

The Guiding Principles on Internal Displacement: Their Reception Internationally

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We have heard this morning about the background to the development of the Principles, about their origin and about their content. But what about their reception? How have they been received? To what extent are they being used by the various different actors who have roles to play in providing protection and assistance to internally displaced persons? In particular, I am thinking here of Governments, United Nations agencies, regional organisations and non-governmental organisations (NGOs).

Perhaps the short answer to all this, as Dr. Deng has already said, is that in the three years since their presentation to the UN Commission on Human Rights, the Guiding Principles have gained significant international recognition and standing. Or, to put it another way, the Principles have been well-received; are being widely used; and increasingly so. Indeed, an increasing number of Governments, international organisations, regional bodies and NGOs are basing policies, programmes and legislation on the Guiding Principles.

A number of reasons account for this. First, and possibly the most fundamental reason for their positive reception and increasing use is that the Guiding Principles fill a gap. As Dr. Deng has said, many inter-governmental and non-governmental organisations had noted the need for a document to guide their work with internally displaced persons in the field; a document which sets forth in one place the rights of internally displaced persons and the obligations of governments and insurgent forces toward these populations. The Principles meet that need.

A second reason why the Guiding Principles have been positively received is because the process by which they were developed was broad-based and inclusive, in particular of those organisations which would actually use the Principles. Indeed, by the time the Representative of the Secretary-General presented the Principles to the UN in 1998, they had already been endorsed by a substantial number of influential international organisations and NGOs which had participated in their development. Most notably, all the international humanitarian, human rights and development organisations and NGO umbrella groups which make up the UN's Inter-Agency Standing Committee endorsed the Principles and decided to integrate them into their work. They also spoke in support of the Principles in the UN Commission on Human Rights in 1998, in particular, the UN High Commissioner for Refugees, the International Committee of the Red Cross, UN Children's Fund and the World Food Programme. NGOs also spoke in the Commission in support of the Principles and most importantly undertook a lobbying campaign on their behalf with key governments from the different geographic regions.

This leads us to another reason why the Principles were received relatively smoothly in the Commission, a governmental body, in 1998. And that is that key governments supported the Principles. The 53 governments in the Commission were more likely to react positively to the Principles when presented with a document strongly supported by governments. Austria took the lead as did some Nordic delegations but there were supporters in all the geographic blocs. The 1998 resolution, which was adopted by consensus and co-sponsored by more than 50 states from all regions, took note of the Principles, the Inter-Agency Standing Committee's endorsement of the Principles and most importantly of the Representative's intention to use the Principles in his work. Subsequently the Economic and Social Council and the General Assembly followed suit in taking note of the Principles.

Since then, the Commission and General Assembly resolutions have become stronger and increasingly supportive. The General Assembly in 1999 for example, welcomed the Representative's use of the Principles in his dialogues with governments and with intergovernmental organisations and NGOs and requested that he continue these efforts. The resolution also expressed appreciation that UN agencies, regional organisations and NGOs were making use of the Principles in their work and encouraged the further dissemination and application of the Guiding Principles. Again, this was a unanimously adopted resolution calling upon the Representative to continue to use the Principles and encouraging international, regional and non-governmental organisations to disseminate and apply the Principles. Earlier this year, the Commission on Human Rights expressed the same sentiments and also noted with appreciation that an increasing number of States, UN agencies and regional and non-governmental organisations are using the Principles and encouraged the further dissemination and application of the Principles, including at regional and other seminars on internal displacement which it encouraged the Representative to continue to initiate or support.

The UN Security Council has also acknowledged the Guiding Principles. In a report to the Security Council in 1999, the UN Secretary-General suggested that in situations of mass displacement, the Council encourage governments confronted by situations of internal displacement to observe the Guiding Principles. A Presidential statement of the Security Council in January 2000 for the first time made reference to the Guiding Principles as did a Security Council resolution on Burundi.

Perhaps the speed with which the Principles made their way through UN bodies, reports and resolutions, including at the level of the Security Council, explains why a degree of uneasiness developed on the part of some States in the Group of 77 during the meeting of the Economic and Social Council in 2000. Those of the G77 raising questions to the Principles focused on the process, not the content of the Principles - the fact that they were not developed in an intergovernmental process, that they were not drafted by Governments. Of course, it should be remembered that the Principles were developed in response to requests from the Commission on Human Rights and the General Assembly and that the Representative kept the General Assembly informed of the progress made in developing the Principles. Moreover, most Governments, including from the G77, have commended the Representative for developing the Principles and have strongly supported and found valuable international standards in this area.

Indeed, an increasing number of governments are using the Principles. In Colombia, for example, government departments have cited the Principles in their published materials, use them in their public awareness campaigns, and the constitutional court has cited them in recent decisions to protect internally displaced persons.

In Angola, the Principles have been incorporated into national law as a decree on the minimum standards which must be met in the resettlement of internally displaced persons. The Principles are also at the centre of the national protection strategy for internally displaced persons in Angola, in which Government, police and military personnel at the national and local level receive training on the Principles and formulate local plans for their implementation. Similarly, in Burundi, the Principles provide the framework for the joint Government-UN protection strategy for internally displaced persons and the Government of Uganda held a seminar on the Principles to make sure local officials and NGOs were familiar with their provisions.

Government officials in Armenia, Azerbaijan and Georgia have participated in seminars on the Principles and have held dialogues with the Representative on the basis of the Principles. The Government of Armenia has had the Principles translated into Armenian and earlier this year, the Government of Georgia announced at the UN its intention to reform parts of its domestic law so that it conforms with the Principles.

As we will hear this afternoon, regional organisations have been using the Principles as well. UN resolutions have specifically encouraged the dissemination and application of the Principles by regional bodies and called upon the Representative to strengthen his ties with these organisations.

For NGOs, the Principles have become an important vehicle for bringing about improved treatment for internally displaced persons and they are actively using them in countries throughout the world to monitor, assess and advocate for the needs of the internally displaced. In the South Caucasus region, lawyers from Armenia, Azerbaijan and Georgia are reviewing their national legislation in terms of the Principles and identifying areas in need of reform. In Colombia, national NGOs have widely disseminated the Guiding Principles, employ them as a benchmark against which to monitor and evaluate national policies and legislation, and use them to promote and strengthen dialogue with the Government on the rights of internally displaced persons. And in Sri Lanka, the non-governmental Consortium of Humanitarian Agencies has published a "Toolkit" to promote the dissemination and application of the Principles among government officials, non-state actors, international and national NGOs and international agencies working with the displaced in that country.

The NGO community is also always a key participant in regional and national seminars on the Guiding Principles. Later this year, the Moscow-based NGO Partnership in Migration will be co-sponsoring a seminar on internal displacement and the application of the Guiding Principles in the Russian Federation, in cooperation with the Institute of State and Law of the Russian Academy of Sciences and the Brookings-CUNY Project on Internal Displacement.

Displaced communities too have begun to use the Principles to enhance protection for their own communities. To facilitate this, the Principles are being translated into many different local languages, and the UN has published and is disseminating a *Handbook* on how to apply them in the field, copies of which are available here.

Because of the great interest in the Principles and their interpretation, *Annotations* were prepared by Professor Kälin, some copies of which are available for those who are interested.

To conclude, the reception given to the Principles points very much in the direction of increasing use and support, in particular by international organisations, regional bodies, NGOs and an increasing number of governments. They are in particular being used to monitor conditions in countries, as the basis for domestic law and policy and as an advocacy tool. Indeed, as the European Union observed at the recent session of the Economic and Social Council, the implementation of the Principles in an increasing number of States around the world "show that the Principles have merit and especially that they are becoming a reference as regards displaced persons".