be a gap between the programs and policies designed to assist the displaced and the reality faced by most of the internally displaced on the ground. A Senior Official in the Office of the United Nations High Commissioner for Refugees, who recently undertook a mission to the country, publicly noted that he was “troubled” by the lack of visibility, both in Bogota and at the international level, of the internal displacement crisis in Colombia, which now has the third largest internally displaced persons population in the world, after Sudan and the Democratic Republic of the Congo.

Early warning mechanisms have continued to fail to prevent and protect persons from displacement. The physical security of displaced populations in Colombia continues to be a major concern. In addition to facing discrimination and stigmatization, the displaced often live in fear in the places where they have sought refuge. Their living conditions are often poor and many have limited access to essential services of food and medicine, adequate shelter, income generating activities, employment and education. Regarding return efforts currently underway in Colombia, it is important to note that efforts should be made to ensure that the returns are voluntary, with safety, dignity, and sustainability assured, in accordance with the Guiding Principles. Also, efforts should be made by all

concerned to find alternative durable solutions for those internally displaced that choose not to return to their place of origin.

It is worth noting that the displaced are disproportionately and increasingly Afro-Colombian and indigenous persons. These already marginalized sectors of the population face additional obstacles once displaced. They have a special attachment and dependency on their lands that should be considered when seeking durable solutions to their situation. Also, more must be done to protect human rights defenders, leaders of displaced persons organizations and those who work on IDPs' behalf from increasing incidences of threats, attacks, kidnappings and killings. In this connection, I was deeply disturbed to learn that just last week two members of IDP associations, Marta Cecilia Aguirre and Giovanni de Jesús Montoya Molina, were murdered in the northwestern Colombian city of Apartado. Those responsible must be brought to justice.

Finally, the internal displacement situation in Colombia is complex and the magnitude of the problem is such that to address the existing gap requires strong partnerships between national authorities and international organizations, non-governmental organizations and the leaders of the displaced. It is important to note that United Nations agencies that are organized under the UN Thematic Group on Internal Displacement, as well as the International committee of the Red Cross and others, are focused on addressing the plight of the displaced in this country.

As noted earlier, my most recent mission to the Americas was to Mexico in 2002 and focused on those persons displaced by the conflict between the Government and the Zapatista rebels in Chiapas. These persons face widespread malnutrition and lack access to drinking water, educational facilities, and the means to achieve self-sufficiency. Many of the internally displaced still fear for their safety due to the activities of armed groups.

As said at the outset, the mission was very successful, I found the Government officials quite open to discuss and engage constructively on how to best respond to internal displacement in Mexico. In anticipation of my visit, the national Government and the state of Chiapas formed a task force on displacement, which visited some of the camps of the displaced and subsequently undertook to conduct a comprehensive assessment of the problem and formulate a national policy. In its recent response to my report, the Government of Mexico announced plans to initiate new legislation aimed at an effective solution to the problems of internal displacement. It also indicated that it was putting in place a mechanism for inter-agency coordination to address the problem and to devise a program of return and resettlement for the displaced. I was also pleased to learn that on January 30-31, a seminar on internal displacement took place in Tlaxcala.

It must be noted that some displaced persons in the so-called “autonomous communities” under the control of the Zapatistas remain beyond the reach of the Government. The International Committee of the Red Cross (ICRC) has recently been compelled to withdraw its critical assistance to internally displaced persons in these areas. There is

consequently a need for humanitarian agencies to engage with the national authorities and the international community to explore cooperative ways of addressing their needs.

Turning to Peru, when I visited in 1995, I found a country still in the grips of civil strife, with hundreds of thousands of persons forcibly displaced by the conflict. These displaced were overwhelmingly from indigenous communities, in particular the Asháninkas, and were suffering from elevated levels of mortality and disease, lack of shelter, food, health services and education, and remained vulnerable to physical dangers and harm. Since my visit much has changed. The armed conflict has dissipated and the rise of a democratically-elected government has dramatically altered the atmosphere and permitted many displaced persons to return home and others to integrate into new communities.

A subject that this seminar will shed light on, however, is the number of persons who will remain displaced in Peru and Guatemala and how sustainable durable solutions for these persons can be found. In the case of Peru, the lingering consequences of displacement for those that have resettled and returned have yet to be fully addressed. I understand that internally displaced persons living on the outskirts of Lima, for example, continue to live in poverty without access to proper shelter, medical and psychological care and formal employment. While the desire to integrate is strong among urban displaced persons, many, in particular older displaced persons, do not receive assistance or have the means to better their situation. Other issues concerning Peruvian displaced persons include issues of visibility, national recognition of their displacement, justice and reparations.

Regional Responses to Internal Displacement

Since their presentation in 1998, and despite their non-binding nature, the Guiding Principles have gained important standing and recognition by UN agencies as well as by regional bodies around the world as an important standard and a tool for the protection of the internally displaced. The Organization of American States (OAS) has been particularly active in this regard. In 1996, it became the first regional body to appoint a focal point for internal displacement. Its Inter-American Commission on Human Rights, a body of experts, made one of its members a Special Rapporteur for internally displaced persons. We are honored that the first person to serve in this position, Robert K. Goldman, is able to join us at this meeting. In addition, in 1998, the Inter-American Commission formally endorsed the Guiding Principles on Internal Displacement as an authoritative guide to applicable international law. Both the Commission and its Rapporteur on internally displaced persons use the Guiding Principles as a benchmark for evaluating conditions in different countries, such as Colombia and Guatemala.

While the Americas region has been at the forefront of developing regional approaches for addressing the needs of the displaced, it might be of interest to review steps taken in other parts of the world. In Africa, the continent most afflicted by internal displacement, the Organization of African Unity has held a series of meetings on internal displacement where member States recommended greater OAU involvement in addressing the problem, in tackling its root causes, and in forging stronger linkages between conflict resolution

activities and programs benefiting refugees and internally displaced persons. At the African sub-regional level, ministers of ECOWAS States adopted a declaration in April 2000 which welcomed the Principles and called for their application by member States. In September 2002, my office joined a meeting sponsored by ECOWAS and the International Organization of Migration (IOM) where participants recommended the development of laws on internal displacement which utilize the Principles as a framework in the region of West Africa.

At a recent meeting convened by the Intergovernmental Authority on Development (IGAD) in September 2003, with the support of my office and the OCHA IDP Unit, a declaration was adopted by IGAD Ministers which took note of the utility of the Principles, identified regional dynamics aggravating internal displacement problems, and committed member Governments to ongoing cooperation on this issue. In addition, it called for the creation of a dedicated unit on displacement within the IGAD secretariat.

In Europe, I also would note that the Principles have proven helpful to the Office for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (ODIHR) in dealing with situations of displacement. In addition, the Council of Europe and the European Union as well as many local groups have been using the Principles in their work. The Council of Europe (CoE) has also appointed a rapporteur on internal displacement. On November 25, 2003 the CoE Parliamentary Assembly adopted recommendation 1631 (2003) on internal displacement in Europe. It recommends that the Committee of Ministers urge member states to "systematically" utilize the Principles as a

basis for IDP policies and programs and to cooperate with the international community to improve the situation of IDPs.

In Asia a regional conference on internal displacement, similar to this one, was organized in 2000 and co-sponsored by Forum Asia, the University of Chulalongkorn, UNHCR, the Brookings Project, NRC and the US Committee for Refugees. Participants, who came from Asian 16 countries, agreed on the importance of disseminating and promoting the Principles in the region, urged their observance by Governments and all relevant actors, and recommended that national human rights commissions focus attention on internal displacement and promote the Principles.

Lastly, the Commonwealth, whose membership extends to 53 states, is beginning to devote attention to forced migration in its member states. Last year it held its first meeting specifically focused on internally displaced persons and refugees. It will be issuing its first report on best practices as a guide for governments.

Given the wide acceptance of the Principles in the Americas, I encourage all of you to take the opportunity of this seminar to identify regional and national strategies that support the Principles' use and practical application in the region. By coming up with such strategies during the meeting, we can work collectively to bridge the gap that currently exists between the standards set forth in the Principles and the realities faced by the internally displaced in the region.

Concluding Remarks

In closing, I would like to highlight that the most pivotal- and difficult- issue when it comes to internal displacement is the need to address the root causes. These causes are often embedded in gross inequities, discrimination and marginalization, to the extent that citizenship only has the value of the paper on which it is printed. I have often argued that internal displacement and even the conflicts that generate it are only symptoms of deeper structural problems. These can be viewed as alarm signals that offer opportunities for developing strategic remedies. Internal displacement is more than a humanitarian and human rights issue; it is also a political and security issue- indeed, a challenge to nation-building. For these crises to be resolved in a sustainable fashion, they require strong regional strategies to help address the root causes of the conflict, as well as the needs of the internally displaced.