

STATEMENT ON THE ROLE OF REGIONAL ORGANIZATIONS IN RESPONDING
TO INTERNAL DISPLACEMENT AND APPLYING THE GUIDING PRINCIPLES

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OF THE COMMITTEE ON MIGRATION, REFUGEES AND DEMOGRAPHY OF
THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

Geneva, September 4, 2001

Over the past decade, regional organizations have been devoting increased attention to the problem of internal displacement. They have engaged in preventive measures, have monitored and reported on situations of displacement, provided humanitarian assistance and have engaged in actual protection activities on the ground. There is good reason for their involvement. Situations of conflict and displacement rarely remain confined within borders. They spill over into neighboring countries and can upset regional stability, thereby often compelling a regional response. Regional activity is also essential because of the influence regional powers can have in encouraging governments in their regions to assume their responsibilities toward their internally displaced populations.

The efforts of regional organizations have been encouraged by the United Nations. Indeed, UN resolutions of the General Assembly and the Commission on Human Rights have called upon regional bodies to expand their cooperation with the Representative of the Secretary-General on Internally Displaced Persons and strengthen their activities with regard to internal displacement. In particular, these resolutions have called upon regional organizations and the Representative to convene seminars on the Guiding Principles on Internal Displacement and have expressed appreciation to regional bodies for making use of the Principles.

In response, regional organizations have been strengthening their ties with the Representative and have begun to disseminate and use the Guiding Principles. A brief look at some of their activities may prove instructive to the Council of Europe's Committee on Migration, Refugees and Demography as it examines the organization's role in responding to the 3 to 4 million persons internally displaced in Europe.

First, let us look at what has been done on other continents, and then identify which steps may be relevant for the Council.

One particularly innovative institutional response can be found in the Americas. The Organization of American States (OAS) has become the first regional organization to

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create a position exclusively devoted to the problem of internal displacement. In 1996, its Inter-American Commission on Human Rights appointed a Special Rapporteur for internally displaced persons “in recognition of the grave situation of internally displaced persons in several countries of the Hemisphere.” Since his appointment, the Inter-American Commission has undertaken more systematic reporting of the situation of internally displaced persons in the Western Hemisphere. Its 1999 report on Colombia, for example, contained a lengthy chapter on the internally displaced, with recommendations addressed both to the government and also to insurgent groups to improve their conditions. The Commission’s 2001 report on Guatemala also includes a special focus on internal displacement.

In 1998, the Inter-American Commission formally endorsed the Guiding Principles on Internal Displacement as an authoritative guide to applicable international law. It now uses them as a benchmark for evaluating conditions in different countries. Both the Commission’s missions to Colombia and Guatemala analyzed displacement problems in those countries in terms of the standards contained in the Guiding Principles.

The Commission has also made important decisions affecting the internally displaced. In the case of Nicaragua, for example, it ruled that compensation should be awarded to the Miskito Indians for the damage done to their property during their internal displacement. This decision helped shape future approaches to the issue of compensation, both in the Americas and elsewhere, and influenced the development of the Guiding Principles on this point.

The OAS General Assembly has also adopted resolutions on the subject of internal displacement and the need to undertake programs and human rights protection for displaced populations. Moreover, in making the defense of democracy one of its main objectives, the OAS has helped reduce the potential for mass displacement through preventive activities.

Turning to Africa, where more than half of the world’s internally displaced persons can be found, the Organization of African Unity (OAU), now renamed the African Union (AU), has held a series of widely attended meetings on internal displacement, meetings designed to make its member states more aware of and more involved in resolving the problem. In 1994, the OAU Commission on Human and Peoples’ Rights held a seminar on the protection of African refugees and internally displaced persons, and that same year the OAU together with the United Nations High Commissioner for Refugees (UNHCR) organized a regional symposium on refugees and forced population displacements. Both meetings recommended greater OAU involvement in addressing internal displacement, in tackling its root causes, and in forging stronger linkages between conflict resolution activities and programs on behalf of refugees and internally displaced persons. Subsequently, in 1996, the OAU co-sponsored a regional conference with UNHCR on displacement in the Great Lakes region of Africa. And in 1998, in collaboration with the Brookings Institution Project on Internal Displacement and UNHCR, the OAU cosponsored a workshop on internal displacement in Africa to promote more effective strategies for protecting and assisting internally displaced persons. Held in Addis Ababa,

this seminar reached out to a broad constituency. Participants included African NGOs, regional bodies and church groups as well as international organizations and members of the Executive of the OAU Commission on Refugees, Returnees and Displaced Persons. The workshop was the first to recommend that the OAU establish a focal point on internal displacement to collect data on the problem and monitor, disseminate and implement the Guiding Principles. OAU staff were interested in having a focal point but resources to date have been a prohibitive factor.

OAU meetings have also paid special attention to the gender dimension of internal displacement. Since women and children constitute the vast majority of the displaced, focusing on their specific needs is essential. The first such meeting was held in 1995 and concentrated on the legal status of refugee and internally displaced women in Africa and called for stronger legal protections for them. The second OAU meeting, held in 1998, focused on the needs of internally displaced women and children during return and reintegration.

Over the past few years, the OAU Commission on Refugees, Returnees and Displaced Persons has also begun to monitor conditions of internally displaced persons in its visits to different countries. In 1999, it formally acknowledged with appreciation the Guiding Principles on Internal Displacement. And the “Compendium of OAU Instruments and Texts on Refugees, Returnees and Displaced Persons in Africa,” published in 2000, includes the text of the Guiding Principles as well as the report of the 1998 Addis Ababa workshop on internal displacement in Africa.

To anticipate and defuse the conflicts that cause mass displacement in Africa and encourage the return of refugees and displaced persons, the OAU set up a mechanism for conflict prevention, management and resolution in 1993. To be sure, the machinery created has a long way to go toward reducing Africa’s most severe conflicts, but it nonetheless has had some modest successes.

Sub-regional organizations in Africa have also been devoting increased attention to internal displacement. In April 2001, Ministers of the Economic Community of West African States (ECOWAS), at a Conference on War-Affected Children in West Africa, adopted a declaration welcoming the Guiding Principles and calling for their application by ECOWAS member states. Through its military arm, ECOMOG, ECOWAS has also become involved in the direct protection of internally displaced persons on the ground. Indeed, ECOMOG troops provided security for many internally displaced persons in Liberia and Sierra Leone although negative reports about its protection record also make clear that increased training, resources and regional and international oversight are essential to prevent abuses of civilians and make its activities more effective. ECOWAS has recently created a conflict prevention and management mechanism and plans to establish a department of humanitarian affairs, which should enhance its role with regard to situations of internal displacement. The Representative of the Secretary-General has recently held discussions with ECOWAS staff in Abuja and it was agreed that a seminar would be held on internal displacement next year.

Regional action on internal displacement has been weakest in Asia. Neither the Association of Southeast Asian Nations (ASEAN) nor the South Asian Association for Regional Cooperation (SAARC) has undertaken any steps with regard to internal displacement in their respective sub-regions. Both organizations, in fact, scrupulously avoid taking positions on what they consider the “internal” affairs of member states. However, the quasi-governmental Asia-Pacific Forum of National Human Rights Institutions is becoming active on the issue. It has formally acknowledged the Guiding Principles and is undertaking a pilot project in which one of its member organizations - the national human rights commission of Sri Lanka - will work to integrate the rights of internally displaced persons into its national programs. The Asia-Pacific Forum will then explore how to expand this to encompass other national human rights institutions.

In Europe, regional organizations have been particularly active in dealing with the continent’s problems of internal displacement. The Organization for Security and Cooperation in Europe (OSCE) at the 1998 CIS migration conference, which it co-sponsored, expressed the desire to address the issue of internal displacement in a more systematic way, in particular by training staff in the Guiding Principles and assisting states in the development of laws based on the standards contained in the Principles. In September 2000 it devoted a special supplementary human dimension meeting to migration and internal displacement in order to elaborate ways in which OSCE institutions, field operations and participating states could enhance their response to internal displacement, in particular through the application of the Guiding Principles. The meeting report that was agreed upon called for the integration of internal displacement into the activities of the OSCE and the use of the Guiding Principles as a framework for doing so. It also recommended that heads of OSCE field missions evaluate their operational activities in terms of the Principles, and that the Guiding Principles be used to monitor and review new and protracted situations of displacement.

In November 2000, the OSCE Chair in Office, at the close of its Ministerial Council meeting, issued a statement that outlined the areas in which the OSCE could make a contribution to situations of internal displacement, in particular in the political solution of conflicts; the protection of the rights of internally displaced persons; monitoring and reporting on affected populations; facilitating durable solutions for refugees and internally displaced persons; providing advice to governments on national laws and best practices; and disseminating the Guiding Principles within the OSCE and using them in the activities of the organization.

As a result, the OSCE has been disseminating the Guiding Principles to its member states and staff and has sponsored seminars to encourage compliance with their provisions. In May 2000, in Tbilisi, Georgia, for example, OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) co-hosted with the Brookings Project and the Norwegian Refugee Council a seminar that brought together government representatives and NGOs from Armenia, Azerbaijan and Georgia to discuss effective strategies for dealing with internal displacement, including wider use of the Guiding Principles. As a follow-up to that meeting, teams of lawyers from Georgia, Armenia and Azerbaijan began examining the laws and administrative regulations in their respective countries in terms of the

Guiding Principles and in a process sponsored by OSCE and the Brookings-CUNY Project, have been meeting with government officials and civil society to recommend legislative reforms.

One of the more noteworthy features of OSCE engagement with the internally displaced has been its direct involvement in protection activities on the ground. Unlike most regional bodies, OSCE deploys staff to the field for long periods to ease local tensions, encourage dialogue and reconciliation, and facilitate returns of displaced populations. In some locations, its staff has sought to secure the implementation of property laws, remove administrative and legal barriers to return of IDPs, and ensure access to education and pensions for those returning. In Tajikistan, for example, OSCE staff monitored the safety and human rights of internally displaced persons returning to their home areas and brought cases of harassment and illegal occupation of property to the attention of the authorities. In Kosovo, prior to the war, OSCE monitors became involved in trying to protect the safety and human rights of internally displaced and other affected populations. In Bosnia and Herzegovina, several hundred OSCE staff members monitored human rights conditions under the Dayton Accords, including freedom of movement and the right of displaced persons to repossess their property.

In addition, ODIHR monitors the human dimension commitments made by participating states, including migration, and promotes rule of law and democratization programs. Its election monitoring programs have used the Guiding Principles to question laws on voting rights in different countries in an effort to promote the political rights of internally displaced persons. Moreover, OSCE's conflict prevention machinery, including its High Commissioner on National Minorities, regularly works to defuse the tensions that produce mass displacement. Finally, its summit documents and charters have rejected policies of mass expulsion and 'ethnic cleansing' and committed participating states to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety and their reintegration without discrimination in their places of origin.

The European Union has played a significant political role in trying to prevent the conflicts that lead to mass displacement, including by holding its members to standards of conduct that accord with democratic values and respect for human rights. The EU also plays a major role as a donor of humanitarian assistance, benefiting internally displaced populations in Europe and in other regions. Its current plans for the creation of a rapid reaction force to respond to regional and international crises should also have considerable impact on the protection of internally displaced persons.

Members of the Parliamentary Assembly's Committee on Migration, Refugees and Demography are well aware of the Council of Europe's current and potential involvement with the issue of internal displacement; there is no need to catalogue those here. The Council has been at the forefront of the promotion and protection of human rights on this continent and has undertaken a number of important initiatives with regard to the internally displaced, whether through fact-finding missions, reports, resolutions, deployment of experts to the field, seminars or court decisions. My snapshot picture of the activities of the other regional organizations has been intended to assist the

Committee in its deliberations. The list of activities I have described is hardly exhaustive. Nor should it be assumed that all of the organizations mentioned are fully and effectively engaged with the problem. Indeed, limited resources and a variety of political and bureaucratic constraints often stand in the way.

Nonetheless, some of the initiatives undertaken by other organizations may prove helpful to this Committee. In particular, it may wish to consider some of the following steps as a point of departure and means of reinforcing its own programs:

1. The appointment of a special rapporteur or focal point on internal displacement to ensure regularized attention to the issue;
2. Systematic monitoring of and reporting on new and protracted situations of internal displacement;
3. The holding of hearings on situations of internal displacement;
4. The dissemination of the Guiding Principles and their use as a guideline and yardstick for measuring conditions and as an overarching framework for Council activities in this area;
5. The training of judges, lawyers, government officials and other relevant persons in the subject of internal displacement and the Guiding Principles;
6. The provision of technical assistance to governments to help strengthen their constitutions, laws and national institutions so that they reflect the standards contained in the Guiding Principles;
7. The undertaking of sustained diplomatic dialogue and advocacy when displaced populations are at risk, including the adoption of public statements and resolutions;
8. Supporting the requests of the Representative of the UN Secretary-General on Internally Displaced Persons to undertake missions to specific European countries and helping monitor the implementation of his recommendations;
9. The deployment of field staff to different countries to work with those on the ground trying to increase human rights protection for internally displaced populations;
10. The undertaking of initiatives with regard to non-state actors who are frequently implicated in causing and compounding situations of internal displacement.

To conclude, it is to be hoped that the Council will build upon its current activities and work to integrate the issue of internal displacement and the Guiding Principles more fully

into its policies and programs. Its ability to develop a strong and influential voice on the subject of internal displacement could help encourage its member states to better fulfill their commitments to displaced populations and to avoid policies that directly and deliberately lead to mass displacement or exacerbate these situations once they occur. The scale and severity of this human rights and humanitarian problem in the European region make it imperative that systematic attention be given to the millions of internally displaced persons in Europe in need of support. It would seem not only to be the right thing to do but also should be done to assure Europe's collective peace and prosperity.