

STATEMENT BY ROBERTA COHEN

CONFERENCE ON INTERNAL DISPLACEMENT AND ETHNIC CLEANSING IN IRAQ

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&
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It could not be a more auspicious time to hold a conference on Internal Displacement and Ethnic Cleansing in Iraq. It is incumbent upon all of us to be intensely and constructively thinking about how to promote humanitarian and human rights protection in that country. I therefore want to commend the Washington Kurdish Institute, in particular Dr. Najmaldin Karim and Mike Amitay, and the SAIS Refugee Policy Forum, in particular Melissa Pitotti and Gimena Sanchez, for organizing this important meeting. I am also grateful for the dissemination of the report, *The Internally Displaced People of Iraq*, published by the Brookings-SAIS Project and co-authored by John Fawcett and Victor Tanner. The report, which will be introduced later, should help focus our discussion of what to do about internal displacement in that troubled country.

I have been asked to comment on *international* protections for IDPs and refugees, and I would like to say at the outset that we would do well to think of both IDPs and refugees in a comprehensive and complementary way. The Iraq situation, like most other humanitarian emergencies, has produced, and continues to produce, both internally displaced persons and refugees. Today there are more than one million internally displaced persons in Iraq. And according to the US Committee for Refugees, there are 1.5 million Iraqis who have sought asylum *outside* Iraq over the past decade. Both groups, whether refugees or IDPs, need and will continue to need protection until there is a resolution of their plight.

In the case of refugees, there is, of course, an international protection regime. Since the end of the second world war we have had a Refugee Convention and a special UN agency, the United Nations High Commissioner for Refugees to cater to the needs of people unable to return to their countries because of persecution. Refugees are supposed to rely on the substitute protection provided by foreign governments.

But international refugee protection does not always work. Just recall that in 1991, Turkey refused to give substitute international protection to the hundreds of thousands of displaced Kurds fleeing from Saddam Hussein's military forces. Turkey closed its borders. And last year, Pakistan and Iran closed their borders to fleeing Afghans. Both examples are but a part of growing worldwide inhospitality to refugees. Another example is the current financial crisis UNHCR is facing. One of the consequences of this development is that the number of internally displaced persons has risen throughout the world. When IDPs were first counted in 1982, there were 1.2 million in 11 countries. By 1997, 20 to 25 million could be found in more than 40 countries. Today, IDPs often

outnumber refugees two to one in many humanitarian emergencies. The attacks on refugee protection has contributed to this phenomenon.

While refugee protection can be tenuous, IDP protection is far more tenuous. Unlike refugees, IDPs are usually trapped in a hostile domestic environment in their own country. Access to them is often problematic, there is no international legal convention applicable to them; nor is there is a single organization like UNHCR with an exclusive mandate to protect IDPs. Until the last ten years of the 20th century, only limited effort and at times no effort was made to reach people uprooted or at risk in their own countries.

Yet since that time, some progress has been made. The first notable instance of a new approach was the case of Iraq. In the aftermath of the 1991 Gulf War, the UN Security Council demanded that Iraq give humanitarian organizations immediate access to people *inside* the country. And a US led coalition carved out a security zone in the north for hundreds of thousands of internally displaced Kurds. In other countries as well, the UN began to undertake hard diplomatic bargaining to bring in food and supplies, and UN resolutions began to insist more and more on unimpeded access to persons displaced and at risk within their own countries. To be sure the political will was not always there and the UN was not always successful, but there was a definite change in outlook about situations of internal displacement and attention did begin to be paid to developing an international IDP regime.

In 1992, the UN Secretary-General appointed a Representative on Internally Displaced Persons, Dr. Francis Deng. He was requested to dialogue with governments, create a legal framework for IDPs, work with international and regional organizations and NGOs, and identify ways and means to provide greater protection for IDPs. However, the position was a voluntary one with no staff or support, but it reflected the view that persons uprooted and at risk in their own countries cannot simply be left to the whim of their governments. The international community had a right and even a responsibility toward persons who were internally displaced and in need of international protection.

In furtherance of this, a myriad of international organizations and NGOs began to come forward worldwide to provide assistance, protection and reintegration and development support to internally displaced persons – UNHCR, UNICEF, the World Food Programme, the International Committee of the Red Cross, UNDP, the International Organization for Migration and many NGOs. Although the system is largely ad hoc, with organizations picking and choosing the situations in which they will become involved, in 2001 the Secretary-General approved the creation of a special IDP Unit in the Office of the Coordination for Humanitarian Affairs to try to improve the international response on the ground. Composed of about 10 professionals seconded from different international agencies, Unit staff have been traveling to different countries, trying to ensure that UN agencies on the ground collaborate more closely to the benefit of internally displaced people.

Of course, one small non-operational unit can hardly be expected to make a substantial difference, but it is the only unit we have and it is important to give encouragement and

support to it. My own project at Brookings is currently working with the Unit in examining the protection of displaced persons in different countries with a view to seeing how to increase their physical security.

At the same time it is important that both the Representative and the IDP Unit be urged to focus greater attention on the difficult cases, the cases too often set aside by the international community because the governments concerned deny or obstruct access. Internally displaced persons in Iraq, for example, should be given far greater scrutiny. For that very reason, the Brookings-SAIS Project, which supports the mandate of the Representative, commissioned and published the report on internal displacement in Iraq that you have before you today. In the case of Turkey, the Representative did manage after many tries to gain entry this year for the first time. His report to be presented to the UN Commission on Human Rights in March urges greater national and international involvement in support of displaced Kurds in that country.

The development of international standards for internally displaced persons -- the Guiding Principles on Internal Displacement -- is another positive step forward toward greater international protection of IDPs. The Principles were drafted by a group of international experts under the guidance of the Representative and in consultation with a wide range of international organizations, regional bodies and NGOs. The 30 Principles define who the internally displaced are, set forth their rights, and set forth the obligations of governments, insurgent groups and all other actors toward these populations. In short, they provide a framework for how to see and deal with the problem. Although they are not a legally binding treaty like the refugee convention, they are based on humanitarian and human rights law that is binding and they have acquired a good deal of international standing and authority over the past several years. Indeed, governments, international organizations, regional bodies and NGOs are using them to monitor displacement conditions, to develop laws and policies and as an advocacy tool. UN resolutions have called for the wide dissemination and application of the Principles.

Of course, when it comes to governments like Iraq, the existence of standards for the internally displaced will have little impact. In Iraq, forcible displacement has been state policy for decades and the government has brutally uprooted much of its Kurdish population and part of its Shiite population and committed serious crimes against both. But the Principles can prove useful to the authorities in the north of Iraq and also should prove a valuable guide to any future responsible government of Iraq. To date, the Principles have been translated into at least 25 languages, including Arabic and Turkish. I would hope that they would be translated into the Kurdish language as well. My Project is prepared to help with that undertaking.

I would note that the definition of IDPs contained in the Principles is pertinent to the full range of displacement within Iraq. The definition includes not only persons forcibly displaced in their own countries by conflict and human rights violations but also persons displaced by natural disasters and development projects. Thus those displaced by the draining of the marshes in Iraq count as IDPs as well as those displaced by ethnic cleansing and military campaigns. The IDP definition is broader than the refugee

definition. But unlike the refugee definition, the IDP definition does not confer legal status. IDPs are in their own countries and are expected to enjoy the same rights and freedoms as all other persons in their countries. They do not seek substitute international protection as do refugees.

One can easily see from this brief presentation that the international protection of refugees, though longstanding, is fragile and that the international protection of IDPs is new and fledgling. Both groups are highly vulnerable and in need of protection. The most important thing we all can try to do is to develop a comprehensive regime that protects both groups. Yet when we look to the creation of the safe area in the north of Iraq, following the Gulf War, we find tensions between the refugee and IDP advocates. In refugee circles, the creation of a safe area in the north of the country meant the undermining of refugee protection. After all, fleeing Kurds were not allowed to find refuge in Turkey; the safe area carved out in the north meant giving up the right to seek asylum outside the country. And indeed governments have been denying asylum to Iraqi Kurds on the grounds that there is in-country protection provided in the north. The Kurds are said to have an internal flight alternative. But do they? Refugee advocates question where there is sufficient safety in the north. They also question whether the international community can be relied upon to protect the people in the north against the Baghdad government.

For IDP advocates the Kurdish safe area was the first instance where an international effort was made to protect internally displaced persons in their own country. While people should have the right to flee and become refugees, they should also have the benefit of protection in their own countries. For IDP advocates, the only option for people in their own countries should not be to become refugees.

Such tensions spill over into the debates on whether or not to create protected or safe areas in conflict situations. Some see protected areas as “death traps” that cannot be protected and that prevent people from crossing borders to safety; others, on the other hand, point out that the failure to create protected or safe areas could endanger many lives.

There is need to reconcile these point of views because refugee and IDP protection is interconnected. We must not draw a line in the sand between these two groups. While we try to protect and defend the right to asylum -- keep borders open, we must also defend the right to be protected within one’s own country – after all, most people cannot get out. Should conflict come to Iraq, we must work for a comprehensive approach to international protection of both refugees and IDPs. I do hope today’s conference moves in that direction.