

Internal Displacement: A Global Overview

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Let me begin by expressing my gratitude to the members of the Committee on Migration, Refugees and Demography for agreeing to hold, together with my office and with the valuable support of the Office of the UN High Commissioner for Human Rights, this seminar on internal displacement in Europe. Regional organisations have an increasingly important role to play in addressing crises of internal displacement. As such, this seminar constitutes a welcome opportunity to reflect upon and discuss existing and future measures for responding to the protection, assistance and development needs of Europe's internally displaced and the role of the Council of Europe in this respect.

Internal displacement caused by violent conflicts, systematic violations of human rights and other traumas constitutes a truly global crisis, affecting an estimated 20 to 25 million people in over forty countries. Between three to four million internally displaced persons are found in Europe in Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Cyprus, Georgia, the Russian Federation, Turkey, and the Federal Republic of Yugoslavia.

The European Context

Internal displacement in Europe has a very strong ethnic component. Although during the Cold War, Soviet domination suppressed nationalist aspirations and ethnic rivalries in Central and Eastern Europe, with the collapse of the Soviet Union in the late eighties, struggles over political and territorial ascendancy flared up in the countries of the Caucasus and in Tajikistan, and internal rivalries led to the disintegration of the former Yugoslavia.

Some of these conflicts have been or are being resolved, for instance in Bosnia, Croatia and more recently Kosovo, though significant post-war challenges remain, not least of all facilitating the return of the displaced, in particular to minority areas and ensuring their protection, as well as addressing issues of property restitution and compensation. In the meantime, new crises have emerged requiring the provision of assistance and protection for those in need, such as in the North Caucasus for the second time in less than a decade, and in recent months in Macedonia.

Elsewhere in Europe, in particular the South Caucasus, the conflicts of the post-Soviet era remain in a frozen state, impeding the right of the displaced to return to their areas of origin. The challenge in such protracted situations is to move from relief to development in a humane manner so that in the absence of return, the displaced may resume their lives in dignity and regain self-sufficiency in accordance with human rights standards to which they, like all other citizens in their country, are entitled.

At the same time, while primary responsibility for the displaced rests with the States concerned, there is also need to reappportion responsibility for addressing these problems with a graduated sharing of responsibility and accountability at the regional levels and, residually by the international community. The importance of regional organisations in this equation should be underscored. Responsibility for preventing and responding to potential or actual crises of internal displacement cannot rest on the United Nations alone. Regional organisations have an important role to play in these respects and as we will hear later today from Roberta Cohen, many are beginning, in varying degrees, to devote attention to issues of conflict prevention and mass displacement.

The Focus on Internal Displacement

Although Europe has greater resources than other regions of the world, there is often considerable inconsistency in the extent to which internally displaced persons are provided with protection and assistance. In some instances, lack of capacity acts as a formidable constraint on the ability of Governments to respond to the displaced, even if they wanted to. In other instances, States may deliberately target displaced populations or lack the political will to protect and assist the displaced, whose only alternative source of protection and assistance becomes the international community. By contrast, in other countries, a defining feature of internal displacement is the solidarity, typically along ethnic lines, that exists between the internally displaced and the authorities. The downside, however, is that the needs of other groups of displaced persons may go unmet. And in some cases, despite solidarity with the displaced, their urgent needs become subordinated to long term political objectives, leaving them without adequate assistance and protection.

In all their configurations, internally displaced populations live under conditions of severe deprivation, hardship and discrimination. In Europe, its economic and political resources notwithstanding, displaced persons can be found living in cramped conditions in railway cars, or in disused hotels and public buildings, often with more than one family to a room. Alternatively, the displaced may be accommodated by friends, relatives or members of the same ethnic group. However, without the requisite support from the State, such hospitality can lead to the impoverishment of host families and communities that, in turn, may foster resentment and hostility towards the displaced.

Attention must particularly be drawn to the fact that a large proportion of the internally displaced not only in Europe but around the world are women and children. In the countries beset by conflict and displacement, many of the displaced women become heads of household because men become combatants, have been killed or disabled, have chosen to remain behind to protect their land and other properties, or have moved to areas where they can avoid recruitment or seek employment opportunities. As a result, displaced populations have among them disproportionate numbers of widows with children as well as unaccompanied minors who have been separated from their families or whose families have died. Internally displaced children uprooted from their homes and communities by war suffer severe trauma. Their education is interrupted, often for years on end. For young internally displaced in protracted situations of displacement, their entire childhood can be lost.

The Response of the International Community

It was in view of the mounting crisis of internal displacement, both in Europe and other regions of the world, 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.

In the discharge of the mandate, I have conceptualised the role of the Representative as that of a catalyst in the international system and crystallised 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 and regional institutional arrangements to these same ends, 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 organisations 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 Walter Kälin, whom we are honoured to have with us here today to formally introduce the Guiding Principles. The first product of the legal team 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 cover all phases of displacement, providing protection from arbitrary displacement, protection and assistance during displacement, and during safe return or resettlement and reintegration. Their aim is to provide practical guidance to all those with a role to play in addressing the plight of the internally displaced.

In the short time since their presentation to the Commission in 1998, the Guiding Principles have gained significant international recognition and standing. The UN Secretary-General, in his first report on the protection of civilians in armed conflict, recommended in cases of internal displacement that the Security Council encourage States to 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, even earlier, the Inter-Agency Standing Committee (IASC), comprised of the major international humanitarian, human rights and development agencies, welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, and to apply them in their activities. The General Assembly and the Commission on Human Rights have requested the Representative to make use of the Principles in his dialogue with Governments, international agencies and non-governmental organisations (NGOs), as indeed I do during my country missions, including in the European region. The General Assembly and the Commission have also encouraged the wide dissemination and application of the Principles by regional organisations. As we shall hear later today, several regional organisations have begun to disseminate the Principles, to use them as a basis for measuring conditions on the ground, and to sponsor workshops featuring the Principles.

Dissemination of the Principles has also been facilitated through their translation into different languages, including those of several Council of Europe member States, in particular Armenian, Azerbaijani, Georgian and Russian. The Principles are currently being translated into the Turkish, Macedonian and Albanian languages.

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 specialised agency to provide protection and assistance to the internally displaced. There exist a number of remedial options, which my reports have identified, ranging from the creation of a specialised agency for the internally displaced, to the designation of an existing agency to assume full responsibility for them, to a collaborative arrangement that would utilise existing capacities and enhance the effectiveness of the international system. The argument that one existing agency should be charged with responsibility for the internally displaced is an idea that resurfaces periodically, as it did at the beginning of last year. At the same time, a broad consensus has 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 lend support to and strengthen the collaborative approach and to overcome the challenging problems of coordination 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 Emergency Relief Coordinator (ERC) the responsibility of seeing to it that these needs are adequately addressed.

Working in close collaboration with the ERC and within the framework of the Inter-Agency Standing Committee, the human rights, humanitarian and development agencies in December 1999 adopted a policy paper on the protection of internally displaced persons, which sets out a number of strategic areas of activity for ensuring protection. A few months later, the IASC also adopted supplementary guidance to UN resident and humanitarian coordinators to facilitate their carrying out their protection and assistance responsibilities in relation to internally displaced persons. The resident and humanitarian coordinators are deemed responsible for coordinating the UN's response to both the protection and assistance needs of the internally displaced in a given country, and with ensuring that gaps in the response are systematically addressed.

In order to strengthen the collaborative approach and make it more effective, in September 2000 the IASC established a Senior Inter-Agency Network on Internal Displacement charged with reviewing the inter-agency response to a number of country-specific situations of internal displacement with a view to ensuring an effective response to the protection and assistance needs of internally displaced persons and an appropriate coordination mechanism. On the basis of recommendations submitted by the Network's Senior Coordinator to the ERC and the Secretary-General, a "Unit for IDP Coordination" in the Office for the Coordination of Humanitarian Affairs (OCHA) is being established and will become fully functional by January of next year. Among its responsibilities, the Unit is to undertake systematic reviews of selected countries to assess international efforts to meet the assistance and protection needs of internally displaced persons and to make recommendations for improved response. Hopefully, this mechanism will work effectively to better address the needs of the world's internally displaced; however, should it not have sufficient impact on the ground, then other institutional options will have to be revisited. The real test of institutional arrangements, after all, is the degree to which they improve the lives of the world's internally displaced.

Parallel to the process of supporting greater collaboration at the international level, the mandate also is in the process of developing cooperation with regional organisations. Partnerships are being forged with the Organisation of African Unity as well as sub-regional organisations in Africa, such as ECOWAS; with the Organisation of American States and European regional organisations, in particular the OSCE and, of course, the Council of Europe.

The most tangible means for assessing conditions on the ground and the effectiveness of the international response to specific situations are through on-site visits to affected countries. 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 nineteen country missions. Included among these are visits to Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Russian Federation and Tajikistan. I have also been invited to undertake a mission to Turkey in the coming months. In view of ongoing concerns over the plight of those internally displaced by the conflict in Chechnya, I have been engaged in dialogue with the Government of the Russian Federation and hope that my request of March of last year to undertake a mission to the North Caucasus region will be responded to positively.

Finally, the mandate 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 study is composed of two volumes: *Masses in Flight: The Global Crisis of Internal Displacement* and *The Forsaken People: Case Studies of the*

Internally Displaced, co-authored with Roberta Cohen. At the suggestion of Secretary-General Kofi Annan, the material in these volumes was summarised in a more popular version by David A Korn, under the title *Exodus Within Borders*. 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 Governments and the international community, including NGOs. The study analyses regional responses, contains case studies of several situations of internal displacement in Europe and emphasises the importance of cooperation with the Council of Europe among others for furthering protection for internally displaced persons.

In addition, the mandate is also engaged in research into certain thematic issues. A paper on political participation by internally displaced persons in a number of Council of Europe member States and other European States has been prepared by Simon Bagshaw of my office and published by the Brookings Institution Project and is available at this meeting. It reveals that internally displaced persons are often unable to vote on the same terms as their non-displaced compatriots as a result of practical difficulties posed by situations of displacement or deliberate policy choices by national and local authorities. Effective promotion and implementation of the Guiding Principles and other relevant international standards, both by States and by international actors, including regional organisations, is required to address these concerns.

The Challenge in Perspective

Putting the challenge of the global crisis of internal displacement into perspective, let me conclude by emphasising that the dynamics of the present 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. Governments therefore must establish legitimacy by meeting minimum standards of good governance or responsibility for the security and general welfare of all persons under its jurisdiction, displaced or not. All citizens need to feel a sense of belonging and loyalty to the nation.

Beyond the State level, regional and international organisations are also being challenged to play a role. As internal crises and their consequences flow across State borders, whether through bona fide refugees, or dissident groups, neighbouring States become affected and therefore have legitimate concerns with developments inside the borders of other countries. Moreover, in a number of countries, the overlapping identities and interests of shared ethnic groups become of mutual concern to the affected countries.

The emerging response to internal displacement therefore comprises both national responsibility as well as regional and international cooperation. In this regard, it is my sincere hope that this meeting successfully discusses and elaborates ways in which the Council of Europe and other relevant actors can seek to play an increasingly comprehensive and effective role in that response.