



IMPROVING
INSTITUTIONAL
ARRANGEMENTS
FOR THE INTERNALLY
DISPLACED

The Brookings Institution
Refugee Policy Group Project
on Internal Displacement

The Project on Internal Displacement is a collaborative undertaking of the Brookings Institution and the Refugee Policy Group. The Brookings Institution is an independent organization devoted to non-partisan policy oriented research in economics, government, and foreign policy. The Refugee Policy Group is an independent center for policy research and analysis concerning refugee and related humanitarian emergency issues. The Project aims at developing a comprehensive global strategy for providing more effective protection, assistance, and development for the estimated 30 million internally displaced persons around the world.

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The current text has been revised and updated on the basis of new developments, further discussions with humanitarian, human rights and development agencies, and in light of the suggestions made by participants in a seminar organized by the Brookings Institution-Refugee Policy Group Project on Internal Displacement, held in Geneva on June 13, 1995. It will be further developed for inclusion in a larger study by the Project that is to be published as a book by the Brookings Institution.

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INTRODUCTION

This paper explores how institutional capacities and arrangements can be further strengthened and better coordinated within the international system in order to respond more effectively to the needs of the internally displaced. It examines the relevant capacities of existing institutions, their weaknesses and strengths, and recommends improvements that could be made in the current system. It then lays out the pros and cons of options for longer-term institutional reform.

The inadequacies of the international system for providing protection and assistance to internally displaced persons have become increasingly apparent in recent years. Although there are an estimated 30 million internally displaced persons in the world today, substantial numbers do not receive adequate protection, relief assistance, or reintegration support from their own governments or from the international community. Many live under adverse conditions, and substantial numbers may be at risk. Recent reports from Bosnia-Herzegovina, Sierra Leone, the Sudan, Afghanistan, Turkey and elsewhere highlight the vulnerability of persons displaced within the borders of their own countries and the need for action to alleviate suffering and prevent widespread death.

Ultimate responsibility for the plight of the internally displaced of course rests with their governments. Often this responsibility is codified in international conventions that these governments have signed. In many cases, however, countries burdened by massive displacement and civil war do not have the resources to fulfill their commitments. Or they may refuse to fulfill their responsibilities and may ruthlessly displace segments of their population. In other instances, there may be a complete breakdown in civil authority and order.

The international community has in recent years shown an increasing readiness to become involved in situations of internal displacement when governments fail to or are unable to meet their responsibilities. Although there is no single organization responsible for assisting them, a wide range of humanitarian, human rights and development organizations have come forward to provide protection,

assistance and development aid to displaced populations within the limits of their mandates. However, the absence of clear institutional responsibility for the internally displaced has resulted in an *ad hoc* and highly uneven international response. The needs of the displaced are met in varying degrees in some countries but are largely neglected in others.

To remedy this, existing capacities and resources need to be harnessed in a more timely and effective manner to address emergency situations and ensure that international resources are distributed in a sufficiently equitable manner to respond to the protection and assistance needs of the internally displaced. Attention also has to be paid to the reintegration and longer-term development needs of uprooted populations.

The U.N. system has undertaken a number of initiatives to improve its capacity to respond to situations of internal displacement. Following several international conferences highlighting the plight of uprooted populations,¹ the General Assembly in 1990, at the recommendation of the Secretary-General, assigned to United Nations Resident Coordinators the function of coordinating assistance to internally displaced persons in the field. The following year, the post of Emergency Relief Coordinator was created to further improve the U.N.'s response to emergency situations, including those involving displaced populations. That same year, with concerns over protection mounting, the Commission on Human Rights requested the Secretary-General to prepare an analytical report on internally displaced persons. In 1992, at the request of the Commission, the Secretary-General appointed a Representative on Internally Displaced Persons to focus special attention on the human rights dimension of internal displacement and serve as a kind of advocate for the displaced. At the same time the Inter-Agency Standing Committee (IASC), which is composed of the heads of the U.N.'s major humanitarian and development agencies, created a Task Force on Internally Displaced Persons. At the Task Force's recommendation, the IASC decided in December 1994 that the Emergency Relief Coordinator would serve as the U.N.'s "reference point" for requests for assistance and protection in actual or developing situations of internal displacement and invited the Representative of the Secretary-General to participate in the IASC's work.

In addition, an increasing number of U.N. agencies, humanitarian organizations and nongovernmental groups have expanded their areas of operations to respond to the needs of the internally displaced. Taken together, these initiatives represent an important progression toward developing policies and mechanisms within the U.N. system to be applied to internally displaced persons. Nonetheless, the massive and global problem of internal displacement remains inadequately addressed, and the U.N. has yet to develop a concerted plan for responding to it.

THE CHALLENGE OF INTERNAL DISPLACEMENT

Much of the difficulty in developing a response to the needs of the internally displaced derives from the tremendous diversity in the causes of internal displacement and the circumstances in which internally displaced persons find themselves. The working definition offered in the Secretary-General's analytical report describes the internally displaced as:

... persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflicts, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country.²

A striking feature of internal displacement is that it manifests itself differently in different countries. In some countries, internally displaced persons can be found clustered in camps, sorely in need of assistance and protection. In other countries, they have merged into communities but are still constrained by lack of land, vital services and precarious security conditions. They may also be in hiding or dispersed in different parts of their countries to avoid identification, making them difficult to reach. These different manifestations of the problem must be taken into account in designing solutions.³

The capacities needed to respond to the internally displaced vary widely and depend on the particular needs involved. In some situations, provision of food may be the predominant need, requiring the involvement of the World Food Programme (WFP). In other situations, it may be the services of the U.N. Children's Fund (UNICEF) that are critical to addressing the needs of displaced women and children. Or there may be internally displaced persons under siege in potentially refugee generating situations, making the U.N. High Commissioner for Refugees (UNHCR) the most relevant agency to engage. In post-conflict situations, the U.N. Development Programme (UNDP) may be needed to design and

implement programs that integrate uprooted populations into national development plans. In natural disasters, the Department of Humanitarian Affairs (DHA) might be the most appropriate to channel international assistance, since it absorbed the former U.N. Disaster Relief Office.

Situations of internal displacement generally fall into two broad categories: relatively "simple" situations resulting from a single cause and not involving extensive protection issues, for example, displacement due to a natural disaster; and "complex" situations that have multiple causes and which require several institutions to cover both protection and assistance.⁴ In the first instance, the delivery of material aid to internally displaced persons and others affected is generally a logistical and technical challenge that the government concerned is usually able to meet with external aid. In complex situations, however, the international community often encounters difficulty in gaining access to the internally displaced because of civil conflict or non-cooperation on the part of governments or non-state actors. The situations of most concern to this report, and that constitute the majority of internally displaced situations, are of a complex nature.

The material assistance needs of internally displaced persons are similar to those of refugees and other externally displaced persons, be they victims of man-made or natural disasters. They require emergency aid in the form of food, shelter, health care and sanitation, as well as long-term development assistance to promote self-sufficiency and sustainable solutions. In the absence of institutional responsibility to deal specifically with internally displaced persons, long periods of time may pass before they are assisted, resulting in high mortality rates. Or there may be ample food supplies but insufficient attention to health facilities, water and sanitation. In some cases, the needs of the displaced may outstrip the capacity or the mandate of humanitarian agencies with operations in the affected area. Agencies working with the internally displaced, moreover, sometimes encounter resistance from governments that perceive their efforts as interference in the domestic affairs of the country.

While many issues related to sovereignty and access complicate the delivery of assistance to the internally displaced, protecting this population presents additional challenges. No specific legal instrument exists which defines protection for the internally displaced. Protection,

however, is generally understood to mean defending the physical safety and fundamental human rights of internally displaced persons. Since they still reside within their countries of origin, the displaced often continue to be subjected to the same dangers and abuses that caused them to flee from their homes in the first place. Sometimes they are trapped in the midst of conflicts and need to be evacuated or protected from the constant threat of armed attack. Or they may need protection from forcible relocation or expulsion often carried out on ethnic or political grounds. Upon return to their places of origin, they may need protection from reprisal as well as legal defense to reclaim their land and homes and ensure their successful reintegration.

The nature of international involvement in responding to protection problems depends on the causes and circumstances of the displacement. For example, if people have become uprooted because of strife between a minority and majority community living in the same area, a short-term solution may be to create a temporary safe haven for those whose lives are threatened. International peace-keepers and human rights monitors could play a crucial role in cases where the government needs outside assistance or where its impartiality has been questioned. If, on the other hand, displacement has resulted from the actions of a government which is unable or unwilling to apply domestic law to a group of its citizens, the international community may need to intercede with stringent diplomatic demarches to the government concerned, or possibly take stronger measures such as sanctions. In cases where the two situations overlap, both approaches may need to be applied simultaneously.

Protection, however, has yet to receive the attention it deserves from the international community. Although security is as overriding a priority as food in most situations of internal displacement, inter-agency needs assessments generally do not address the physical safety of the affected population or the dangers confronting them. Those sent to assess emergency situations generally have expertise in food aid, water supply, health and sanitation as well as shelter, but not in how to deal with the human rights and protection problems of the affected population. In Rwanda, for example, the inter-agency team sent by DHA did not include a human rights expert even though protection problems were paramount.⁵ In Liberia and Angola, WFP became the lead agency because food and

logistics were deemed the most critical needs; protection problems, although equally severe, received less attention, largely owing to considerations of sovereignty, lack of legal basis and difficulty of access.

A Comprehensive Approach to Protection and Assistance

Given the complex nature of most situations of internal displacement, any institutional response must address protection as well as assistance. When displaced persons are under attack and the distribution of food and supplies is obstructed, protection becomes paramount. Indeed, an absence of attention to protection is likely to lead to continuing problems in the delivery of assistance. Even after internally displaced persons return to their homes, protection problems must be addressed or else the process of reintegration could be jeopardized.

Forging a comprehensive approach has proven difficult because few agencies have a mandate to provide both protection and assistance to the internally displaced. Humanitarian and development agencies working in an affected area may be the first to become aware of protection problems, but they do not always address such concerns because protecting physical safety and human rights may fall outside their mandates and expertise. Human rights bodies, for their part, are not yet fully operational and often not present. As protection problems have increasingly come to the fore in well-publicized emergencies in Iraq, Somalia and the former Yugoslavia, the gap in the area of protection has begun to be recognized.

At a meeting in 1993, the Inter-Agency Standing Committee (IASC) focused on the fundamental importance of protection and agreed that the international system needed to develop a mechanism to address both "protection and relief needs in urgent situations of internal displacement."⁶ Its Task Force on Internally Displaced Persons affirmed that "there are indispensable protection prerequisites for any successful programme in favor of IDP's." When it commissioned papers from member agencies, it pointed out that whereas the focus of the Task Force was humanitarian, the papers "should not ignore issues related to

protection, in particular as they might serve to illustrate the relationship between providing assistance, international presence and protection of internally displaced persons."⁷

In their responses to the Task Force, humanitarian and development agencies endorsed an integrated approach to protection and assistance when dealing with internally displaced persons. The World Health Organization (WHO), for example, took the position that an integrated approach was essential because "responding to only one aspect of the problem without considering the complex, complementary, inseparable aspects of the same problems may, rather than resolving the problem, actually exacerbate it." WHO underscored the necessity of addressing not only material needs but "access to information, freedom of movement and of association, the right to personal documents when requested and in general the right to full participation in the democratic process." The UNDP also endorsed "a comprehensive approach" in which "the human rights aspect intersects with the humanitarian, the political and the economic dimensions." The Food and Agriculture Organization (FAO) recommended that the "U.N. human rights system should operate within the existing U.N. operational mechanism for emergencies where the most immediate effect on the welfare of the beneficiaries, including human rights, would be achieved."⁸ DHA summed up the new approach as follows:

While DHA is keeping its focus on the delivery of humanitarian, often survival, assistance to internally displaced persons, the human rights of internally displaced persons are of particular concern to us all and the balance between the provision of humanitarian assistance to them and the upholding of their human rights is crucial.⁹

Human Rights Bodies and Protection

Despite the recognition given to the importance of human rights protection, no consensus exists on the role that human rights bodies should play in identifying, monitoring and addressing the protection problems of internally displaced persons.

To date, international human rights bodies have played only a limited role in defending the physical security and human rights of internally displaced persons. For many years, they considered the internally displaced to be outside their traditional areas of concern. They tended to regard problems such as deliberate mass starvation or violations of the right to shelter or health care as "humanitarian" problems better left to relief agencies, while the imprisonment, torture or killing of a few hundred on political grounds were deemed appropriate issues of "human rights" concern. Victims of war and famine were often not seen as legitimate subjects of human rights interest.

Although these perceptions have begun to change, most human rights bodies still do not have the capacity to assume protection functions in humanitarian emergencies. Their role traditionally has been to report on and to publicize human rights violations and to undertake occasional visits to the field. Where U.N. human rights capacities have been activated through the appointment of a Special Rapporteur and the undertaking of an investigative mission, these efforts have often been isolated from efforts to address the humanitarian problems of the populations concerned. To a large extent, the U.N.'s principal human rights body, the Commission on Human Rights, has been reluctant to authorize extensive field operations for human rights personnel because of budgetary constraints and the resistance of governments to what they may construe as interference in their internal affairs.

Nonetheless, recent initiatives to deploy human rights field staff in Bosnia and Rwanda, to establish war crimes tribunals for particular situations and to press for the inclusion of human rights concerns in U.N. peace-making efforts, would appear to portend more aggressive and innovative approaches to incorporating human rights concerns into comprehensive international strategies for addressing problems of internal displacement. The appointment of a Representative on Internally Displaced Persons at the request of the Commission on Human Rights and the creation of the post of High Commissioner for Human Rights also lend hope that there will be greater human rights involvement in the protection of internally displaced persons in humanitarian emergencies.

Humanitarian and Development Agencies and Protection

Consensus also is lacking on the role that humanitarian and development agencies should play in the protection of internally displaced persons. Defending physical safety and fundamental human rights is not a central concern or function for most humanitarian and development agencies. Interviews with senior staff in these agencies invariably reveal profound reservations about any association with protection concerns, on the grounds that undertaking protection initiatives would jeopardize their agencies' impartiality, neutrality and ability to provide humanitarian assistance. While they generally admit that their own agencies might have a role to play in early warning activities and some aspects of physical protection, they frequently recommend that U.N. human rights bodies, or humanitarian agencies such as UNHCR or International Committee of the Red Cross (ICRC), should deal with such concerns. What this argument of course overlooks is that UNHCR and ICRC are not present in all situations and that U.N. human rights bodies are not yet fully operational.

Despite these reservations, most humanitarian and development agencies do in fact engage in protection activities in the course of their assistance work. The delivery of food, medicine and shelter constitutes *de facto* protection by preserving lives and physical safety. Humanitarian and development agencies also become involved in protection through negotiating access to the internally displaced. As the International Committee of the Red Cross (ICRC) has pointed out, "... the distinction between activities qualified as assistance and those considered as protection is often an artificial one. To deliver relief supplies and make certain that they reach the people they are intended for is also a form of protection."¹⁰

The mere presence of humanitarian and development agencies provides an additional form of protection. In many cases, it can deter or at least mitigate abuse. The U.N. High Commissioner for Refugees emphasized before the U.N. Commission on Human Rights: "We have found international presence and access to victims to be the most effective means of ensuring protection against abuse of human rights."¹¹

Beyond presence and involvement in negotiating access, humanitarian and development agencies are often in a position to raise concerns about displaced persons' physical security, particularly when these agencies have gained the confidence of governments and nongovernmental actors within the framework of providing assistance. But it is at this point that humanitarian and development agencies sometimes draw the line. It is argued that conflicts can arise between assistance and protection roles and that priority in such cases should be given to assistance. WFP, for example, has pointed out that it has engaged in negotiating access and safe passage for its food and personnel in certain situations but that assistance concerns need to come first:

Whilst WFP is fully supportive of the need to ensure protection services for internally displaced persons, it must be accepted that if, on occasions, negotiations are protracted, the provision of emergency food aid may precede the finalization of protection arrangements. Such action should not be seen as undermining negotiations on protection...but merely WFP fulfilling its primary mandate, the alleviation of hunger among the poor and needy.¹²

Others, however, maintain that protection can never be given a secondary position. The ICRC adheres to the view that "humanitarian agencies cannot restrict their role to that of mere suppliers of medical and food aid. They must back up their emergency operations in the field with representations regarding the conduct and policies which lead to famine and violations of fundamental human rights." Although intercessions can be "diplomatically sensitive and politically risky or downright costly," they constitute "the indispensable protective aspect of any relief operation, without which no lasting improvement in the condition of conflict victims can be assured."¹³ The U.N. High Commissioner for Refugees also has affirmed that "Humanitarian action is not only about the delivery of relief but first and foremost about ensuring the basic human rights and security of the victims on all sides of a conflict."¹⁴ Human rights groups for their part contend that assistance without attention to protection prolongs conflicts and lends support to human rights abuses.¹⁵

A comprehensive approach will require closer collaboration between humanitarian and human rights organizations to determine the best means of providing protection in emergency situations of which

internally displaced persons are a part. Humanitarian and development agencies will have to explore the extent to which they can become involved in protection problems that affect the delivery of assistance. They also must consider developing relationships with agencies better equipped than themselves to deal with protection. Human rights bodies for their part must strengthen their capacities to deal with the protection problems confronting the internally displaced and assume greater responsibility for protection concerns in the field.

Addressing Return and Reintegration

Another area that needs more attention from the international community in dealing with internally displaced persons is that of "solutions." Although the return and reintegration of internally displaced persons remain the responsibility of the governments concerned, increasingly it is being recognized that these are costly undertakings, particularly in war-torn societies, requiring outside assistance. There are many situations in which the internally displaced return to areas where their homes and land are occupied by others, where their personal security is threatened, and where they cannot sustain themselves. In some cases, they are actually forcibly compelled by their governments to return to home areas without due attention to their safety or ability to reintegrate. In other cases, they may be compelled by their governments to settle outside their home area, in a social environment which may not be familiar to them and in economic conditions which may not be as favorable as those enjoyed in their home area. These situations often put in jeopardy the entire reconciliation and reintegration process in a country.

As a result, international agencies have begun to facilitate and monitor returns in a number of situations with the cooperation or at least the tacit consent of the government concerned. In Tajikistan, for example, UNHCR, in cooperation with the ICRC, provided substantial protection and reintegration assistance for internally displaced persons returning to their homes. UNHCR closely monitored human rights conditions in areas of concentrated return and worked with local authorities to increase physical security for the displaced, helped in the reconstruction of houses and assisted returnees to reclaim their homes. In other locations as well,

international agencies have begun to facilitate returns. Far greater attention to protection is needed, however, as was demonstrated by recent events in Rwanda where the camps of internally displaced persons were forcibly closed and thousands reportedly killed despite the international community's organization of Operation Retour.

Internally displaced persons need to be more effectively prepared for return and reintegration. In emergency situations, humanitarian activities focus primarily on meeting short-term vital needs for assistance, and to a lesser extent *de facto* protection, while the development of the capacities and skills that can contribute to long-term solutions receives second priority. In very few camp situations for the internally displaced, for example, are education, training or income generating projects provided; nor are sufficient efforts made to enable displaced persons to find land for farming to reduce their dependency on food aid.¹⁶ Even after the emergency phase is over, attention often continues to focus on providing additional relief rather than on moving to development-oriented approaches.

Successful reintegration depends on the provision of area-based development aid. Areas of return often require rehabilitation and reconstruction so that they can absorb returnees and sustain their local population. This task falls upon the development agencies. The much discussed concept of the "continuum from relief to development" requires the establishment of links between humanitarian assistance provided on a short-term basis, and the longer-term reconstruction and ongoing development of affected areas.

Funding is a significant part of the problem. After emergency needs are met, few resources are left for development aid which is often seen as a less compelling concern than humanitarian relief. Donors, in general, are more willing to allocate resources to emergency and disaster relief than to support the reconstruction and development of areas where displaced persons, refugees and/or returnees should be integrated.

Unlike humanitarian agencies, which dispose of readily available resources to cope with emergencies, development agencies do not have extensive funds which can be used for rehabilitation and development of areas where internally displaced persons are to return. As a rule, the bulk of the development agencies' resources are expected to be used in

cooperation with the governments concerned. When areas hosting refugees and internally displaced persons are to be developed, problems can be created for the refugees, and even more so for the internally displaced. The concerned governments may give priority to the use of the limited funds for the benefit of nationals who are not displaced rather than for the integration of uprooted populations.¹⁷

When rehabilitation and development projects are designed and funded to benefit both the local population and uprooted persons, however, governments are often more responsive. In the Horn of Africa, Cambodia, Central America and Mozambique, relief and development agencies have been providing extensive assistance to community-based projects that help displaced populations while simultaneously stimulating the recovery and reconstruction of entire communities. In Ethiopia, UNDP and UNHCR have introduced a "cross-mandate" approach which has pooled the resources and expertise of all the relevant agencies to meet the relief, rehabilitation and development assistance needs of affected populations and areas.¹⁸

At the same time, lack of coordination between humanitarian relief and development agencies can impede the process of reintegration. In some instances, displaced persons have been transported to their homes only to find that there is no infrastructure there to sustain them or that there has been a failure to follow up reintegration assistance in a timely manner with development programs. UNHCR's quick impact projects (QIPs), for example, in areas of return have often proved valuable in restoring roads, schools and health facilities and providing income-earning opportunities for returnees, internally displaced persons and local residents alike. The projects, however, need to be linked to development efforts to ensure their sustainability. But UNDP as well as other development agencies have not always been prepared to step in or do not have the necessary resources to incorporate these projects into their development schemes. One example of inter-agency collaboration that should be carefully studied is the U.N. Development Program for Displaced Persons, Refugees and Returnees (PRODERE). Created in 1989, it was a five-year program to promote and facilitate the reintegration of more than two million uprooted persons in Central America. Its salient feature was that it brought together in institutional collaboration both humanitarian relief and development agencies.¹⁹

To date, the Inter-Agency Task Force on Internally Displaced Persons has focused mainly on the emergency phase of displacement. It should now turn its attention to devising ways to promote durable solutions for internally displaced persons, and to foster the coordination needed to accomplish this. This is recognized in the Task Force's latest terms of reference which call upon it to analyze not only the assistance and protection needs of internally displaced persons but to "seek durable solutions."²⁰ Criteria suggested by UNICEF for adoption by the Task Force point out that "whereas the relief needs of IDPs must be met, the ultimate relocation, resettlement and rehabilitation should be the goal for all participants."²¹

THE CAPACITIES OF EXISTING INSTITUTIONS

Because no single operational agency in the international system has overall responsibility for the internally displaced, or the ability alone to meet the varied needs of the displaced, the most effective system at this point is one that builds upon the capacities of existing agencies. This section of the report reviews the capabilities and roles the main international agencies are playing on behalf of the internally displaced with a view to evaluating the extent to which the assistance, protection and reintegration needs of internally displaced persons are effectively being addressed.

United Nations High Commissioner for Refugees

Of all the U.N. agencies, the U.N. High Commissioner for Refugees (UNHCR) has taken on the broadest assistance, protection and reintegration role for internally displaced persons. Although UNHCR's Statute does not include internally displaced persons, the organization has increasingly become involved in situations of internal displacement at the request of the Secretary-General or General Assembly, with the consent of the concerned state, and within the limits of the resources put at its disposal. In such instances, the High Commissioner acts on the basis of her good offices. Such activities are not financed from UNHCR's general program but from special trust funds.

In addition, the General Assembly has recognized in recent years that UNHCR's activities under its original mandate could be extended to internally displaced persons when both refugees and internally displaced persons are so intertwined that it would be practically impossible, and/or certainly not wise, to assist one group and not the other. This is the case, for example, when refugees repatriate to the same area where internally displaced persons are returning; or where the same causes produce both external and internal displacement and advantages exist for one operation

to deal with both groups although they are on different sides of the border; or where assisting internally displaced persons to remain in safety in their own country could prevent a refugee flow.²²

Application of these criteria has resulted in UNHCR's playing a prominent role in assisting and protecting internally displaced populations in some countries, for example in the former Yugoslavia and Tajikistan. In other countries, its role has been limited to areas where the internally displaced are mixed with returning refugees, as in Guatemala, Sierra Leone and Angola. In still other countries like Somalia, UNHCR undertook cross-border operations to assist the internally displaced in order to avert a refugee flow. In many other countries, however, such as the Sudan, Zaire, Cambodia, Colombia and Peru, it plays no role at all with the internally displaced.

While similarities in the needs of refugees and internally displaced persons often enable UNHCR to apply its expertise with refugees to the internally displaced, marked differences between the two groups have also necessitated new approaches. For example, internally displaced persons are often caught up in the middle of armed conflict and may be more vulnerable to violence than refugees. Frequently, they need to be defended from armed attack or evacuated from conflict areas or protected from forcible relocation or expulsion. Access to internally displaced persons may be more difficult than to refugees and may require the backup of military forces. Women and children may need heightened protection against sexual assault and forced conscription.

When UNHCR provides international protection to refugees, it defends refugees' legal right to asylum and non-refoulement and seeks to give refugees who lawfully reside on the territory of a foreign state a status as close to that of its nationals as possible. Such international protection is achieved by governmental accession to international treaties on refugees and by governmental observance of the terms of those treaties, which form the foundation for their protection. In the case of internally displaced persons, there is no specific legal instrument like the Refugee Convention that addresses their particular protection needs. Protection of the internally displaced generally has meant trying to defend their physical safety and human rights in accordance with international humanitarian and human rights law. A UNHCR report on its operational experience with internally displaced persons emphasizes the difficulties faced by the

organization in trying to extend protection to persons displaced in situations of internal conflict and points out that protection in such circumstances is often closer to ICRC's expertise than to its own.²³

The return of the internally displaced to their homes is also different from the voluntary repatriation of refugees to their home countries. In the area of return, UNHCR has a statutory responsibility in the case of refugees to promote their voluntary return which could involve the monitoring of returnees to their final destination in their country of origin. In the case of internally displaced persons, UNHCR has assisted substantial numbers to return and reintegrate in accordance with specific mandates given to the High Commissioner. However, it has no statutory responsibility in this area²⁴ and should work with other organizations like ICRC and human rights bodies to devise strategies for safe return or resettlement within the home countries.

The assumption of responsibilities with regard to the internally displaced has aroused a number of concerns among UNHCR staff. Concern has been expressed that involvement with the internally displaced will change the character of the agency and detract from its primary responsibility of protecting and assisting refugees in countries of asylum. Other objections relate to the limited resources available for dealing with internally displaced populations, the lack of a legal framework, the difficulty of protecting and assisting persons in a situation of armed conflict, the high risk to staff, and most importantly, the conflict that invariably arises between protecting people in their countries of origin and simultaneously defending their right to leave their country and seek asylum from persecution.

Concern has also been expressed that too much focus on in-country protection could detract from efforts to gain asylum for internally displaced persons. In the former Yugoslavia, for example, UNHCR has been criticized for paying too little attention to gaining asylum and resettlement for victims of violations; at the same time it has been criticized for paying too little attention to providing protection for victims of violations so that they can remain safely in their country of origin.²⁵ In a statement before UNHCR's Executive Committee, ICRC challenged the view that priority should be given to in-country protection to enable people to remain within their countries of origin: "That may be true in some instances but certainly not in all cases. To make this an *a priori*

criterion would inevitably convey the impression that the interests of third countries [i.e., countries reluctant to receive refugees] were being placed before those of the victims themselves."²⁶ UNHCR has repeatedly pointed out that protection for internally displaced persons cannot be at the expense of the organization's basic commitment to asylum.

As UNHCR continues its involvement with the internally displaced, it will have to deal with the inevitable tensions that arise between seeking to provide protection and assistance to both refugees and internally displaced persons in the same country. When countries that house refugees also produce internally displaced populations of their own, it can be difficult to address the problems of both groups. In the Sudan, for example, UNHCR's involvement with refugee programs has precluded it from protecting and assisting the internally displaced. In particular, it has feared a "negative reaction from the Sudanese Government" with respect to refugees if it undertook an active role in protecting internally displaced populations.²⁷

International Committee of the Red Cross

Of all the institutions dealing with the internally displaced, the International Committee of the Red Cross (ICRC) has the clearest mandate to protect and assist victims of internal conflict who constitute, if not the largest group, at least the most complex one among the internally displaced. Although a private, non-U.N. organization, ICRC has overall statutory responsibility for the application of international humanitarian law ("the Geneva Conventions and Additional Protocols") in international and non-international armed conflict situations. In recent years, ICRC has been expanding its capacity in particular to protect and assist civilians in non-international armed conflicts and has allocated more than 80 per cent of its field budget to this purpose. It also has become directly involved in situations of internal strife, to which the Geneva Conventions and Protocols do not apply. It has accomplished this by exercising its right of initiative under the Statutes of the International Red Cross and Red Crescent Movement. Under these Statutes, ICRC may offer its services to governments to protect and assist the civilian victims of internal strife,²⁸

many of whom are internally displaced persons. Recent resolutions of the International Red Cross and Red Crescent Movement have endorsed ICRC's involvement in these situations.

ICRC makes no distinction between protection and assistance activities. While U.N. humanitarian and development agencies often contend that protection responsibilities will jeopardize their assistance role, ICRC has gained the acceptance of both governments and insurgent forces in carrying out a joint protection and assistance role. One of ICRC's organizational strengths is that its representatives extend protection on both sides in conflict situations and seek to reach those whom other humanitarian organizations cannot reach because of hazardous security conditions or political obstacles. Its willingness to deploy delegates in areas of danger was particularly evident in Somalia in 1990-91 when the U.N. absented itself and ICRC assumed the main responsibility for delivering relief to the Somali people, including large numbers of internally displaced persons. ICRC's responsibility, moreover, is to the victims of conflict whereas the U.N.'s is primarily to governments. And unlike the UNHCR and other U.N. agencies, ICRC never delegates its work in the field to others (at least not beyond the Red Cross and Red Crescent Movement), which enables it to ensure that its operations meet ICRC standards.

ICRC's protection role includes monitoring the implementation of the Geneva Conventions and Protocols with regard to civilian populations, making representations to governments and non-state actors when violations occur, gaining access to and securing the release of detainees, evacuating civilians from situations of danger, creating protected areas, establishing tracing networks, and facilitating arrangements for the creation of humanitarian space and cease fires. Recent ICRC activities in Rwanda and Chechnya have benefitted internally displaced persons extensively both in the area of protection and assistance.²⁹

ICRC's independence, however, sometimes complicates its ability to work with other agencies in the field. Although its mandate necessarily limits the extent to which it can involve itself in U.N. affairs, the enormity of humanitarian emergencies makes collaborative work essential. Despite its worldwide staff of 6,000 to 7,000 people, its budget of \$500 million, and permanent delegations in more than 60 countries, ICRC does not have

the capacity alone to address the magnitude of humanitarian emergencies. In recent years, as a result, it has sought ways of working in closer consultation with other humanitarian agencies in armed conflict situations.

ICRC and UNHCR in particular have been trying to coordinate their operations to increase the impact of international presence in areas of internal displacement. Their efforts for the most part have been complementary, but collaboration has not always been easy to accomplish. For example, ICRC has stringent rules and procedures for operating in countries of origin of which UNHCR staff may not be aware or may not feel bound to comply with when undertaking protection functions. Not abiding by these, however, could seriously undercut government adherence to ICRC standards. Moreover, because U.N. operations are not always perceived as neutral, ICRC at times has sought to distance itself to ensure respect for its independence and neutrality. Nevertheless, closer collaboration and a division of labor have often been achieved in the field by the two organizations, most notably in the former Yugoslavia, Chechnya and Tajikistan.

ICRC's policy of confidentiality with regard to violations of humanitarian law is viewed with reserve by some human rights NGOs which claim that it does not always strengthen protection. Although ICRC does make public appeals when serious and repeated violations persist, they are often addressed to "all sides" in a conflict. However, in recent conflict situations, in particular in the former Yugoslavia and Rwanda, ICRC has issued public statements exposing the egregious violations of particular sides. Nonetheless, ICRC generally exercises restraint in the face of serious abuse, and in respect of the principle of confidentiality does not transmit information to war crimes tribunals as human rights bodies do. This policy of confidentiality, however, often gains the organization greater access than other groups. In situations of internal strife where the Geneva Conventions and Protocols do not apply, ICRC has sometimes made gains by submitting confidential reports to the authorities on the protection of civilians. Still, it needs to continue to explore ways it can work more closely with U.N. agencies, NGOs and human rights bodies which can provide additional support in the area of protection.

Like other organizations engaged in protection, ICRC faces problems of access. Not all states have ratified the Geneva Conventions and Protocols.³⁰ And even the many states that have ratified them do not

always allow entry to ICRC or admit that a non-international armed conflict is taking place on their territory. ICRC, for example, has been deterred from assisting internally displaced populations in Guatemala and Turkey, even though conflicts in those countries have produced substantial numbers of displaced persons. Moreover, ICRC may be precluded from involvement when internal displacement is unrelated to warfare and when ICRC conditions for involvement are not met.

United Nations Development Programme

Resident Representatives of the U.N. Development Programme (UNDP) often act in dual capacities: as the senior official of UNDP in the country concerned, and as the Resident Coordinator of the U.N. system in that country. In 1990, a General Assembly resolution assigned to the Resident Coordinator "...the function of coordinating assistance to the internally displaced, in close cooperation with Governments, local representatives of donor countries and the United Nations agencies in the field."³¹

As Resident Representatives of UNDP, they of course report to UNDP headquarters. As Resident Coordinators dealing with emergency assistance, they report to the Department of Humanitarian Affairs (DHA). When dealing with economic and social issues, they report to the office of the Under-Secretary-General for Policy Coordination and Sustainable Development. In the area of human rights and protection of internally displaced persons, however, they have no reporting responsibilities. Although Resident Representatives/Resident Coordinators recently have been requested by UNDP to provide information about internal displacement to the Representative of the Secretary-General on Internally Displaced Persons, this does not constitute a regular, formal reporting requirement with regard to human rights issues and the protection of internally displaced persons. Now that the Emergency Relief Coordinator (ERC) has become the U.N.'s "reference point" for requests for protection and assistance for internally displaced persons, consideration should be given to Resident Coordinators' reporting jointly to the ERC and the Representative of the Secretary-General on issues of human rights and

protection of internally displaced persons. The Representative, through his association with the Centre for Human Rights, would keep the High Commissioner for Human Rights informed.

Though progress is being made, substantial effort is still required to resolve the tensions inherent in the dual role of UNDP officials as Resident Representative and Resident Coordinator. There has been some resistance from within UNDP to the involvement of their senior officials in the field with issues other than development ones. However, the proliferation of internal conflicts, the increasing number of collapsed and re-forming states, and famine and drought have generated a multiplicity of emergency situations in the developing world that the United Nations system is increasingly called upon to address. Inevitably, UNDP officials in the field have been requested to deal with the impact of such situations on the development objectives of the country concerned.

The crystallizing experience for UNDP was the Ethiopian emergency in the mid-1980s where UNDP Resident Representatives in Ethiopia and the Sudan (the country to which many Ethiopians fled) were given the key field coordination roles in organizing the response within the framework of the Office of Emergency Operations in Africa. Subsequently, through international conferences, such as SARRED and CIREFCA³², the informal policy of looking to the UNDP Resident Representative as the field-level emergency coordinator of preference became more formalized. However, the absence of an official or office within the U.N. Secretariat, to whom this person could relate, left many UNDP officers unclear as to their reporting relationships in emergency situations. The creation in 1991 of the post of U.N. Emergency Relief Coordinator and the Department of Humanitarian Affairs helped to clarify their roles as far as humanitarian issues are concerned.

Today, the UNDP Resident Representative serves in most cases as the Resident Coordinator of the U.N. system for emergency situations. However, there has been a trend toward broadening the choice so that an individual other than the Resident Representative can be selected in situations of complex emergency. Once a complex emergency is recognized, the Under-Secretary-General for Humanitarian Affairs (i.e., the Emergency Relief Coordinator) is authorized to begin consultations with IASC members on the possible appointment of a "Humanitarian Coordinator." Most of the Humanitarian Coordinators chosen to date have

not been Resident Representatives from UNDP. In Rwanda, a special emergency relief coordinator was dispatched to the field in addition to the Resident Representative/Resident Coordinator. In Sri Lanka, the Resident Representative/Resident Coordinator himself appointed a special coordinator for humanitarian affairs whose activities include the internally displaced. These responses reflect the need for special expertise in dealing with emergency situations, but lessons should be drawn from the different formulae used to decide on the most appropriate institutional arrangement.

UNDP Resident Representatives are gradually being trained in performing the emergency coordinator function under a Disaster Management Training Programme, administered jointly by DHA and UNDP. This training effort very much needs to be continued and expanded, as too few UNDP officials have experience with emergency work, conflict resolution processes, early warning techniques and human rights and protection principles. A special office concerned with humanitarian emergencies has also been established in UNDP headquarters to facilitate the training program and to encourage more effective engagement of UNDP capacities in emergency situations.

The net effect of these efforts over the past several years has been greater acceptance by UNDP that some of its key officials in the field and at headquarters will have to be substantially concerned and involved with humanitarian emergencies and play an important role with regard to internally displaced persons.

UNDP officials, however, like those in other agencies, tend to see internally displaced persons as part of a larger population affected by wars, failed states, droughts and famines. Although as Resident Coordinators they have to coordinate assistance to the internally displaced, they generally tend not to emphasize their relationship to this group, whose designation is based not just on material need but on the extent of their exposure to human rights abuse. Most Resident Coordinators do not consider protection activities to be compatible with their responsibility of serving as the Resident Representative of UNDP, in which position they work closely with governments on development programs. As coordinators of assistance, however, they must have a broader purview that encompasses protection problems. Often they are concerned that involvement with protection issues may exceed their mandate or result in

their expulsion. Sometimes Resident Coordinators have even been known to echo the government's view that internal displacement is not a problem requiring U.N. involvement.

Until such time as Resident Coordinators have reporting responsibilities on protection issues and receive human rights advice and guidance from appropriate U.N. offices, DHA should strengthen the capacity of Resident Coordinators to address the protection dimension of emergency situations and assure that protection issues are dealt with regularly, and not solely if the Resident Coordinator is so inclined. When Resident Coordinators cannot feasibly raise protection issues, they should be expected to develop closer working relationships with those who can, in particular the Representative of the Secretary-General on Internally Displaced Persons, and through him, U.N. human rights bodies. They should also be expected to develop closer working relationships with international and local NGOs and non-state actors, with whom UNDP does not usually collaborate.

Greater efforts also need to be made to bridge the gap between UNDP's long-term development role in a country and the function of assisting displaced persons on an emergency basis. In 1990, UNDP endorsed the view that relief and development work should be more closely linked and that UNDP staff should engage themselves more fully in the early phases of an emergency. As this becomes more the case, UNDP will have to develop greater expertise in working with internally displaced populations on an emergency basis and in designing programs to meet their longer-term development needs.

Increasingly, the UNDP office dealing with humanitarian emergencies has begun to focus on the continuum from relief to development; and UNDP representatives have become more inclined to take into account the needs of displaced populations and to initiate programs of which they are the beneficiaries. In Kenya, for example, UNDP introduced a program to meet both the emergency and development needs of an estimated 300,000 persons displaced following ethnic conflict.³³ UNDP has also become involved in helping reintegrate uprooted persons into areas undergoing post-war reconstruction, such as in Cambodia, Mozambique, and the Horn of Africa.

World Food Programme

The single largest provider of food commodities to the internally displaced is the World Food Programme (WFP), which handles one quarter of the world's food aid. WFP has been providing assistance to internally displaced persons for the past 30 years. However, as a result of the increasing number of emergency situations in recent years, the internally displaced have come to represent the largest category of beneficiaries of WFP relief aid, or about 35 percent of the 57 million persons WFP assists. In 1994, the agency allocated 2.1 million tons of food to an estimated 16.5 million internally displaced persons, or about half the internally displaced population worldwide.³⁴

WFP programs for the internally displaced and others face a particular difficulty that derives from the fact that the organization distributes through other entities. Sometimes, as a result, the food distribution systems set up have been reported to be inequitable or inadequate, and WFP has had to become directly involved in the monitoring of food distribution. WFP also has sought to encourage other U.N. agencies, such as UNHCR, to increase their oversight of distribution systems.³⁵

Because no one agency specifically speaks for internally displaced persons or seeks to ensure that sufficient food is made available to them and in a timely manner, their needs can be easily overlooked. The Working Group of the Inter-Agency Standing Committee recently noted that shortages of food resources in central Africa resulted in a cut-off by WFP of distributions to internally displaced populations in northern Burundi although refugees in those same areas continued to be served. It concluded that the "provision of assistance to the internally displaced remains inadequately addressed."³⁶ In the absence of a specific agency monitoring, and catering to, the needs of the internally displaced, greater attention will need to be paid by WFP to providing food and supplies to them. One possible solution is the organization of some kind of accountability system for providing food and supplies to the internally

displaced. In the case of the Sudan, WFP has been criticized for allowing the Government to exercise "a veto" over food distribution to needy populations, both displaced and otherwise, on political or ethnic grounds.³⁷

WFP has taken a number of steps to improve the timeliness and quality of its emergency response, among others the creation of rapid response teams, the secondment of officers from NGOs, and the stockpiling of vehicles and communications equipment. It also has strengthened its collaboration with other U.N. agencies, in particular UNHCR and UNICEF, and with NGOs. It has played a major role in meeting the needs of the internally displaced in the former Yugoslavia, the former Soviet Union, and the Rwanda/Burundi region in collaboration with other agencies, in particular UNHCR. In Angola, Cambodia, Liberia, Mozambique, and Sierra Leone, it has played the lead role in responding to the relief needs of the internally displaced.

Although protection concerns *per se* fall outside WFP's mandate, in situations where internally displaced persons are in danger of starvation, WFP does negotiate access and safe passage for its food and personnel with governments and rebel forces. Negotiations with the Government of Ethiopia and the Eritrean People's Liberation Front in the 1980s, for example, resulted in access to 5 million internally displaced persons in Eritrea and Tigray. More recently, negotiations with the Government of Rwanda and the Rwandan Patriotic Front enabled WFP to mount cross-border operations into both northern and southern Rwanda.³⁸ When governments or rebel forces have obstructed the delivery of food to internally displaced populations, such as in the Sudan and Liberia, WFP has lodged protests, but basically it has turned to the Emergency Relief Coordinator or the Office of the Secretary-General to intercede. It may also seek the assistance of organizations engaged in protection, such as ICRC.

Beyond providing relief assistance, WFP's mandate also extends to providing food aid in support of return, reintegration, reconstruction and development, in which internally displaced persons are involved. In such cases, food aid is provided on a food-for-work basis to stimulate economic and social development and in support of education, nutrition and health projects. WFP-supported rehabilitation activities in Afghanistan.

Mozambique, Cambodia and Somalia generally target entire communities but also pay special attention to re-integrating internally displaced persons and returning refugees into the mainstream development of the community.

Although in the past, WFP's primary focus was development assistance, today refugee and emergency work count for as much as 70 percent of the expenditures of its \$1.5 billion budget. The declining availability of resources for development assistance combined with the need to divert resources to emergency operations and the difficulty of undertaking development projects in countries affected by internal conflict have markedly reduced the amount of assistance for development projects. Two out of three tons of food aid provided by WFP in 1994 were distributed as relief assistance with only one ton used in support of development projects.³⁹ This shift has also affected emergency operations because lower levels of WFP development assistance in different countries reduce the amount of food from which emergency supplies can be borrowed.

United Nations Children's Fund

The United Nations Children's Fund (UNICEF) has become involved in many situations of internal displacement through its efforts to provide services to women and children in the areas of health care, education, nutrition, and sanitation. In recent years, its involvement in emergency situations has increased, with 28 percent of its activities now devoted to emergencies out of a \$1 billion budget. When UNICEF becomes involved in an emergency, it seeks to combine relief with developmental actions by training and utilizing people from the community as health workers, teachers or operators of water treatment plants, and by supporting indigenous organizations rather than creating new ones. Like other development-oriented organizations, it prefers community-based approaches that benefit the entire community, inclusive of displaced populations.⁴⁰

Although its primary concerns are in the relief and development area, it has made efforts to address protection problems, particularly when they affect the delivery of assistance. For example, UNICEF has adopted a policy on the protection of children in "especially difficult circumstances" and has been in the forefront of negotiations with all sides in conflict situations to gain access to children in need. It has secured agreement for relief corridors, such as Operation Lifeline Sudan,⁴¹ and has mounted cross-border operations, enabling it to reach children behind both government and insurgent lines. UNICEF was a leading advocate of the U.N. Convention on the Rights of the Child and has been providing information to the implementing body set up under the Convention in order to increase protection for children. In particularly egregious cases, its Executive Director makes public statements. In 1995, the first Regional Consultation on the Impact of Armed Conflict on Children was held in Addis Ababa and put forward recommendations to strengthen protection for children victimized by armed conflict; additional regional consultations have followed.

At the same time, UNICEF has not always given as great a priority as it might to protection issues,⁴² such as forcible conscription, sexual exploitation, sexual violence, and the physical and psychological trauma resulting from exposure to conflict and violence. Some staff members contend that the Convention on the Rights of the Child gives UNICEF increased authority in the area of child protection and that it should strengthen its advocacy role for children's human rights. Because of the serious protection problems confronting women and children, including the internally displaced, UNICEF has begun to pay greater attention to these concerns. In southern Sudan, for example, UNICEF officials have made representations on the forcible conscription of children, and in Burundi UNICEF has been helping to trace the families of unaccompanied children, has organized a center for traumatized children and has placed more than 10,000 uprooted children with foster families. UNICEF also put forward a set of principles in 1995 to guide all agencies in assisting internally displaced persons. The principles include the "protection of IDPs from human rights violations and unwarranted perpetration of atrocities."⁴³

Although UNICEF's commitment is to children and women as a category of people in need, it generally has not become involved in assisting refugee women or children when they are in camps or emergency situations, on grounds that this would duplicate UNHCR's responsibility to assist and protect this group. In the former Yugoslavia, for example, UNICEF has refrained from addressing the emergency needs of refugee women and children although it has engaged in development projects for their benefit.⁴⁴ UNICEF's reluctance to become more involved limits its contribution to meeting humanitarian needs in emergency situations. Its practice of allowing other agencies to bear the responsibility for aiding women and children should be taken into account in discussions on improving institutional arrangements for internally displaced persons.

World Health Organization

The World Health Organization (WHO) bases its growing involvement in situations of internal displacement on its Constitution which authorizes WHO, at the request of governments or the U.N., to furnish necessary aid in emergencies, to act as the directing and coordinating authority on international health work, and to provide, or assist in providing health service and facilities to "special groups."⁴⁵ Although the organization has not yet played a leading role in addressing the health care problems of internally displaced persons, a growing priority is now being given to the health problems of displaced persons as part of an effort to more effectively address long-term emergencies.

In 1993, WHO reorganized its Division of Emergencies and Humanitarian Action. Health emergency teams were dispatched to the field to assess the health status and needs of affected populations, deliver emergency supplies, assist the victims of trauma, and help coordinate and strengthen local health services. WHO also established a worldwide network of emergency health coordinators to manage and coordinate health responses in emergencies, and it has been stockpiling medical supplies for use in emergencies. These activities go beyond WHO's traditional role of monitoring health programs and providing technical advice to governments and involve it more directly in situations where health services have been disrupted and government authority has broken

down. WHO's Executive Board and the World Health Assembly have approved the agency's assuming a more active role in emergency situations, including carrying out certain operational activities.⁴⁶

In Rwanda, WHO joined international assistance efforts to aid refugees, internally displaced persons and the host population. Its emergency work has also benefitted internally displaced populations in the former Yugoslavia, Somalia, Afghanistan, Tajikistan and Iraq. Its emergency preparedness program, Health and Development for Displaced Populations (HEDIP), was created in 1991 as a research program to develop strategies for providing health care and humanitarian assistance to displaced populations in Sri Lanka, Mozambique, Croatia and Central America. HEDIP's philosophy is to link emergency relief to long-term development and to extend assistance to entire communities, including the displaced.⁴⁷

WHO further has been considering playing a greater advocacy role in defense of the victims of armed conflict. In 1995, the World Health Assembly called for strengthening WHO's "advocacy" for "the protection of non-combatants" in conflict situations as well as for health personnel and infrastructure.⁴⁸ The repeated and deliberate attacks on health care personnel in conflict situations, the forcing of health personnel to commit unethical acts, and the high death rates among displaced populations have all contributed to encouraging WHO to adopt a more activist approach. In consequence WHO has organized programs for health personnel in the former Yugoslavia, has pledged to advocate an international ban on the production and use of anti-personnel land mines, and plans to set up treatment and rehabilitation programs for the victims of violence.⁴⁹

In the case of the internally displaced, however, WHO's involvement has not been extensive. The fact that the death rates among internally displaced populations are among the highest of all groups in humanitarian emergencies -- and often are caused by inattention to clean water, sanitation and immunizations -- shows that there is scope for substantial expansion of WHO's activities. In Somalia, for example, in the early 1990s, most deaths were attributed not to starvation, which humanitarian agencies sought to address, but to insufficient attention to public health.⁵⁰

International Organization for Migration

For the International Organization for Migration (IOM), a non-U.N., intergovernmental institution, the internally displaced fall within the broader category of "displaced persons" that the organization's mandate covers, in addition to refugees and other individuals in need of international migration services. IOM's Constitution, in fact, appears to be unique in providing a mandate for "displaced persons" that encompasses both those who migrate internally and internationally.

The migration assistance IOM provides in the case of internally displaced persons covers a wide range of activities, such as arranging transport, evacuations and returns; providing health care, emergency shelter and other material relief; providing rapid analysis of migratory flows and early warning; developing national population information systems; organizing census taking; and providing technical cooperation to governments. IOM has concluded with numerous member and observer states cooperation agreements that stipulate its involvement in internal migration and the provision of migration assistance or protection to internally displaced persons. Its involvement is contingent upon the request or the agreement of the state concerned.

More recently, IOM has begun to assist with the reintegration of displaced persons in order to ensure that the persons it transports are able to reintegrate and resume their lives on a sustainable basis in return areas. In Mozambique, IOM has moved more than 100,000 internally displaced persons and returnees to their places of origin or choice and provided reintegration assistance, working closely with U.N. agencies and NGOs. In Angola, IOM plans to assist with the return and reintegration of 600,000 internally displaced persons.

For IOM, protection and assistance are closely linked. By meeting the essential assistance needs of displaced persons, IOM considers that it is providing *de facto* protection. It also believes that the presence of an international organization may, in some instances, be interpreted as a form of protection. In implementing its activities, IOM considers itself bound by a number of constitutional safeguards and guidelines. For example, it

insists that when it provides assistance, especially physical transportation, such movement must be voluntary. It also seeks to ensure that persons moved by the organization are given the opportunity to re-establish their lives in dignity and self-respect.

Nonetheless, the activities IOM undertakes raise protection and ethical concerns that need to be addressed both by IOM and other organizations that engage in such work. Organizing the registration of internally displaced persons, for example, raises concerns about whether effective safeguards have been developed against potential government abuse for purposes of repression. Centralized census-taking and the development of population information systems, although needed for statistical purposes, raise similar concerns. Transporting internally displaced persons also raises serious protection issues for IOM as well as for other organizations: moving ethnic groups from one area of a country to another raises questions as to whether the movements are completely voluntary, whether transport could be perceived as a form of participation in "ethnic cleansing," and whether conditions are sufficiently safe to warrant return.

While the IOM guidelines and safeguards are under constant internal review and appraisal, attention ought to be given to increased collaborative monitoring with human rights bodies to ensure effective protection during the return and reintegration process. Similarly, additional criteria and guidelines should be considered to increase safeguards for activities such as the registration of internally displaced persons, centralized census-taking, and the development of population information systems. They could help increase protection for displaced and other populations and prove valuable in guiding other organizations and governments involved in such activities.

Other Agencies

In addition to the organizations and programs discussed above, other U.N. agencies play a role in providing assistance and reintegration support to internally displaced persons.

The Food and Agriculture Organization (FAO), through its Global Information and Early Warning System, provides valuable information to the U.N.'s early warning system on sudden population displacements resulting from drought and famine. It also participates in needs assessments missions in emergency situations. Its main involvement with the internally displaced, however, is in the areas of resettlement and rehabilitation. FAO has at times assisted internally displaced persons and returning refugees with agricultural resettlement, as they often confront difficulties in adapting to new environments and new farming systems.

The International Labor Organization (ILO) designs income-generating and employment projects that have benefitted internally displaced persons, migrants and refugees. Its approach is to integrate displaced persons into community-based projects. Where refugees and displaced persons make up whole communities, ILO promotes the organization of action committees, women's groups and cooperatives because of the important role these play in community development.

Department of Humanitarian Affairs: The Question of Coordination

What becomes clear in looking at the many and disparate capacities of international agencies for dealing with displaced populations is that close coordination is essential to achieve an effective response. A U.N. report in 1991 emphasized the need to bring closer together the various organizations dealing with humanitarian and development issues and to combine their expertise and resources. It pointed out the delays and lack of preparedness inherent in an *ad hoc* system and "the difficulty that

the United Nations entities have and the time it takes to agree among themselves on an acceptable coordination arrangement to decide on how to assess the situation, to reach a clear division of responsibilities, to work out a unitary plan of action and to get the Secretary-General to launch a joint appeal."⁵¹

It was the need for more effective coordination in the area of humanitarian assistance that led the General Assembly to adopt a resolution in December 1991 that created the post of Emergency Relief Coordinator at the Under-Secretary-General level.⁵² Subsequently, the Secretary-General created the Department of Humanitarian Affairs (DHA) and nominated the Emergency Relief Coordinator as its head. As noted above, the Under-Secretary-General retains a direct link in the field through the Resident Coordinators who report to him when dealing with humanitarian issues such as internal displacement. One of his most important tasks is to advocate for humanitarian causes, including internally displaced persons, within the U.N. system and to advise the Secretary-General when humanitarian issues are discussed at the Security Council. DHA's responsibilities include determining which humanitarian emergencies are to be considered complex and will therefore require coordination by the U.N.; assigning responsibility to agencies in the field; coordinating a consolidated appeals process for all concerned agencies to mobilize contributions for emergency humanitarian response; allocating funds from a Central Emergency Revolving Fund; and ensuring that emergency relief operations are conceived and implemented in such a way that rehabilitation and reconstruction stem naturally from these operations. The Inter-Agency Standing Committee (IASC), which is composed of the heads of the major U.N. humanitarian and development organizations, is chaired by the Emergency Relief Coordinator and serves as one of the vehicles for DHA's coordinating role in emergency situations.

Although DHA has no protection responsibilities *per se*, it cannot effectively coordinate emergency assistance or negotiate access to emergency areas without acknowledging the integral link between humanitarian assistance and protection. In delegating responsibility when emergencies occur, it must be aware of the degree to which U.N. and other agencies are capable of providing protection and the degree to which their capacities must be strengthened. DHA officials, while recognizing that

internally displaced persons are often in particularly difficult straits, do not always pay sufficient attention to their protection needs. The Under-Secretary-General for Humanitarian Affairs, in keeping with his mandate, defines the needs of the internally displaced in emergency relief terms rather than in terms of protection. While he has increasingly come to appreciate the importance of a comprehensive approach to assistance and protection for internally displaced persons, protection has not yet received the attention it should in the field.

Strong leadership will have to be exerted to assure that human rights and protection concerns are adequately included within the framework of international response to emergencies of which internally displaced persons are a part. The U.N. human rights system is not yet strong enough or sufficiently operational to play this role effectively (although it is hoped that the newly appointed High Commissioner for Human Rights will seek to strengthen the capacities of human rights bodies to do so). In places like Rwanda and Bosnia, the rights and protection gap has been made painfully apparent. In Bosnia, internally displaced persons in "safe areas" received relief from the U.N. but were not consistently given protection, and in Zepa and Srebrenica, they were abandoned. In Rwanda, one of the largest massacres of internally displaced persons in a camp situation took place in Kibeho, where the coordination of relief was being carried out by U.N. agencies but where there was too little attention to the area of protection.⁵³ Humanitarian relief unaccompanied by protection has been faulted for prolonging conflicts, serving as a substitute for political initiative and being an unintended means of empowering militant, genocidal forces.⁵⁴

The Under-Secretary-General for Humanitarian Affairs, together with the High Commissioner for Human Rights, must find ways of assuring that improved coordination of humanitarian assistance in complex emergencies does not exclude fundamental protection issues from consideration. The role DHA plays in encouraging coordinated response to problems of the internally displaced can be seen as a litmus test of its readiness to play a leadership role within the United Nations in shaping comprehensive strategies and approaches to addressing the humanitarian dimension of complex emergencies.

DHA's leadership role also extends to the field, where Disaster Management Teams (DMTs), headed by the Resident Coordinator, have been made responsible for coordinating humanitarian assistance to internally displaced persons and ensuring that rehabilitation and development activities are undertaken in coordination with relief efforts. The DMTs are composed of U.N. operational agencies and sometimes NGOs. In a number of countries, however, DMTs have been found to exist in name only and to engage only minimally in disaster management planning. According to the Inter-Agency Standing Committee's Task Force on Internally Displaced Persons:

Whereas there are notable examples of Resident Representatives/Coordinators who have taken important initiatives to deal with the situation of IDPs in their country, there exist nevertheless a common understanding that this in-country coordination system of the UN, based on the Disaster Management Teams, has often not been fully utilized to provide adequate support to IDPs. Moreover, the existing inter-agency coordination structure at the country level must be further enhanced.⁵⁵

To strengthen in-country coordination, Resident Coordinators will have to assume a leadership role and ensure that DMTs meet regularly and have the necessary staff support to operate effectively. Relationships must also be strengthened with the non-U.N. community, and there must be an interface as well with U.N. forces in the country which often play an important role in facilitating relief missions and providing protection.

Often the Resident Coordinator's role is complicated by emergency arrangements in which others are sent out to be in charge of relief efforts or to represent the U.N. system. For example, when the Secretary-General designates a special representative in an emergency, the role of the Resident Coordinator and DMT should be to ensure that the actions of different agencies are coordinated in support of the objectives of the special representative. In cases such as Rwanda, U.N. agencies in several instances undercut the special representative's initiatives by providing assistance without attention to the strategies the special representative was pursuing. In other cases, where a lead agency has been designated to be in

charge of the relief effort, the Resident Coordinator and DMT should seek to ensure that other agencies in the country cooperate in support of the lead agency's role. Sometimes, other agencies have preferred to leave all responsibility to the lead agency, even though it may not have the capacity to address all aspects of the problem. There are also cases where DHA designates its own Humanitarian Coordinator in an emergency. Here, operational lines have to be drawn between this individual and the Resident Coordinator so that only one of them is considered responsible for coordination of the U.N.'s humanitarian response.

Coordination in the field in the area of protection should mean the development of a common approach in response to human rights violations so that governments and non-state actors are made aware that they are dealing with a united front. Even though the mandates of many agencies do not encompass protection *per se*, the Resident Coordinator must bear in mind his or her responsibility for representing the U.N. system as a whole which is bound by international human rights and humanitarian standards. As the Director General of the World Health Organization has observed, "disparities in approach" by U.N. agencies to violations of humanitarian law should be "a subject of concern" to all those involved in the provision of humanitarian aid, and "a common approach" should be developed.⁵⁶ A move in this direction was made recently when the DMT training program invited collaboration from the U.N. High Commissioner for Human Rights to ensure that human rights and protection issues would be better integrated into the training provided.

DHA's responsibility to ensure "a smooth transition from relief to rehabilitation and development"⁵⁷ should also be reflected in the work of the DMTs. From the outset of an emergency, the DMT should bring into play the expertise of development-oriented organizations and promote inter-agency partnerships to address recovery situations. Mobilization of the necessary financial and technical resources, including those from international financial institutions, should be undertaken to assure that U.N. support addresses the rehabilitation and development needs flowing from emergencies. The DMT should also seek to improve the pooling, analysis and dissemination of early warning information to alert U.N. headquarters to possible new disasters.

U.N. Human Rights Bodies

Unlike the U.N.'s humanitarian and development agencies, U.N. human rights bodies are not operational entities with offices and representatives throughout the world authorized to address specific aspects of emergency situations. They have not traditionally been involved in emergency situations, do not have sustained presence in the field, and have extraordinarily limited resources.⁵⁸ Recently, however, they have begun to take steps to develop rapid and meaningful responses to emergencies and to broaden their agenda to include persons affected by civil wars or displaced by ethnic strife or gross violations of human rights.

If U.N. human rights bodies begin more effectively to shoulder some of the protection responsibilities emanating from emergencies, the capacity of the entire U.N. system to respond to human rights and humanitarian crises will be enhanced. If they fail to do so, human rights concerns could become marginal to the U.N.'s handling of these crises.

U.N. Commission on Human Rights

The U.N.'s principal human rights body is the Commission on Human Rights. Composed of the representatives of 53 governments, it is authorized by the Economic and Social Council and General Assembly to deal with any matter relating to human rights. Its principal role since it was founded in 1946 has been to develop international human rights standards which constitute the foundation for individual protection in the human rights field. The Commission also has played an important role in trying to implement these standards by establishing dialogues with governments, appointing rapporteurs to investigate and publish reports on human rights conditions, adopting resolutions and issuing appeals, and providing technical assistance to strengthen national human rights institutions. The Commission meets once a year for a six-week period.

Faced with the challenge of developing rapid responses to human rights and humanitarian emergencies, the Economic and Social Council (ECOSOC) empowered the Commission in 1990 to convene exceptional sessions when an urgent human rights situation arises and a majority agrees.⁵⁹ The Commission, as a result, called an emergency session on the former Yugoslavia in 1992 and on Rwanda in 1994. These marked significant steps forward in enabling the Commission to play a role in the U.N.'s dealing with these situations. In both cases, the Commission appointed special rapporteurs to prepare reports on the human rights situation and for the first time, authorized the deployment of monitors to the field. In most emergency situations, however, the Commission is not in a position to act because it is in session only once a year. Moreover, resources constrain its activity as does political selectivity which results in many serious situations escaping scrutiny.⁶⁰ At the same time, its willingness to convene special sessions, at least in two cases, has made it known that the Commission can be called upon to shoulder some human rights protection responsibilities in emergencies.

Other significant steps the Commission has taken to address the human rights dimension of humanitarian emergencies are its publication in 1991 of a report on the human rights issues relating to internal displacement; and its request to the Secretary-General in 1992 to designate a representative on internally displaced persons. The Representative of the Secretary-General was requested to prepare a report to identify existing laws and machinery for the protection of internally displaced persons and "possible additional measures" to be taken (for the Representative's mandate and role, see subsequent section on Focal Points). He has become a catalyst, liaison and advocate for the internally displaced and has received strong Commission endorsement.

Further demonstrating its support of international action on behalf of the displaced, the Commission has begun to draw attention in its resolutions to problems of forcible displacement and obstruction of humanitarian aid in different countries. It has requested Commission rapporteurs, working groups and experts to include information and recommendations on internal displacement in their reports.⁶¹ The Special Rapporteur on the Sudan, for example, after documenting attacks on internally displaced persons, called upon the government "to address the problem of displacement and create appropriate conditions for displaced persons to return to their homelands."⁶²

Another area in which the Commission could play an important role is in the development of a legal framework for the internally displaced. At present, there is no one instrument that defines legal protection for the internally displaced. Moreover, existing human rights and humanitarian law do not always provide explicit protections for those displaced from their homes or afford sufficient protection for those caught up in conflict situations or strife below the legally defined armed conflict level. It has been recommended that a suitable legal framework be devised to form the basis of advocacy for the internally displaced by human rights and humanitarian organizations. The Representative of the Secretary-General, with Commission endorsement, has embarked upon the preparation of a compilation of existing norms to identify the specific principles in human rights and humanitarian law, and refugee law by analogy, that are applicable to the internally displaced and to identify gaps that might exist in the law. An instrument based on these norms but specifically tailored to the internally displaced is to be developed, and it will be introduced into the Commission by the Representative.⁶³

Finally, the Commission is in a position to authorize greater presence and protection in the field with regard to the internally displaced. Political and financial considerations have often impeded the Commission's ability to establish human rights field presence in different countries, but this situation has gradually begun to change (see subsequent section on Steps to Improve the Current System). In Rwanda, for example, human rights field staff, numbering more than 100, were authorized to facilitate the return of internally displaced persons and refugees to their homes in addition to more traditional human rights functions of monitoring and reporting. Human rights staff could be deployed in other countries as well to work together with U.N. humanitarian organizations and peacekeeping forces to facilitate returns and also provide protection for the internally displaced.

High Commissioner for Human Rights

The appointment by the Secretary-General of a High Commissioner for Human Rights in 1994, with the approval of the General Assembly, marked the culmination of a thirty-year advocacy effort by NGOs and governments, intended to bring greater leadership and cohesion to the U.N. human rights program. The High Commissioner was given the rank of Under-Secretary-General and a broad mandate for prevention, promotion and protection of human rights.⁶⁴ He was placed in charge of the Centre for Human Rights, the arm of the U.N. Secretariat that carries out the U.N.'s human rights program.

Since the beginning of his four-year term, the High Commissioner has given priority to strengthening the ability of the Centre for Human Rights and the Commission to react rapidly to human rights emergencies. However, he has faced considerable obstacles in trying to achieve this. In the case of Rwanda, for example, he played a major role in seeing that an emergency session of the Commission was called; nonetheless, the meeting was not actually convened until after the genocide. More than 100 monitors were sent to Rwanda under his authority but it took months to deploy them: there were inordinate delays in receipt of communications equipment; and many of the monitors selected were reported to be unqualified, lacking in human rights fieldwork experience and not given adequate training.⁶⁵ Clearly the Centre for Human Rights does not yet have the expertise, procedures and resources needed to organize a full-scale field operation in an emergency situation. The shortcomings in the ongoing mission have led some to conclude that the Centre should not try to mount such operations. It is more persuasively argued, however, that the Centre, whose central concern is human rights, should be reinforced so as to have the capacity to do so.

The High Commissioner has been trying to strengthen the Centre's rapid response mechanisms by developing an emergency roster of human rights experts who could be sent into the field on short notice and by developing logistical capacity so that the Centre can provide material and communications support for field missions quickly. He also has been working more closely with other U.N. departments, such as the Department of Peacekeeping Operations, and with UNDP and United Nations Volunteers, which have greater experience with field operations.

He has taken steps to expand the flow of emergency information to the Centre and has announced plans for a human rights database to assist rapporteurs and representatives.

Basically, however, the Centre for Human Rights will need to undergo radical transformation to become successful at organizing and overseeing field-oriented operations. Traditionally, Centre staff have focused on doing human rights legal research, compiling information and servicing the Commission on Human Rights and other U.N. human rights bodies. Expertise in field work, in servicing on-site operations and in organizing and providing protection is largely lacking. To develop the Centre's operational capacity, an emergency unit should be considered, relevant expertise brought in, and a special fund for emergency operations should be created. As a recent U.N. internal evaluation concluded, the Centre's current servicing of human rights bodies "is inadequate as a basis for effective and timely response to serious incidents of violations of human rights."⁶⁶ Bureaucratic resistance will also have to be addressed. The Centre will have more readily to reorient its activities and approach to carry out the programs and activities of the High Commissioner in addition to its regular functions.

In addition to emergency preparedness, the High Commissioner has strongly emphasized the importance of developing diplomatic dialogue with governments as a means of achieving progress in the human rights field. In this role, he can lend the authority and support of his Office to efforts to provide improved protection for the internally displaced. In particular, he could reinforce the initiatives of the Secretary-General's Representative on Internally Displaced Persons by following up with governments on their treatment of displaced populations and by supporting the Representative's efforts to gain access to affected areas. He has indicated a strong interest in ensuring that the recommendations made by representatives and rapporteurs of the Commission are carried out.⁶⁷

The High Commissioner could also engage in public diplomacy about particularly egregious situations. In the case of Rwanda, the High Commissioner issued a public statement condemning the killings of internally displaced populations by the Government in its effort to forcibly close the camps.⁶⁸ In the former Yugoslavia, however, it was the Special

Rapporteur of the Commission on Human Rights who came to the fore by resigning in protest over the failure of U.N. forces to defend the "safe areas" and over the atrocities committed against internally displaced and other populations.⁶⁹

Because the High Commissioner is responsible for coordinating human rights promotion and protection activities throughout the U.N. system, he will need to establish closer cooperation with the Emergency Relief Coordinator in order to ensure that human rights concerns are addressed in humanitarian activities. In 1995, the High Commissioner was invited to participate in meetings of the Inter-Agency Standing Committee and in particular of its Task Force on Internally Displaced Persons. This should give his office the opportunity to promote greater coordination between the Centre for Human Rights and the Department of Humanitarian Affairs and to ensure that the protection dimension of humanitarian emergencies is more adequately addressed. Greater coordination is also needed between the U.N.'s human rights program and the U.N. departments dealing with political affairs and peacekeeping, to bring human rights-related expertise and perspective to their operations. In too many cases, human rights protection concerns are found to have been sorely neglected,⁷⁰ with U.N. forces failing to defend internally displaced populations in both Bosnia and Rwanda, despite international commitments.

Closer coordination is needed as well between the U.N.'s human rights and economic development programs. The Centre for Human Rights has been requested by the Commission to integrate projects for strengthening human rights in UNDP country programs.⁷¹ Attention will be needed to ensure that projects to address the needs of the internally displaced, especially in situations of return and reintegration, are included.

Unfortunately, the High Commissioner's location in Geneva does not enable him to participate in the many senior-level decision-making meetings held in New York, where the Office of the Secretary-General, the Department of Political Affairs, the Department of Peacekeeping Operations, and the Department of Humanitarian Affairs are located. Since access to top-level decision-making in the U.N. is crucial to coordination and the integration of human rights concerns in U.N. policies, the High Commissioner should either be based in New York or should assign senior professional staff to New York to represent him.

In the area of prevention, the High Commissioner has been asked by the Commission to pay special attention to "situations which cause or threaten to cause mass exoduses."⁷² To address such situations, he has begun to introduce human rights field presence in a number of countries, under the advisory services and technical assistance program. Such presence, however, has been small, as in the case of Burundi (where five experts have been stationed),⁷³ limiting the ability to achieve significant results. Nonetheless, this initiative marks the beginning of an operational effort to try to deter human rights violations and avert displacement. Human rights field presence is also being planned in other countries with a view toward prevention, for example, in Zaire, Haiti and Somalia.

Limited resources and staff, however, seriously constrain the High Commissioner's initiatives. His annual budget is only \$750,000 per year and his own staff to date includes only four professionals. While he supervises and may draw upon the expertise of the Centre, its staff remains heavily preoccupied with servicing the Commission on Human Rights and other U.N. human rights bodies. Funding for the Centre, moreover, runs only to about \$11 million (or less than 1 percent of the U.N.'s regular budget), a sum grossly insufficient if human rights bodies are to keep pace with the many new human rights responsibilities resulting from humanitarian emergencies. Increased staff and resources for both the High Commissioner and for the Centre, together with the exercise of leadership, will be needed to assure that greater priority is given to human rights and protection concerns in the U.N.'s response to humanitarian emergencies.

FOCAL POINTS FOR THE INTERNALLY DISPLACED

While many of the capacities needed to respond to crises of internal displacement need to be strengthened, they must also be coordinated in a comprehensive approach. The inability to mobilize and coordinate existing capacities effectively continues to be a major weakness of the U.N. system. In recent years, efforts have been made to create focal points around which to coordinate initiatives to improve international response to the internally displaced.

The Representative of the Secretary-General on Internally Displaced Persons

In July 1992 the Secretary-General, at the request of the Commission on Human Rights, appointed Dr. Francis M. Deng, a respected former Sudanese diplomat, to serve as his Representative on Internally Displaced Persons. In 1993, the Commission extended Dr. Deng's mandate for a two year period and in 1995 for another three years, with the request that he continue to identify "ways and means for improved protection for and assistance to internally displaced persons."⁷⁴

Since his appointment in 1992, the Representative has undertaken fact-finding missions to ten countries with serious problems of internal displacement in order to explore first-hand the conditions in which internally displaced persons live and the extent to which protection and assistance are being provided. He has published reports in which he has made recommendations to governments and donor agencies for improving the treatment of the internally displaced. He has engaged in dialogues with governments and heads of human rights, humanitarian and development agencies on protection, assistance and development strategies for the internally displaced. He also has published compilations of legal norms applicable to the internally displaced and has proposed the

development of a legal framework for their increased protection. He has focused attention on the special problems of women and children, who constitute the majority of the displaced. He has engaged academic institutions, legal experts, and nongovernmental organizations to contribute ideas for improving assistance and protection.⁷⁵

The Representative has served as a catalyst within the U.N. system to draw attention to the human rights and protection problems of the internally displaced. It should be recalled that until his appointment, there was no systematic U.N. reporting and monitoring of the protection needs of internally displaced persons. No international official was charged with raising their protection problems with governments, other than on an *ad hoc* basis. Nor was any official charged with raising the problems of the displaced with international humanitarian and development agencies.

The Representative's role, however, has perforce been limited. In his reports, he describes the problems he has encountered in trying to ensure implementation of the measures discussed and agreed upon in dialogues with governments and international organizations. He points out that "no established procedure or mechanism exists...to monitor situations in the countries visited and to ensure that the points agreed upon are carried out; nor are there resources for follow-up visits."⁷⁶ Unless "institutional responsibility" is resolved, he has warned:

...the faith of displaced populations in the United Nations system will be undermined. It clearly could become counterproductive for the Representative to pay visits to the displaced, hear moving accounts of their needs, intercede with governments and international agencies, only not to be heard from again. Continued monitoring of these situations is essential to sustain the momentum of the visits and to ensure active collaboration between the government and United Nations agencies on the ground.⁷⁷

If he is to be able fully to carry out his mandate, the Representative will need to mobilize support from the Office of the Secretary-General and the High Commissioner for Human Rights, and from other U.N. departments and agencies involved with the internally displaced. The Representative, after all, is but a single individual with no operational authority and few resources and staff at his disposal. His position is a

voluntary, part-time one which necessarily makes it difficult for him to devote to the problems of the internally displaced the full degree of attention needed. At the U.N. Centre for Human Rights in Geneva, two junior staff members on short-term contracts have been appointed to assist him together with a staff associate provided by the Government of Norway for a period of two years. They are all, however, expected to undertake other tasks at the Centre as well. For the Representative to deal more effectively with the internally displaced on a worldwide basis, his mandate will need to be strengthened and greater human and material resources will need to be put at his disposal (see subsequent section).

The Inter-Agency Standing Committee Task Force on Internally Displaced Persons

The Inter-Agency Standing Committee (IASC) is composed of the heads of the major U.N. humanitarian and development agencies and serves as a vehicle for coordination in emergency situations. The heads of UNICEF, UNHCR, WFP, FAO, WHO and UNDP are members of the IASC. IOM and the Red Cross Movement (the ICRC and the International Federation of the Red Cross and Red Crescent Societies) also participate in its meetings. NGOs are represented by the International Council of Voluntary Agencies (ICVA), the Steering Committee for Humanitarian Response, and Inter-Action. The IASC is chaired by the Emergency Relief Coordinator and its secretariat is located in DHA. It has established a Working Group and a number of task forces to deal with specific countries and geographic areas (e.g., Newly Independent States - NIS) and thematic issues (e.g., internally displaced persons).

The Inter-Agency Task Force on Internally Displaced Persons was created by the IASC in 1992 in an effort to develop a more effective response to the needs of the internally displaced. The IASC entrusted the Task Force with several assignments: to study the protection and material needs of the internally displaced; to examine the ability of U.N. agencies to meet those needs; to look into the possible creation of a mechanism to respond urgently to situations of internal displacement; and to make proposals for a more integrated, coherent response on the part of the U.N. system.⁷⁸

Based on recommendations of its Task Force, the IASC at its July 1993 session approved a strategy for addressing the needs of internally displaced persons. Specifically, it agreed that a mechanism to assign responsibility would be valuable when a situation of internal displacement arose and called upon the Emergency Relief Coordinator to actively use inter-agency consultative mechanisms in emergency situations for the "allocation of responsibilities to address the plight of internally displaced persons." It also agreed that both "protection and relief needs" would have to be addressed in situations of internal displacement.⁷⁹

In 1994, the Task Force sharpened these positions. It recommended that "one reference point of the U.N. system be chosen to receive requests for assistance and protection on actual or developing situations of internally displaced persons that might require coordinated international response."⁸⁰ It further recommended that the Emergency Relief Coordinator (Under-Secretary-General for Humanitarian Affairs) serve as this reference point. It noted in support of this recommendation that the ERC already has a coordinating mechanism, the IASC, at his disposal and is represented in the field through the Resident Representative/Resident Coordinator system. The Inter-Agency Standing Committee approved these recommendations in December 1994.

The Task Force also underscored the need to address "both the assistance and human rights needs of internally displaced persons." It recognized the potential weakness in the composition of the IASC stemming from the absence of members representing human rights concerns. It recommended that the High Commissioner for Human Rights and the Representative of the Secretary-General on Internally Displaced Persons be invited to participate in the meetings of the IASC and its sub-bodies when issues relating to their mandates are discussed.⁸¹ The IASC approved this recommendation in December 1994 as a measure to strengthen the links between providing humanitarian assistance and protecting human rights.

In May 1995, the Standing Committee reconstituted its Task Force on Internally Displaced Persons and gave it new terms of reference.⁸² The Task Force was authorized to review specific situations of potential or actual internal displacement, analyze assistance and protection needs in these situations, seek durable solutions, examine the capacities of national and international institutions to deal with these situations, and decide on

"the most appropriate division of work between the institutions and organizations." It also was requested to recommend practical measures to prevent internal displacement, review generic problems relating to internal displacement, and recommend ways of overcoming these problems. Its mandate is thus quite broad, covering protection, assistance and solutions for internal displacement as well as preventive measures. When the Task Force can not reach consensus, it is to refer the matter to the IASC or its Working Group.

In its new form, the Task Force continues to be chaired by DHA and to be composed of representatives of the major U.N. humanitarian and development agencies, the Representative of the Secretary-General on Internally Displaced Persons, the U.N. High Commissioner for Human Rights and the Centre for Human Rights, IOM, the Red Cross Movement and NGO umbrella groups.⁸³ At its first session in its new form, in May 1995, it agreed to hold ten regular meetings during its first year in addition to emergency meetings, if required.

At its September 1995 meeting, the Task Force discussed the situation in Peru in light of an August visit by the Representative of the Secretary-General. At the request of the Emergency Relief Coordinator, it is undertaking an examination of the Kibeho incident for the lessons to be learned. In 1996 it plans to continue to review situations in specific countries, including those visited by the Representative of the Secretary-General, as well as thematic issues, such as the introduction of a module on internally displaced persons in the Complex Emergency Training Initiative (CETI) and the inclusion of the needs of internally displaced persons in consolidated appeals.

STEPS TO IMPROVE THE CURRENT SYSTEM

While in the long-run, far-reaching systemic changes may need to be made in the U.N. system, in the short-term there are a number of steps that can be taken to improve the U.N.'s capability to address the protection, assistance and development needs of internally displaced persons.

Establish an Effective Mechanism for Assigning Responsibility in Emergencies

The first and most urgent need is for an effective U.N. mechanism to assign institutional responsibility for action in serious situations of internal displacement. The reconstitution of the Task Force on Internally Displaced Persons, as earlier noted, and its authorization to reach agreement on the most appropriate division of work in serious situations of internal displacement, should enable it to become the needed mechanism.

The reconstituted Task Force, however, is still in an early stage of development. The Emergency Relief Coordinator has informed all UNDP Resident Representatives/Resident Coordinators, Special Representatives of the Secretary-General and Humanitarian Coordinators that he has been designated the "reference point" within the U.N. system for requests for assistance and protection for internally displaced persons and that these should be forwarded to the Task Force. A track record now needs to be developed by the Task Force for dealing with specific cases brought to its attention.

As one of its main responsibilities, the Task Force should follow up on the missions of the Representative of the Secretary-General on Internally Displaced Persons. It should review the Representative's recommendations for improving the conditions of internally displaced persons and provide support to Resident Coordinators to help them

address the issues identified. At a recent meeting, it was agreed that the Task Force would take on this responsibility, but the extent to which it will do so is not yet clear.

In collaboration with the office of the Representative and with the assistance of NGOs, the secretariat of the Task Force should also draw up a worldwide register of serious situations of internal displacement, the needs of the displaced in those areas, the extent to which national, regional and international agencies are meeting those needs, and the particular places where programs are urgently required. While recognizing that responsibility for the internally displaced rests first and foremost with their governments, particular attention should be paid to neglected situations where the presence of the international community is inadequate and where governments have proved unwilling or unable to meet their responsibilities.

Close connection with the field will have to be maintained by the Task Force to ensure that the decisions taken on behalf of internally displaced persons are well-informed. In particular, its secretariat should maintain close contact with Resident Coordinators who can coordinate efforts in the field through the Disaster Management Teams. (For recommendations for enhancing the work of DMTs, see above, DHA.)

The Task Force does not yet have adequate staffing to carry out its duties effectively. The post of Senior Adviser on Internally Displaced Persons has been created to serve as convenor of and secretary to the Task Force. It is important, in addition, that a single unit or program be established within DHA/Geneva to deal exclusively with internally displaced persons and make full use of DHA's key role in inter-agency coordination efforts. The unit should bring together information on internally displaced populations for meetings of the Task Force, ensure relevant items on the agendas of the Working Group and the IASC, maintain liaison with the Representative of the Secretary-General and other relevant entities, and ensure that decisions of the Task Force are carried out. The Inter-Agency Standing Committee, at its December 1994 meeting, recommended that the Emergency Relief Coordinator establish "sufficient capacity within DHA" to allow him effectively to serve as reference point for internally displaced persons. Strengthening DHA/Geneva is essential to carrying this out.

At the same time, the Task Force will have to make sure that its membership is at a sufficiently senior level to reach agreement and make inter-agency decisions. The Task Force has moved cautiously to date, with DHA seeking to promote the consensus and shared ownership needed for inter-agency work. But leadership will need to be asserted to spur Task Force members to bring forward cases and to encourage the different agencies to decide on allocation of responsibility. Forging a consensus will not always be easy. Agencies often resist coordination and are not always ready to assume responsibility in situations of internal displacement. Even when they agree, funding may not be available. If agreement can not be reached, the Task Force is expected to refer the issue to the IASC.

The IASC, for its part, will have to be prepared to give priority to situations of internal displacement if and when brought to its attention by the Task Force. When there are funding problems, it will have to explore ways to mobilize support for emergencies that are less well-known or publicized. It will also have to ensure, together with the Task Force, that the agency or agencies assigned to address problems of internal displacement in fact have the capacity to do so and that a comprehensive approach to protection, assistance and development is undertaken. Ordinarily the IASC meets two to four times a year. It has, however, adopted special procedures to enable it to take swift action on cases referred to it between meetings.

The existence of the Task Force has already had the positive effect of promoting greater awareness within the U.N. of the different capacities available for addressing situations of internal displacement; and the various agencies have begun to show greater flexibility. Some, for example, have been interpreting their mandates more broadly, to encompass the needs of the internally displaced. Others have used their good offices to become involved with internally displaced persons. Still others have developed expertise that can be called upon in situations of internal displacement. Greater responsiveness to the varied needs of the internally displaced has also become evident. Inter-agency discussions, for example, have made UNDP field representatives more aware of the protection needs of the internally displaced and in some instances more assertive on their behalf. UNHCR has become more sensitive to the reintegration and development needs of internally displaced populations, recognizing that without such attention their returns will not be

sustainable. The Centre for Human Rights has become more aware of the relationship between humanitarian and human rights issues and has begun joint training programs in human rights law for both UNHCR and Centre staff.

With strong leadership, coordination can enhance this "cross-sensitization" of concerns, encourage flexibility and innovation, and help ensure that the protection, assistance and development needs of the internally displaced are more effectively addressed.

Integrate Protection and Assistance More Effectively

As pointed out earlier, for humanitarian action to be effective, the provision of relief must be part of a larger and more integrated approach that includes protection. Both UNHCR and ICRC, for example, strongly affirm that humanitarian activities and protection must be mutually supportive. Very little, however, has been done to strengthen the coordination between U.N. humanitarian and human rights bodies.

In the first instance, discussions are needed in the Task Force on Internally Displaced Persons on how both protection and assistance can best be addressed by the joint actions of humanitarian and human rights bodies. Specific cases should be examined so that a division of responsibilities can be reached. Memoranda of understanding should be encouraged between humanitarian and human rights bodies, such as between the Emergency Relief Coordinator and the High Commissioner for Human Rights and between the High Commissioner for Refugees and the High Commissioner for Human Rights. These agreements should define the respective roles and responsibilities of the organizations with a view to ensuring that a comprehensive approach is taken to protection and assistance.

Humanitarian agencies, for their part, should be expected to collaborate closely with organizations concerned with the protection and human rights of internally displaced persons. They should be expected to ensure that protection concerns are known and addressed when human

rights bodies cannot be present or have been denied entry to particular countries. In a number of situations, governments have been more inclined to deal with humanitarian and development agencies because of the nature of their activities and their more "neutral" standing. These organizations should take advantage of the credibility they have gained to increase the physical protection of internally displaced persons, until such time when human rights bodies are in a position to ensure comprehensive protection coverage. As noted above, the Resident Coordinator in the field must represent the entire U.N. system, which is bound by international human rights and humanitarian standards. To increase collaboration and ensure a more integrated approach, inter-agency needs assessments missions dispatched to different countries should routinely include persons with expertise in protection and human rights.

The U.N. human rights system, for its part, should strengthen its capacity to address protection problems in the field. For too long, United Nations human rights bodies have been kept weak and their ability to become operational has been constrained. Now that a High Commissioner for Human Rights has been appointed, with the authority to establish field presence, U.N. human rights bodies should assume a more active protection role. In the former Yugoslavia, UNHCR protection officers, not human rights field staff, have been the ones involved in trying to protect the internally displaced. In Tajikistan, it also was UNHCR which assumed the human rights monitoring and protection role. U.N. human rights bodies should be required to shoulder some of these responsibilities. The U.N. High Commissioner for Refugees, in statements before U.N. human rights bodies, has called for their greater involvement in field operations and for the development of a joint strategy "in monitoring the basic human rights and physical safety of internally displaced persons."⁸⁴

The Inter-Agency Task Force has drawn up a list of the critical tasks "which must be accomplished to permit and sustain effective humanitarian intervention" in complex situations of internal displacement in the field. The list includes: negotiating with governments and opposing factions to secure invitations or acceptance of humanitarian action, raising concerns with the authorities about the safety and security of the displaced, negotiating humanitarian access to displaced persons, securing safe zones, agreeing on corridors of tranquillity, and ensuring respect for human

rights.⁸⁵ Both the Task Force and Standing Committee should determine the extent to which member agencies are able to perform these tasks in particular situations.

To increase capacities for dealing with problems of physical safety, better training should be provided. In particular, ICRC should be invited to share its experiences with the staff of humanitarian and human rights bodies in the protection techniques it has developed over the years in situations of internal conflict. UNHCR should also be asked to share, especially with U.N. human rights teams, the expertise it has developed in protecting internally displaced populations. The Centre for Human Rights has begun training programs for its own and UNHCR protection staff in international human rights law. This training should be expanded to include techniques for providing actual protection in the field to internally displaced persons.

Closer relationships also should be forged by human rights and humanitarian organizations with the Department of Peacekeeping Operations (DPKO) whose peacekeeping units are increasingly playing protection roles in emergency situations, and in some instances have been given specific mandates with respect to internally displaced persons. The U.N. Assistance Mission in Rwanda (UNAMIR), for example, was authorized to "contribute to the security and protection of displaced persons, refugees and civilians at risk."⁸⁶ The U.N. Protection Force (UNPROFOR) in the former Yugoslavia was expected to defend "safe areas" in Bosnia populated by displaced persons; it also was given human rights responsibilities in the "U.N. protected areas" of Croatia.⁸⁷ Because peacekeeping units generally have little or no knowledge of human rights, humanitarian or refugee concerns and little experience in providing protection to civilians in armed conflict situations, many opportunities can be missed for protecting displaced populations, and sometimes lives are lost as a result. Human rights and humanitarian organizations should help shape the manner and extent to which these forces contribute to protection solutions. Specifically, the Emergency Relief Coordinator, in cooperation with the Office of the High Commissioner for Human Rights, should organize consultations for U.N. humanitarian and human rights organizations with DPKO and encourage the training of military units in human rights and humanitarian law and practice.

Efforts in particular must be made to address the imbalance that often arises between providing assistance and extending protection and which leads to greater priority for assistance.⁸⁸ Resident Coordinators should be the first to try to redress the imbalance, at the same time reporting on the situation to the Emergency Relief Coordinator who should consult with the heads of U.N. human rights and humanitarian bodies in an effort to develop strategies to ensure that both protection and assistance are addressed. When increased attention is needed to human rights and protection issues, a visit by the Representative of the Secretary-General should be explored. The benefits of having an outside figure like the Representative undertake dialogues on protection issues could prove particularly valuable when humanitarian agencies are constrained by their assistance roles. The Office of the High Commissioner for Human Rights could also be encouraged to participate through human rights field presence and technical assistance to governments.

The need to strengthen the relationship between human rights and humanitarian bodies was brought home dramatically by the massacres of internally displaced persons at Kibeho, Rwanda in 1995. Relief assistance was reasonably well provided in Rwanda, but protection was poorly addressed, despite the presence in the country of a Special Representative of the Secretary-General for Rwanda, the Resident Coordinator, the Human Rights Field Operation in Rwanda, and a Humanitarian Coordinator sent by DHA to head the United Nations Rwanda Emergency Office in Kigali. Neither UNHCR nor the High Commissioner for Human Rights' field presence was given a direct role in protecting the internally displaced; UNAMIR, which was, did not have sufficient numbers in the camps and did not act expeditiously. The failure of protection points to the need for closer monitoring of situations of internal displacement, efforts to ensure a more integrated approach to assistance and protection, and greater leadership on the part of the U.N. in addressing the protection dimension of internal displacement.

Strengthen the Position of the Representative

While the Commission on Human Rights broadly defined the mandate of the Secretary-General's Representative on Internally Displaced Persons in such a way as to give the Representative authority and flexibility, the mandate nevertheless has significant gaps that need to be addressed.

As a first step, the Representative's mandate should be strengthened so as to enable him to deal more effectively with governments that have serious problems of internal displacement but seek to avoid scrutiny. At present, governments who wish to evade the attention associated with a fact-finding mission can do so with impunity -- leaving countries with more cooperative governments to become the focus of the Representative's attention.

Specifically, the Representative could be requested by the Commission on Human Rights publicly to identify those governments which have proved reluctant to allow him entry; as, for example, the Government of Turkey, which is reported to have forcibly displaced more than two million of its Kurdish citizens but has not yet agreed to receive a mission. The High Commissioner for Human Rights or the U.N. Secretary-General could be asked to intercede with governments that are recalcitrant. As a further measure, governments which refuse visits by representatives of the Commission on Human Rights could be required to withdraw from membership in the Commission.⁸⁹

The Representative also should be given the authority to establish direct contacts with insurgent forces in times of crisis. Very often internally displaced persons are found in insurgent-controlled areas where access may be limited because of ongoing conflict or because of fears on the part of a government or U.N. entities that this would imply recognition of rebel forces. In such instances, the Representative should have the authority to enter into direct contact with insurgent authorities to enable him to address the problems of internally displaced persons in areas not controlled by governments. U.N. agencies such as UNICEF have been able to establish dialogues with both governments and nongovernmental

actors in order to negotiate access to persons on all sides of conflict situations. The Representative should be able to exercise the same authority on behalf of human rights and protection concerns.

Thus far, the Representative's reports on situations of internal displacement have been issued only to the Commission on Human Rights and the General Assembly during their annual sessions. The Representative should be specifically empowered to issue statements and reports in between sessions of these bodies when necessary to draw international attention to serious situations of internal displacement and stimulate efforts to address them. His reports on particularly grave situations should be made a matter of record before the Security Council.

As pointed out earlier, the fact that the Representative's position is voluntary and therefore necessarily part-time imposes major limitations on his ability to carry out his mandate. It is unrealistic to expect him to be able to monitor and act upon situations of internal displacement worldwide on a part-time basis. Consideration should be given to making his position full-time. The Representative's office at the U.N. Centre in Geneva should be assigned senior staff, and a senior staff member should also be appointed in New York to help him ensure that issues of internal displacement are taken into account in inter-agency decision-making. In addition, human rights staff should be assigned to support his activities in the field, when appropriate, and regional officers of the Centre, when assigned, should be instructed to report to him on issues of internal displacement.

The Representative's role in the Task Force should also be strengthened. He should have the authority to request the Emergency Relief Coordinator to convene a special meeting of the Task Force when a particular situation warrants emergency action. He should be encouraged to assume a leadership role in this body, for example, when protection concerns are discussed to ensure that human rights criteria are taken into account in the planning and execution of activities in favor of the internally displaced. He also should be expected to raise concrete cases and concerns related to internally displaced persons to be addressed by the Task Force and the Standing Committee. The Representative's role should be that of a catalyst among the various organs of the U.N., raising awareness to situations of internal displacement that need greater attention.

Increase Collaboration Between the Representative and Humanitarian and Development Organizations

From the very beginning, humanitarian and development agencies welcomed the appointment of the Representative of the Secretary-General and the greater involvement of the Commission on Human Rights in addressing the needs of internally displaced persons. The Under-Secretary-General for Humanitarian Affairs, for example, expressed confidence that closer links between the Commission and humanitarian bodies and "a coordinated approach towards the monitoring of human rights practices...could result in improved care for, and protection of, the displaced populations." The U.N. High Commissioner for Refugees endorsed greater collaboration between human rights and humanitarian agencies to ensure that both protection and assistance are provided.⁹⁰

However, the specific nature of this cooperation has not yet been fully worked out. This gap has been recognized by the Inter-Agency Support Unit (IASU) which in 1994 recommended to the Task Force on Internally Displaced Persons that it "may wish to arrive at an understanding of a division of work with the Representative of the Secretary-General."⁹¹

There are a number of concrete steps that could be taken to increase collaboration with the Representative. First, it is essential that humanitarian and development organizations inform their field staff of the appointment of the Representative and his authority to establish dialogues with governments, undertake fact-finding missions, and publish reports. Although the Representative has visited a number of countries in the past two years, many field staff still do not know of his appointment. At the end of 1994, the UNDP Administrator sent out a notice to the field suggesting how Resident Representatives/Resident Coordinators could collaborate effectively with the Representative. More recently, the Executive Director of the World Food Programme called upon WFP field staff to assist the Representative with his missions and to provide him with relevant information. Other agencies should do likewise, making clear the respective roles of the Representative, the Emergency Relief Coordinator and the Task Force on Internally Displaced Persons.

Second, information exchanges should be developed so that protection problems related to internally displaced persons can regularly be brought to the attention of the Representative and through him to human rights bodies. Humanitarian agencies working in the field are often the first to identify protection problems among the internally displaced. Channels of communication need to be developed to make these problems known to the Representative and to the Emergency Relief Coordinator. In 1995, in response to a request from the Representative, Resident Representatives/Coordinators began to provide information to the Representative on the situation of internal displacement in their countries. This information exchange should be made a routine activity and should be expanded, with Resident Coordinators instructed to alert the Representative and Emergency Relief Coordinator to protection problems that need to be addressed. World Food Programme field staff likewise have been asked to provide information to the Representative, including to advise him of difficulties and problems. Arrangements should also be made with other humanitarian agencies so that protection problems may be brought to the immediate attention of the Representative and Emergency Relief Coordinator and through the Representative, to U.N. human rights bodies.

Third, greater cooperation is needed in the area of follow-up to the Representative's visits. When humanitarian organizations have a presence in countries visited by the Representative, they should be expected to monitor the extent to which the recommendations made by the Representative are carried out, promote solutions and report thereon to the Representative. Resident Representatives/Resident Coordinators' ability to assist in follow-up will be strengthened by the Task Force's recent decision to lend them support in solving problems identified during the Representative's missions. At the same time, the Representative's office should be staffed so as to enable it to maintain continuing contact with governments, humanitarian organizations and NGOs after visits so as to be apprised of developments and know whether follow-up action is needed.

Fourth, the Representative should become more actively involved in the inter-agency early warning system. In 1991, an *ad hoc* Working Group on Early Warning regarding New Flows of Refugees and Displaced Persons recommended the establishment of an early warning system within the U.N. system to collect and analyze information and bring serious situations to the attention of the Secretary-General. At the end of

1992, periodic consultations began among the different U.N. agencies, under the chairmanship of DHA (see subsequent section on Early Warning). Regular participation by the Representative in the work of this group would afford him more complete information about impending situations of massive displacement and enable him to mobilize action to address those situations.

Finally, the Inter-Agency Standing Committee should place serious situations of internal displacement on its agenda and call upon the Representative and the High Commissioner for Human Rights to identify serious protection problems and discuss the possible actions that U.N. human rights bodies might undertake to reinforce the initiatives of humanitarian agencies.

Create an Information Center

An information center is needed within the U.N. system to collect data on serious cases of internal displacement so that informed policy decisions can be made. The Representative of the Secretary-General has called for "a pool of information on the various dimensions of internal displacement," including numbers of displaced persons in different countries, how they are defined or identified, their access to basic services, their protection concerns, policy and program dilemmas in dealing with the displaced, the national and local institutional framework for addressing problems, and the capacity for response by governments and the international community.⁹²

There is currently no U.N. office that systematically collects information about internally displaced persons on a worldwide basis. UNHCR's Centre for Documentation on Refugees (CDR) has amassed considerable information about internally displaced populations but its data derives exclusively from published sources; it does not include data from internal documents of UNHCR; nor does it include relevant documents from other organizations working with the displaced, among these the Inter-Agency Task Force on Internally Displaced Persons.

Moreover, CDR does not actively pursue information; it simply collates what it is sent. To fulfill the information gathering function on internally displaced, CDR would have to be authorized expanded staff and given a specific mandate.

Now that UNHCR has become more heavily involved in situations of internal displacement, there are persuasive reasons why CDR's role should be expanded. To cover financing, UNHCR could explore cost-sharing with other organizations that would also benefit from such a collection.

Other possible candidates for the task are DHA and the Centre for Human Rights. In the case of DHA, the secretariat of the Task Force on Internally Displaced Persons could collate information received from the various agencies whose activities it coordinates. Neither DHA, however, nor the Centre for Human Rights, is currently organized to fulfill this function. DHA does not have the requisite facilities. At the Centre for Human Rights, information is gathered only to service the various procedures and working groups of the Commission on Human Rights, although in particular instances the information is relevant to internal displacement.⁹³ Much of the information the Centre receives, moreover, is kept confidential. Its information gathering function would have to be considerably expanded and a corps of country or regional specialists added to its staff to enable it to fulfill the internally displaced information function.

Another possibility is the establishment of a U.N. information center independent of any one institution, to serve all U.N. agencies needing information about the internally displaced. Some have suggested that CDR be separated from UNHCR and become this center.

If it is not feasible at present to create an information center within the U.N. system, then nongovernmental organizations should be encouraged to establish such a center outside the U.N., in collaboration with the Representative of the Secretary-General. The advantage of a nongovernmental center would be its independence; it would not be subject to the constraints governments or U.N. agencies might exert on an organization within the U.N. system. It could help identify the specific

problems facing displaced persons, indirectly play an advocacy role on behalf of the displaced, and alert U.N. bodies, in particular the Inter-Agency Task Force, to potential problems of displacement.

Whether within or outside the U.N. system, organizational leadership and resources will be needed for the creation of a center that collects information on the internally displaced on a systematic basis.

Improve the U.N. Early Warning and Prevention System

An information center for the internally displaced would enhance the effectiveness of the U.N.'s overall early warning and prevention system. General Assembly resolution 46/182 entrusts the Emergency Relief Coordinator with the responsibility of further developing the U.N. early warning information system by building on the capacities of participating organizations.

An effective early warning system would identify potential situations of large-scale movement and trigger the necessary political and humanitarian actions to avert mass displacement. Thus far, progress in developing such a system has been limited. An inter-agency Consultation on Early Warning of New Mass Flows of Refugees and Displaced Persons, chaired by DHA, met throughout 1993 and 1994. It did identify and forward specific situations to the heads of agencies and to officials in the Office of the Secretary-General, but little or no response was forthcoming.

The Consultation consequently recommended that the U.N. early warning system be linked more effectively to "mechanisms and individuals with the mandate and willingness to take action quickly and appropriately."⁹⁴ It also recommended that the Consultation's findings be more broadly distributed within the U.N. system and also beyond the U.N. to the media, NGOs, and academic and research institutions. As emphasized in the Consultation's report, an effective early warning capability must include "more than just collecting information about possible causes of displacement."⁹⁵

Furthermore, the Consultation recommended that its membership be broadened to include not only U.N. agencies but appropriate NGOs and research bodies. This is especially important because of the valuable and expert information to which NGOs have access. Moreover, on some occasions the U.N. has absented itself or withdrawn from different situations, like Somalia, while NGOs have maintained their presence. Finally, the Consultation called for an improvement and increase in the information provided by its participants and for the introduction of up-to-date data processing, computer technology and information systems to enhance the capacity of its participants to collect, process and analyze early warning information.

For the inter-agency Consultation to develop into the effective early warning mechanism recommended, DHA will have to play a more active role in pressing for follow-up action by the office of the Secretary-General and by the U.N. agencies capable of averting crisis. Ensuring that timely action is taken on the cases selected should be a major objective of DHA. The fact that many U.N. agencies have begun to increase their emergency preparedness should facilitate early warning response. UNHCR, for example, has developed service package contracts with governments to provide personnel, services and goods such as airlifts, water delivery, sanitation systems and medical treatment, on an early warning basis.

DHA should also promote the development of preventive strategies to address the root causes of forced displacement in cooperation with development agencies and with U.N. human rights bodies. In 1994, the Commission on Human Rights' Special Rapporteur on summary executions issued a report that warned of preparations for massacres in Rwanda and recommended swift and decisive steps. However, this did not lead to preventive strategies; nor was the report placed on the agenda of the Consultation. In the area of monitoring food supply conditions worldwide, early warning systems have proved effective in mobilizing an international response to prevent major famine and promote longer-term development.⁹⁶ Greater progress is needed, however, in developing strategies to avert disasters emanating from internal conflicts and gross violations of human rights. As noted earlier, the High Commissioner for Human Rights in 1995 was requested by the Commission on Human

Rights to "address effectively" situations which cause or threaten to cause mass exoduses.⁹⁷ The early warning system should collaborate closely with his office to devise strategies to avert mass displacement.

Expand On-Site Monitoring and Protection

Internal displacement is a global phenomenon that requires constant monitoring and follow-up activity, especially in the area of protection. It is therefore essential that U.N. human rights bodies increase their presence in the field.

As a first step, more extensive and frequent on-site monitoring is needed beyond the one or two fact-finding missions that currently can be undertaken each year by the Representative of the Secretary-General. Additional visits are needed if protection problems are to be addressed effectively. Should resources available within the United Nations system prove insufficient to support these visits, NGOs with expertise in human rights and humanitarian issues should be encouraged to send follow-up missions into the field on behalf of the Representative or with his cooperation.

Moreover, NGO human rights personnel and other experts should be seconded to the United Nations to accompany the Representative on his visits; they can offer valuable assistance and can considerably enhance his capacity and the effectiveness of his missions. In the humanitarian area, ample precedents exist for seconding experts and NGOs to field missions. Such cooperation should be introduced into the human rights area.

Current U.N. human rights field presence should also be expanded to include areas of serious internal displacement. The U.N. High Commissioner for Refugees has called on the international community to begin "developing an effective system of human rights monitoring and factual reporting, including where appropriate, the use of international observers, regional arrangements and other elements of the United Nations system in an integrated approach to protecting human rights."⁹⁸

Human rights bodies have been slow to become operational, in great part because of government sensitivities. In the post Cold War period, however, with concepts of traditional sovereignty eroding, human rights field staff have begun to become a part of the landscape in a number of countries. Initially, they were dispatched to El Salvador and Cambodia as part of peacekeeping arrangements under the auspices of the Security Council. Thereafter, the Commission on Human Rights dispatched field staff to the former Yugoslavia, Rwanda, and Cambodia; and it is currently seeking to send field staff to Iraq and the Sudan. The numbers dispatched by the Commission, however, have been small (with the exception of Rwanda), and their mandate largely confined to monitoring and collecting information.

In sufficient numbers and with a more extensive mandate and proper training, human rights field staff could assume more of a protection role in the field. In the case of internally displaced persons, they could be instructed to ascertain their protection needs, serve in safe areas and camps, contact local authorities about protection problems, work together with humanitarian organizations to develop protection strategies, and alert appropriate U.N. bodies to problems requiring attention. Increasingly, precedents are developing for human rights field staff to assume these responsibilities. In the former Yugoslavia, for example, the Commission's Special Rapporteur has used the information provided by field staff to intercede with the local authorities. And the gathering of information by field staff has been found to "result in the implementation of positive changes in human rights practices, and even in the remedying of specific violations."⁹⁹ In Rwanda, the mandate of the field staff actually requires them "through their presence [to] help redress existing problems and prevent possible human rights violations from occurring."¹⁰⁰

Human rights field staff could also play a role in the return of internally displaced persons to their homes or to new areas of relocation, advising on when conditions are sufficiently safe to warrant return, and monitoring and assisting in the actual returns. In Rwanda, for the first time, field staff were requested to facilitate the returns of refugees and internally displaced persons by helping to create conditions of safety in areas of return. That they proved ill-equipped to fulfill this function effectively is attributable in the main to deficiencies in training and direction. The High Commissioner for Human Rights has, accordingly, made it a priority to increase the emergency preparedness of the Centre.¹⁰¹

The development of a corps of human rights protection officers for the internally displaced, together with more frequent visits by the Representative of the Secretary-General, could serve as important steps toward addressing the shortcomings of the current system. Organizations like UNHCR and ICRC have developed expertise in the area of on-the-ground protection and could help guide the development of human rights protection teams. They would be expected to work closely with the Representative of the Secretary-General and help him to monitor a situation prior to and following his visits, seek to ensure that his recommendations are carried out, and alert him to the need to intercede should conditions deteriorate. In situations where UNHCR is involved with internally displaced persons, the staff sent by the Centre for Human Rights might operate in safer conditions if seconded to UNHCR.

Human rights field staff deployed by the Centre under its advisory services and technical assistance program could also cooperate with the Representative to help develop projects to benefit the internally displaced (see below). In 1993, the World Conference on Human Rights recommended that human rights officers be assigned to U.N. regional offices to offer training and other technical assistance to governments in the field of human rights. When officers are dispatched to work with governments in elaborating national plans of action in the human rights field, they should include the needs of the internally displaced in the programs they help develop.

As noted above, the international community has long accepted the field protection activities that humanitarian organizations such as UNHCR and ICRC provide, based on their statutes; similar acceptance should now be extended to the protection activities of human rights bodies in respect to internally displaced populations, as is the case for refugees and other victims of hostilities.

Mobilize U.N. Human Rights Bodies into a More Active Role

Increasingly, the Commission on Human Rights has been seeking to address the human rights dimension of humanitarian crises by convening emergency sessions, sending joint missions of rapporteurs and representatives to emergency areas, deploying monitors in the field, and documenting and publicizing grave breaches of human rights and humanitarian law.

There is scope for the Commission to broaden its action still further in the case of internally displaced persons. As already noted, it could make a significant contribution by developing a legal framework for the protection of internally displaced persons. Both the U.N. High Commissioner for Refugees and the Department of Humanitarian Affairs have expressed support for the development of legal standards on behalf of the internally displaced. Particular attention should be paid to strengthening the legal protections against forcible displacement and the legal presumptions in support of a right to humanitarian assistance and access. Better legal protection is also needed for relief workers,¹⁰² as attacks on relief workers have at times resulted in the withdrawal of humanitarian relief programs. The compilation of legal norms being prepared under the auspices of the Representative of the Secretary-General address these and other issues and should be given prompt consideration by the Commission. A body of principles or declaration should then be adopted for the protection of internally displaced persons.

Another area in which the Commission could lend support to the work of humanitarian agencies is in speaking out about egregious situations. Commission resolutions should call for international action to deal with the obstruction of humanitarian assistance and the forcible displacements of populations on political and ethnic grounds. In recent years, the Commission has been drawing attention to such problems in well-publicized situations like Bosnia, Iraq and the Sudan. However, it has not done so systematically; in Turkey, Liberia, Kenya and Chechnya, to name but a few, more international attention needs to be paid to the protection problems of the internally displaced.

The Commission should further speak out about situations where human rights and humanitarian initiatives fail because political initiatives are not forthcoming. Such was the case in the former Yugoslavia where U.N. political and military bodies accepted the overrunning of two "safe areas" in Bosnia in July 1995 but expected humanitarian agencies to continue to deliver relief and human rights bodies to continue to document atrocities. The resignation of the Commission's Special Rapporteur, Tadeusz Mazowiecki, because of the "horrendous tragedy which has beset the population of those safe havens" dramatically demonstrated the need for human rights bodies to focus on the impact of political decisions on their work. Mazowiecki aptly declared:

One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders.¹⁰³

The Commission, however, has shied away from discussions about the impact on human rights of other U.N. bodies' actions. At its meeting in 1995, for example, the Commission rejected a request that it authorize a study on the "implications for human rights of U.N. action, including humanitarian assistance," arguing that it wished to "avoid making judgments on issues that are within the responsibility of other U.N. bodies."¹⁰⁴ Events in the former Yugoslavia, however, bring home the need to revisit this decision.

Human rights bodies should also develop human rights training programs for humanitarian relief personnel, peacekeeping forces and its own field staff for emergency situations. Training should include instruction in how to identify human rights protection problems, how to report them, and whom to alert at headquarters and in the field when displaced persons are endangered. It also should instruct in the practical measures for providing actual protection in the field. Training programs could be developed jointly with UNHCR and ICRC which have considerable expertise in this area and could build upon a recent initiative of the Centre for Human Rights to provide instruction in human rights law to UNHCR protection staff.

Finally, human rights bodies must address the root causes of mass displacements and make recommendations for their prevention. The Commission's decision in 1995 to authorize a working group to explore solutions to problems involving minorities and to recommend measures for the protection of persons belonging to minorities is an important step in this direction.¹⁰⁵ Far more will be needed, however, to avert ethnic conflict. Human rights field presence should be dispatched to countries where minorities are at risk. The creation of a U.N. rapid deployment force to help protect groups in danger has been proposed and should be discussed by the Commission.¹⁰⁶ When genocide took place in Rwanda, no U.N. effort was made to stop it, even though one of the main aims of the United Nations when it was founded was to prevent the kind of genocidal abuses against minorities which occurred in Europe during the second world war.

The High Commissioner for Human Rights, as noted earlier, has been requested by the Commission to address situations which cause or threaten to cause mass exoduses. One of the means at his disposal is the Centre for Human Rights' advisory services and technical assistance program. Through this program, the Centre is in a position to strengthen national institutions for human rights protection, including the creation of ombudsmen or other machinery that could provide remedies for the internally displaced. The protection of refugees and displaced persons is one of the program's objectives,¹⁰⁷ and projects on their behalf should be routinely developed. In Rwanda, for example, human rights field staff are working to create a system for resolving property disputes in order to facilitate the return and reintegration of the displaced. In Guatemala and other countries, projects are needed to address the problems of the internally displaced, in particular with regard to land, housing, official papers, employment, and protection from harassment.¹⁰⁸

Integrate Relief and Development More Effectively

Because emergency assistance and protection are only the first stages in dealing with internal displacement, it is essential that relief and development agencies, in cooperation with international financial institutions, put in place strategies and programs for longer-term solutions.

When faced with an emergency involving the displacement of populations, humanitarian agencies should base their relief programs on the survival mechanisms of the communities concerned and the capabilities of the displaced so as to avoid creating a dependency syndrome. Development agencies should make use of the emergency phase to develop plans to increase the capacities of affected areas to absorb the increase in population.

Emergency assistance and development aid should be closely coordinated. While humanitarian relief agencies are engaged in providing assistance, development agencies should be studying how to rehabilitate and/or increase the coping capacity of affected areas so that they can effectively absorb uprooted populations, in line with the planning objectives of the country.

The major impediment to devising a comprehensive strategy to cover both humanitarian assistance and development is limited funds. While humanitarian agencies have contingency funds which they can use in case of emergencies, development agencies have very limited funds readily available to plan the development work required to increase the absorptive capacity of hosting areas.

One way to resolve this problem would be for development agencies to have a "rehabilitation fund" to be used at the discretion of the head of the agency in the same way as humanitarian agencies have "emergency funds." The fund could be used for reconstruction, rehabilitation and development projects to benefit the whole population of designated areas, irrespective of whether they are displaced persons, indigenous people, returnees or refugees. This is not a new idea. A U.N. report issued in 1991 recommended a feasibility study to determine in which countries such a fund is likely to work, the number of refugees, returnees and internally displaced persons involved, the appropriate level of the fund, the mechanisms and procedures required for its administration, and the attitude of the donor community.¹⁰⁹

A later report also called for closer coordination between relief and development planning with some organizations focusing upon emergency assistance and protection in a given situation, while others, in particular UNDP and the specialized agencies, attend to integrating uprooted persons in the development process of the areas where they live. It recommended

that because "there will always be many development aid entry points in an emergency situation (notably in the health, water supply and livestock fields)," donors and other partners should "abandon the traditional dichotomy between relief and development funding and operations."¹¹⁰

Impending conflict situations should receive attention from development agencies as well. In a number of countries, UNDP Resident Representatives have begun to design "preventive development projects," or quick impact development projects aimed at improving the situation of people who otherwise would be likely to leave their area of residence and become internally displaced. In Kenya, as earlier mentioned, a UNDP program designed in cooperation with the Government, other U.N. agencies and NGOs combines relief, development and prevention objectives for displaced populations. It seeks to support the rehabilitation of an estimated 300,000 persons displaced by ethnic violence since 1991 by providing for mediation between ethnic groups, the supply of material assistance, and the initiation of rehabilitation and development programs. If successful, it could prove to be a model for other countries.¹¹¹

Finally, consideration should be given to introducing regional processes, such as CIREFCA (the International Conference on Refugees in Central America), into other areas so that governments, NGOs and development agencies might be encouraged to work together in integrating uprooted persons into national development plans. More recently, the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region of Africa, held in Bujumbura, underscored the importance of developing integrated programs to deal with the relief and development needs of uprooted populations.

Stimulate Capacities Beyond the United Nations System

Addressing protection, assistance and development for internally displaced persons does not depend on the United Nations system alone. In several situations, there is little or no U.N. presence. Such was the case in Liberia, Rwanda and Somalia during critical periods. In other cases, the U.N. response has been slow to meet the needs of internally displaced persons because of limited resources or an ineffective response system.

The U.N., moreover, cannot be expected to assume the burden of internal displacement in every situation. It is therefore essential that the capacities to cope with a mass displacement of populations be strengthened at the local, national and regional levels.

Regional initiatives are at an early stage of development but could prove a powerful stimulus to addressing problems of internal displacement. Closer ties and coordination need to be developed by U.N. human rights and humanitarian agencies with regional bodies, in particular the Inter-American Institute for Human Rights, the Inter-American Commission on Human Rights (Organization of American States), the African Commission on Human and Peoples' Rights (Organization of African Unity), and the Organization for Security and Cooperation in Europe (OSCE). All of these bodies are beginning to undertake important initiatives to enhance protection, assistance and development for the internally displaced. They should be encouraged and supported.

In the Americas, the Inter-American Institute for Human Rights, a body established to support the work of the Inter-American Commission, helped create and now houses the secretariat of a Permanent Consultation on Internal Displacement in the Americas. The Permanent Consultation, composed of representatives of U.N. agencies, intergovernmental organizations, NGOs, and independent experts, has been developing regional networks of information on internally displaced populations, preparing reports on their protection, assistance and development needs, and providing advice and technical assistance to governments for improving their condition. It has already sent an on-site mission to Colombia at the request of that government and is expected to visit Guatemala. Although still a fledgling organization, this innovative arrangement could prove a model for addressing the protection and assistance needs of internally displaced persons in other regions.

As noted above, the regional process generated by CIREFCA in 1989 resulted in a comprehensive plan for reintegrating refugees, displaced persons and returnees in Central America into national development plans and should serve as a model for regional cooperation in other parts of the world.

In Africa, the OAU has become more active in recent years in trying to address the problem of internal displacement. In cooperation with UNHCR, in 1994 and 1995 it convened several important regional conferences to promote protection, assistance and development solutions for uprooted populations.¹¹² In 1993, in an effort to avert conflict and mass displacement, it created a Mechanism for Conflict Prevention and Resolution.

The Parliamentary Assembly of the Conference on Security and Cooperation in Europe (CSCE) recommended in a declaration in July 1994 that when preventive efforts fail and mass movements of people occur, CSCE should develop an approach to "ensure protection of the forcibly displaced" and "seek durable long-term solutions for their well-being."¹¹³ In 1995, CSCE, renamed the Organization for Security and Cooperation in Europe (OSCE), agreed to take over from UNHCR the function of monitoring the safety and human rights of internally displaced persons in Tajikistan. It also has dispatched missions to other troubled areas with a view to preventing conflicts and mass exoduses. The appointment of a High Commissioner on National Minorities in 1992 further underscored the organization's interest in preventive diplomacy and in averting conflicts in which minority group members become victimized and displaced.

Nongovernmental organizations (NGOs) play an especially important role in responding to situations of internal displacement. International NGOs with field presence, local grass roots organizations, and church groups are often the most effective bodies working with the internally displaced. Moreover, in situations where the U.N. is not present or inadequately represented, NGOs may be the only groups providing protection, assistance or development support to the internally displaced. Identifying such groups in different countries and lending support to their efforts could promote improvements in conditions for the internally displaced and lead to the establishment of regional and international NGO networks for dealing with situations of internal displacement.

In 1993 and 1994, UNHCR organized a series of regional workshops with NGOs, called Partnership in Action (PARINAC). Its Plan of Action called upon the U.N. to work more closely with international and local NGOs in implementing programs for the internally displaced in the areas of protection, assistance and development. It underscored "the

capacity of local NGOs, through their constant presence, to alert concerned agencies to the need to respond to the protection and assistance needs of internally displaced persons." It called for greater NGO cooperation with the Representative of the Secretary-General in "country-specific information gathering and assisting with country visits by the Representative." It underlined the need for NGO involvement in documenting cases of human rights violations and developing measures to counter them. And it advocated better coordination with U.N. bodies in the planning of programs in the development sphere.¹¹⁴

To increase their capacity to deal with internally displaced persons in emergency situations, NGOs have been developing training programs in protection. The Norwegian Refugee Council, for example, has developed a check-list of protection activities in cases of internal displacement.¹¹⁵ A workshop held in 1994 for national Red Cross societies in the former Yugoslavia sought to increase awareness of issues related to protection. NGOs have also been making concerted efforts to encourage the development of, or support existing, local structures for dealing with internal displacement. This is particularly important since many crises of internal displacement go on for years and require local capacities for sustainable solutions. In some instances, local organizations have been undercut by international organizations coming in and creating parallel structures, or by international NGOs bypassing grassroots organizations and local structures.

An international constituency on internal displacement that goes beyond the U.N. system should include representatives of governments, international organizations, regional bodies, humanitarian and human rights NGOs, the legal community, the media, grassroots organizations, and academic institutions. They should meet periodically to exchange ideas, develop strategies, coordinate activities and mobilize international opinion in support of the internally displaced. An example of such constituency-building was a meeting hosted by the Norwegian Government in 1993 and organized by the Refugee Policy Group and the Norwegian Refugee Council. It helped mobilize the support of governments and humanitarian and human rights agencies for greater human rights protection for the internally displaced.¹¹⁶ This meeting has

now become an annual event in Geneva, coinciding with the Commission on Human Rights' consideration of the issue of internal displacement. Other gatherings need to be routinely organized in areas beyond New York and Geneva.

OPTIONS FOR INSTITUTIONAL REFORM

Many proposals have been made for improving the international system's long-term capacity to respond to situations of internal displacement. This section reviews the major proposals that have been made and discusses the advantages and disadvantages of each.

Creation of a Special Agency for Internally Displaced Persons

It has been argued that the most effective way of dealing with the challenge of internal displacement would be to create a new United Nations agency exclusively responsible for all aspects of the problem.¹¹⁷ The current *ad hoc* system which relies upon a multiplicity of agencies and organizations necessarily gives rise to broad gaps, to delays and to confusion. Since refugees have a special entity, UNHCR, to address their problems, a parallel agency with broad authority should be created to assist and protect the internally displaced. This would give internally displaced persons an organization to turn to when they are at risk and would focus accountability clearly upon one institution.

The case for a single agency, however, overlooks several important points. Internally displaced persons have needs that span the entire range of U.N. agencies from emergency assistance to protection to development aid. The creation of a single entity to meet these needs would duplicate many existing resources and capacities that have already become involved with the displaced and at a time when the U.N. system is under considerable pressure to eliminate duplication and cut back staff. The emergence of a new agency, moreover, could inhibit existing agencies from extending their services, thereby weakening rather than strengthening the international response.

Essentially, however, there exists at present neither the will nor the resources to support the creation of a new agency. A proposal for the creation of an international organization to deal with problems that many

governments still view as belonging essentially under the domestic jurisdiction of states would encounter considerable political resistance. There is, moreover, no internationally agreed upon definition of the internally displaced or a comprehensive legal instrument upon which to base the mandate of a new organization. Finally, the cost of a new institution would be substantial and difficult to include in the regular U.N. budget under present circumstances. However compelling the idea might be in theory, it is unlikely for the moment and, most probably, for some time to come.

An alternative to the creation of a new entity would be to enlarge the mandate of the UNHCR to include protection and assistance for internally displaced persons. Within the U.N. system, UNHCR is the institution best equipped legally and operationally to deal with the internally displaced. When the Netherlands proposed in 1993 that the U.N. replace its present *ad hoc* arrangement for responding to situations of internal displacement with "the assignment of a general competence to UNHCR,"¹¹⁸ neither UNHCR nor its Executive Committee endorsed the idea. The "magnitude of the problem," the High Commissioner observed, "far exceeds the capacity and resources of any single agency. It calls for a comprehensive and concerted effort of the United Nations and other humanitarian organizations."¹¹⁹

The matter was discussed again in 1994 by the Sub-Committee of the Whole on International Protection of the Executive Committee of the High Commissioner's Programme. At that meeting, the High Commissioner very clearly defined the extent and conditions under which UNHCR is prepared to undertake activities on behalf of internally displaced persons and stated that the organization's role would essentially be limited to those situations. The Sub-Committee endorsed her findings, and they were submitted for approval to the Executive Committee in October 1994. In its "Conclusion" on internally displaced persons, the Executive Committee of the High Commissioner's Programme limited itself to encouraging

.....the High Commissioner to continue the efforts of her Office to put into action its internal criteria and guidelines for UNHCR involvement in situations of internal

displacement, as an important contribution towards a more concerted response by the international community to the needs of the internally displaced.¹²⁰

A variant of the single agency approach is the recent U.S. proposal calling for a study of the consolidation of the emergency functions of UNHCR, WFP, UNICEF and DHA into a single entity. The purpose of the proposal is to improve emergency response by eliminating overlapping institutional mandates and poor coordination. The proposal, however, focuses mainly on the humanitarian assistance aspect of emergency situations with little priority given to integrating the protection and human rights dimension of humanitarian emergencies. It is essential that this aspect be incorporated in any study undertaken on this subject. Another question that arises is the practicality of separating the emergency functions of these agencies from their other regular programs, on whose expertise and resources the emergency units need to rely. The U.S. proposal itself implicitly acknowledges that a single agency might be difficult to achieve and proposes a series of collaborative arrangements among various U.N. agencies.¹²¹

Two-Agency Approach

Another idea for dealing with the internally displaced is a two-agency approach. The institutional embodiment of such an approach would be to assign responsibility for protection to one agency and for assistance to another. Under this formula, it is envisaged that the Centre for Human Rights under the High Commissioner for Human Rights would cover protection, whereas the Department of Humanitarian Affairs, under the Emergency Relief Coordinator, would coordinate assistance provided by the different operational agencies, which it already has the mandate to do.

The two-agency solution, however, is not a serious possibility at present or even in the near future. The Centre for Human Rights as presently constituted would require a complete restructuring and major resources to have the requisite capacity. The Emergency Relief Coordinator does have a mechanism in place, the Task Force on Internally

Displaced Persons, but it is new and not yet fully functioning. Moreover, placing responsibility for assistance with one agency and protection with another would separate these functions at a time when it is increasingly recognized that they must be integrated if they are to be exercised effectively. Moreover, both the Centre and ERC would need to collaborate with a wide range of other agencies to be effective. In short, a system-wide approach would still apply.

System-Wide Approach Coordinated by a Central Point

The absence of a single organization within the U.N. system responsible for the internally displaced should not be taken to mean that the support provided them will unavoidably be inadequate. Such an assumption fails to take into account the greater willingness of the international community to become involved with situations of internal displacement or the efforts underway to develop a more coordinated approach. As has been shown earlier, both within and outside the U.N. system, intergovernmental, regional, and nongovernmental bodies are actively exploring and developing new approaches to increasing protection, assistance and development for the internally displaced. Strengthening and better coordinating these different efforts would currently appear to offer the most promising prospect for developing a more effective international system to meet the challenge of internal displacement.

A system-wide approach supposes the creation of a central point authorized to call upon other entities within and outside the U.N. system to ensure that the protection, assistance and development needs of the internally displaced are being adequately met. This central point could be an operational agency or solely a coordinating mechanism that has no operational role. The most important function of this entity would be to assign responsibility rapidly to one or more appropriate agencies when a serious situation of internal displacement arises.

Within the existing institutional arrangements, the Inter-Agency Standing Committee (IASC), chaired by the Emergency Relief Coordinator, is by all accounts the most appropriate mechanism. Its Task

Force on Internally Displaced Persons has already been authorized to review all serious situations of internal displacement, explore the extent to which assistance, protection and development needs are being met, and recommend the best division of labor among U.N. agencies. The Task Force's new terms of reference and enlarged composition will suit it to serve as the mechanism to coordinate protection, assistance and development for internally displaced persons. The Task Force, however, will need increased staff and institutional support to carry out its responsibilities effectively. It will need to demonstrate leadership and show proof of its ability to address situations of internal displacement.

Optimum use of the capacity of U.N. organizations to address in a coordinated manner the protection and assistance needs of the internally displaced accords with a recent resolution of the U.N. Economic and Social Council (ECOSOC) on "Strengthening of the coordination of emergency humanitarian assistance of the United Nations." Several of the issues listed in the resolution's Annex are discussed in the present paper as they relate to internal displacement, such as the role and operational responsibilities of each specific organization, the development of operative memoranda of understanding between different organizations, and the operational and financial capacity of each organization to act in a timely and effective manner.¹²²

Should this system of mobilization of existing capacities fail to prove effective in practice in addressing situations of internal displacement, the other options outlined above will have to be re-visited or new ones will need to be developed.

Institutionalizing the Position of the Representative of the Secretary-General on Internally Displaced Persons

A system-wide approach will need a catalyst, a senior person who can help alert and channel the energies of the different agencies. The Representative of the Secretary-General is well-positioned to play this role, but to do so his mandate will have to be strengthened and his position may have to be institutionalized.

There are several options for strengthening and institutionalizing the position of the Representative:

- ◆ **A Full-Time and Staffed Position in the Office of the Secretary-General:** Under this arrangement, the Representative would be assigned to the Office of the Secretary-General, would be a full-time paid official, and would have a staff with expertise in protection, assistance and development. Placing him directly under the Secretary-General would lend authority to his position, and a full-time position would enable the Representative to devote much greater effort to ensuring that human rights, humanitarian and development organizations take the concerns of the internally displaced into account.

A number of arguments can be advanced in objection to this option. It may be perceived, and opposed, as presaging the creation of a separate agency, or as duplicative of the work of existing institutions. The Emergency Relief Coordinator and the U.N. Resident Coordinators, for example, are in charge of coordinating assistance for the internally displaced and may perceive a new U.N. office that also addresses assistance issues as adding an unnecessary "layer" to their work. Moreover, given the non-operational nature of the office, it could easily be marginalized by agencies present in the field.

Human rights bodies, for their part, might find it difficult to relate to an official outside their system. It was at the request of the Commission on Human Rights that the Secretary-General appointed the Representative because of the gap in the U.N. system on the protection side. It is the Commission on Human Rights which established his terms of reference, and it is the Centre for Human Rights that provided staff. Although many initially feared that the Commission would refuse to add the issue of internal displacement to its overburdened agenda, governments have been extending invitations to the Representative to visit and make recommendations on how to improve treatment for the internally displaced. Funds from both within and outside the U.N. system are also being made available to enable the Representative to expand his activities. Separating the Representative from this institutional structure would not

only isolate him from the human rights system that created his office but also weaken the constituency that has begun to emerge. The de-linking of the Representative from human rights bodies, moreover, would subject future decisions about his office to the General Assembly, a more unwieldy and highly political body than the Commission.

- ◆ **A Full-Time Independent Position within the Centre for Human Rights:** An independent office within the Centre for Human Rights would maintain the Representative's close ties with the U.N. human rights bodies with which he has been associated. It would strengthen his ties with the High Commissioner for Human Rights who was appointed two years after the Representative and who as a result has had minimal involvement with the work of the Representative. The independence of the office would at the same time enable the Representative to maintain his direct link with the Office of the Secretary-General, adding to the Representative's authority. The full-time nature of the appointment would enable him to address systematically the many urgent situations of internal displacement. Additional and expert staff would be needed in support of his work, and he would need to open an office in New York to ensure close proximity to high-level decision-making.

This option would appear to be the most persuasive from the point of view of the worldwide dimension of internal displacement and the need to give special attention to human rights protection. There are, however, a number of drawbacks. International support may not yet have reached the point that would enable the creation of a permanent position which, like one in the Office of the Secretary-General, could be viewed as a step toward the establishment of a separate entity and a further burden on U.N. resources. One way to overcome this latter objection might be to secure funds from outside the U.N. However, bureaucratizing the position risks undercutting the strength the Representative now derives from not being strictly subject to the constraints of the U.N. system.

A variant of this option would be to place the Office of the Representative within the Department of Humanitarian Affairs, where his mandate would gain more direct support from the U.N.'s humanitarian agencies and he would be close to headquarters decision-making. This idea, however, has serious drawbacks. Making the Representative a part

of DHA would undermine his institutional independence and could diminish the authority deriving from his direct connection with the Office of the Secretary-General. Moreover, he would be subordinated to a bureaucracy that does not focus on issues of human rights and protection and would be separated from the U.N. human rights framework.

- ◆ **Strengthen the Position in its Current Formulation:** Under this approach, the office would be maintained in its current form as a voluntary, part-time position, with a high degree of institutional independence (the Representative's permanent position is at a research institution outside of the U.N.). The position would receive strengthened support both from within and outside the U.N. system. The Representative would continue to be directly involved with the Office of the Secretary-General, U.N. human rights bodies, the General Assembly, U.N. humanitarian and development agencies, NGOs and research institutions but with heightened capacity to act.

At present, this would appear to be the most realistic approach. It allows the Representative the independence needed to bring innovative ideas to his mandate and better enables him to continue to solicit institutional support from outside the U.N. Since the Representative's appointment, resources have come in, albeit on a limited basis, from governments to enable him to add to his staff, undertake additional on-site missions, and enlist NGO support to carry out needed assignments. Foundations and governments have also provided funds for a long-term study requested by the Secretary-General on the problem of internal displacement which the Representative is conducting with a number of research institutions. U.N. human rights bodies, moreover, have become more responsive to strengthening the Representative's office. The World Conference on Human Rights, for example, lent its endorsement to addressing the issue of internal displacement, and the Centre for Human Rights subsequently pledged itself to "strengthening" support for the Representative "in carrying out systematic studies on countries affected by armed conflicts and with large numbers of displaced persons and in examining all relevant legal and institutional aspects."¹²³ The appointment of the High Commissioner for Human Rights should also reinforce the Representative's position.

Under this option, additional resources would be allocated to the Representative by the U.N. or other donors to enable him to make regular on-site and follow-up visits and to provide for additional support staff. As already noted, the Representative will need senior staff at the U.N. Centre in Geneva and a senior staff member in New York. In addition, human rights staff from the Centre should be assigned to support his activities in the field, when appropriate. He also should be authorized to obtain on short-term secondment NGO representatives and experts from outside the U.N. to lend expertise to his missions and their subsequent follow-up.

Sometimes the question is raised whether the Office of the Representative might eventually be phased out in light of the appointment of an Emergency Relief Coordinator, the establishment of an Inter-Agency Task Force on Internally Displaced Persons and the appointment of a High Commissioner for Human Rights. While this question could be re-visited at some point in the future, for the present it should be borne in mind that the Representative is the only individual in the U.N. system with a mandate from the Secretary-General to focus exclusively on the internally displaced. It would be a paradox verging on tragedy to discuss phasing out his position at the very moment when problems of internal displacement are becoming ever more widespread and serious. The Representative has only just begun to carry out his mandate and needs time to develop strategies for greater legal and physical protection, for the greater involvement of humanitarian and development agencies, for expanded activities by human rights bodies, and for the development of stronger capacities outside the U.N. system. The Emergency Relief Coordinator, the High Commissioner for Human Rights, and the U.N. High Commissioner for Refugees have all recognized the need for this office and expressed the wish to see the Representative continue his work on behalf of internally displaced persons.

CONCLUSION

The post Cold War era has been characterized by large numbers of internal conflicts generating massive displacement. Although such situations should ordinarily come within the domestic responsibility of states, many governments have turned to the international community for assistance because the magnitude of the problem has exceeded their abilities. In other instances, the unresponsiveness of governments to their populations has made international involvement essential.

Over the past half decade, the United Nations system has begun to gear itself to meet the challenge of internal displacement. Most major humanitarian, human rights and development agencies in one way or another have become involved in dealing with emergency situations involving internal displacement. Nonetheless, a substantial number of the world's internally displaced populations are not adequately reached through these efforts, which remain largely *ad hoc*.

Growing concern over the insufficient response of the international community has led to a number of improvements in the current system and to ideas for further reforms. The most pressing gaps in the current system are the need for greater physical and human rights protection for the internally displaced, the need for an effective mechanism to assign institutional responsibility in emergency situations, and the need for increased reintegration and development support. In varying degrees, means already exist to remedy these deficiencies, although less in respect to physical protection than to material assistance. An improved international response therefore depends more on strengthening existing capacities and better coordinating the various actors than on the creation of new institutions. While the steps outlined in this paper to improve and expand the current system will not be easy to achieve, if pursued resolutely, they hold promise of a more effective response to one of the most serious humanitarian and human rights challenges of our time.

ENDNOTES

1. The two major international conferences highlighting the problem of internal displacement were: the December 1988 Conference on the Plight of Refugees, Returnees, and Displaced Persons in Southern Africa (SARRED); and the May 1989 International Conference on Central American Refugees (CIREFCA). The SARRED meeting recommended that "mechanisms should be examined by the U.N. concerning relief programs for internally displaced persons." See Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, Report of the Secretary-General, A/44/520, 28 September 1989, p.16. In addition, the General Assembly called upon the Secretary-General to study the need for an international mechanism to coordinate relief programs for internally displaced persons worldwide in Resolution 43/116, 8 December 1988.
2. Analytical Report of the Secretary-General on Internally Displaced Persons, E/CN.4/1992/23, 14 February 1992, para. 17. The working definition is currently under review. Some, for example, object to the inclusion of natural disasters in the text because persons so displaced would not qualify as refugees had they crossed a border; others would delete the phrase fleeing in large numbers because this formulation excludes individuals fleeing alone or in small numbers. See Francis M. Deng, Internally Displaced Persons: Report of the Representative of the Secretary-General to the Fifty-First Session of the Commission on Human Rights, E/CN.4/1995/50, 2 February 1995, pp.32-35.
3. Deng, *ibid.*, pp.7-8.
4. For a full discussion of the characteristics of complex emergencies, see Report of the Inter-Agency Standing Committee Working Group, XVIth Meeting, Geneva, 30 November 1994, pp. 28-32.
5. The mission to Rwanda did, however, include UNHCR staff who had experience in refugee protection, and the Consolidated Appeals for Rwanda, prepared under DHA leadership, included the financial requirements of the Human Rights Field Operation in Rwanda.
6. "Internally Displaced Persons: The Next Stage," Inter-Agency Standing Committee, Geneva, 5 July 1993.

7. Minutes of Meeting of Inter-Agency Task Force on Internally Displaced Persons, Geneva, 15 April 1994.
8. Responses of the World Health Organization, U.N. Development Programme, and the Food and Agriculture Organization to the Inter-Agency Task Force on Internally Displaced Persons, Geneva, 1994.
9. Statement of Charles LaMunier before the UNHCR Sub-Committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, Geneva, 18 May 1994.
10. Statement of the International Committee of the Red Cross before the UNHCR Sub-Committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, Geneva, 18 May 1994.
11. Statement by Sadako Ogata, U.N. High Commissioner for Refugees, to the Fiftieth Session of the U.N. Commission on Human Rights, Geneva, 9 February 1994.
12. "Internally Displaced Persons: A WFP Position Paper," World Food Programme, Rome, June 1994.
13. "ICRC Activities for Refugees and Displaced Civilians," Frederic Maurice and Jean de Courten, International Review of the Red Cross, January-February 1991.
14. "Humanitarianism in the Midst of Armed Conflict," Statement by Sadako Ogata to the Brookings Institution, Washington D.C., 12 May 1994.
15. See "The Lost Agenda: Human Rights and U.N. Field Operations", Human Rights Watch, New York, June 1993; and "Humanitarianism Unbound?," African Rights, London, November 1994.
16. Frederick C. Cuny. "Background Paper: Observations From Other Countries About Assistance For Displaced Persons," Intertext, 1988.
17. Jacques Cuenod, Report on Refugees, Displaced Persons and Returnees, United Nations Economic and Social Council, E/1991/109/Add.1, 27 June 1991.
18. See, for example, Dennis Gallagher and Susan Forbes Martin, "The Many Faces of the Somali Crisis: Humanitarian Issues in Somalia, Kenya and Ethiopia," Refugee Policy Group, December 1992.

19. PRODERE provided support for education and training of uprooted populations, restoration of basic infrastructure, and community-based income generating and development projects. It also lent support to human rights objectives, in particular assisting displaced persons secure needed legal documents and legal aid to enable them to protect their land. See Peter Sollis and Christina M. Schultz, "Lessons of the PRODERE Experience in Central America", *RPG Focus*, October 1995.
20. See Terms of Reference, Inter-Agency Task Force on Internally Displaced Persons, Department of Humanitarian Affairs, May 1995.
21. "Suggested Criteria for Assisting Internally Displaced Persons," UNICEF, Geneva, May 1995.
22. See, for example, General Assembly Resolution 48/116, 20 December 1993.
23. "UNHCR's Operational Experience with Internally Displaced Persons," Office of the UNHCR Division of International Protection, Geneva, September 1994, pp.78-82. See also "Protection Aspects of UNHCR Activities on behalf of Internally Displaced Persons," Note to the Sub-Committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, EC/1994/SCP/CRP.2, 4 May 1994.
24. It should be noted that in a memorandum to UNHCR staff in 1993, the High Commissioner emphasized that UNHCR's mandate and expertise are "in the areas of protection and solutions [i.e., returns]" so that when UNHCR is requested or allowed to assist the internally displaced, "it should be expected to act in pursuit of these basic objectives," see IOM-FOM 33/93 on "UNHCR's Role with Internally Displaced Persons." UNHCR, Geneva, 28 April 1993. UNHCR has helped returning refugees and internally displaced persons to reintegrate in countries such as Nicaragua, Somalia, Tajikistan and Afghanistan. In Rwanda, it has registered internally displaced persons for return, provided transport and relief, and has drawn up draft principles to promote safe and secure returns in accordance with UNHCR principles for refugees. Further examples of UNHCR activities in support of reintegration of the internally displaced can be found in "Financial and Programmatic Implications of UNHCR Activities on Behalf of the Internally Displaced," Executive Committee of the High Commissioner's Programme, Geneva, EC/1994/SC.2/CRP.13, 6 May 1994.

25. Larry Minear et al., "Humanitarian Action in the Former Yugoslavia: The U.N.'s Role 1991-1993," The Thomas J. Watson, Jr. Institute for International Studies and the Refugee Policy Group, 1994, pp. 63-70; and Bill Frelick, "'Preventive Protection' and the Right to Seek Asylum: A Preliminary Look at Bosnia and Croatia," International Journal of Refugee Law, Vol. 4, No. 4, pp. 439-453.
26. See note 10 above.
27. "UNHCR's Operational Experience," see note 23 above, p.52.
28. See in particular Jean-Philippe Lavoyer, "Refugees and Internally Displaced Persons: International Humanitarian Law and the Role of the ICRC," International Review of the Red Cross, No. 305, March-April 1995, and Denise Plattner, "The Protection of Displaced Persons in Non-International Armed Conflicts," International Review of the Red Cross, No. 291, November-December 1992.
29. In Rwanda, ICRC has cared for more than one million civilians, most of them displaced persons, constituting ICRC's largest relief operation to date. In Chechnya, ICRC has protected and assisted hundreds of thousands of people, many of them internally displaced.
30. 128 states have ratified Protocol II relevant to non-international armed conflict, whereas 185 states have ratified the Geneva Conventions.
31. General Assembly Resolution 44/136, 27 February 1990. Two years earlier, in 1988, the General Assembly called upon the Secretary-General to study the need for an international mechanism to coordinate relief programs for the internally displaced, see note 1 above. In 1989, the Secretary-General announced that UNDP Resident Representatives, acting as United Nations Resident Coordinators, would be the focal points for coordinating relief to the internally displaced, see Report of the Secretary-General, note 1 above, p.19, and Statement by Abdulrahim A. Farah, Under-Secretary-General for Special Political Questions, before the Third Committee of the General Assembly, 14 November 1989.
32. See note 1 above.
33. Implementation, however, is reported to be slow because of government obstruction, see "Kenya: Old Habits Die Hard," Human Rights Watch/Africa, July 1995.

34. Annual Report of the Executive Director 1994: Linking Relief to Development. World Food Programme, 26 April 1995.
35. In a statement before UNHCR's Executive Committee in 1994, WFP's Executive Director observed, in the case of refugees, that "often food is distributed to camp elders who distribute down the hierarchy of their village as they see fit" even though distribution "family by family" would prove more effective. She emphasized that refugee women and their children are the primary victims of internal conflicts and should be given priority in efforts to ensure that entire families are fed. She also drew attention to the need to address the issue of food being diverted to the military, noting that despite a policy prohibiting this, in the camps in Goma for Rwandan refugees, "there is no delineation between feeding soldiers and non-soldiers and no opportunity to do so under the current circumstances". See Statement of Catherine Bertini, Executive Director, World Food Programme, to the Forty-Fifth Session of the Executive Committee of the High Commissioner's Programme, Geneva, 3 October 1994.
36. See Report of the Inter-Agency Standing Committee Working Group, Section on Burundi, XVIIIth Meeting, Geneva, 8 May 1995.
37. "Humanitarianism Unbound?," see note 15 above, p.14.
38. See note 12 above.
39. See note 34 above.
40. UNICEF Statement by M. Rajan, Norwegian Government Round Table Discussion on Internally Displaced Persons, Geneva, 15 February 1995.
41. Operation Lifeline Sudan, which provides relief and rehabilitation assistance, targets 4.1 million people or 80 per cent of the total affected population in the southern states, transition zones and displaced camps around Khartoum, although in 1994, relief activities were frequently disrupted because of government military activity and inter-factional fighting, see UNICEF Emergency Operations, UNICEF Executive Board, United Nations Economic and Social Council E/ICEF/1995/5, 28 December 1994, pp.18-19.
42. See, for example, "Humanitarianism Unbound?," note 15 above, pp.14-15.
43. See note 21 above.

44. In Rwanda, on the other hand, UNICEF did undertake emergency assistance for Rwandan refugees in Tanzania and Zaire, see UNICEF Emergency Operations, UNICEF Executive Board, United Nations Economic and Social Council, E/ICEF/1995/5, 28 December 1994.
45. In the WHO Constitution, after the words, "special groups" are the words "such as peoples of trust territories." However, in recent years, the term special groups has come to mean refugees, returning refugees and internally displaced persons, see Emergency and Humanitarian Action: Report by the Director-General, World Health Organization, Executive Board, EB95/23, Geneva, 14 November 1994.
46. See Emergency and Humanitarian Action, Resolution of the Executive Board, EB95.R17, 27 January 1995, and Report by the Director-General, *ibid*.
47. "The PHC [Primary Health Care] Philosophy and the Hedip Approach," World Health Organization, Geneva, PHCHED.Doc/October 25, 1993 (draft). See also "Hedip Forum," Newsletter of the WHO Programme Health and Development for Displaced Populations, 1993 and 1994.
48. See Resolution of the Executive Board, note 46 above; see also Health and Medical Services in Times of Armed Conflict: Report by the Director-General, World Health Organization, Executive Board, EB95/24, 7 November 1994.
49. Report by the WHO Director-General, note 45 above.
50. See Dr. Michael Toole, Centers for Disease Control, Department of Health and Human Services, Testimony before the U.S. Senate, April 3, 1990, as quoted in "Internally Displaced Women and Children in Africa," Refugee Policy Group, Washington D.C., February 1992; see also "Letter From Baidoa: The Need for Adult Therapeutic Care in Emergency Feeding Programs," *JAMA* (Journal of the American Medical Association), Vol. 270, No.5, August 4, 1993; and "Humanitarian Assistance in Somalia 1990-1994," Refugee Policy Group, August 1994, pp.89, 116, 120.
51. Cuenod, note 17 above, pp.5 and 35.
52. General Assembly Resolution 46/182, 19 December 1991.
53. Protection of internally displaced persons in camps was not made the specific responsibility of any relief, development or human rights agency in Rwanda. The human rights monitors sent by the U.N. Centre for Human Rights were expected to facilitate returns by helping to create safer

conditions in home communes; they were not expected to provide protection for internally displaced persons in camps. Nor was UNHCR requested to provide protection in camps; its role was confined to providing assistance with regard to returns. Only UNAMIR, the U.N. Assistance Mission in Rwanda, with a contingent of more than 5,000 troops, was requested by the Security Council, among other responsibilities, to extend protection to displaced persons. It did not, however, act expeditiously to stop the massacre at Kibeho camp.

54. See, for example, Jose-Maria Mendiluce, "War and Disaster in the Former Yugoslavia: The Limits of Humanitarian Action," World Refugee Survey-1994, U.S. Committee for Refugees, 1994; and "Humanitarianism Unbound?," note 15 above.
55. Internally Displaced Persons, Report of the Inter-Agency Task Force on Internally Displaced Persons to the Inter-Agency Standing Committee, Geneva, November 1994, p.2.
56. Report by the WHO Director General, note 48 above, p.4.
57. General Assembly Resolution 46/182, which sets out the policy framework for the Emergency Relief Coordinator (see note 52 above), affirms that "emergency assistance should be provided in ways that will be supportive of recovery and long-term development. Thus, emergency measures should be seen as a step toward long-term development."
58. Roberta Cohen, "Human Rights and Humanitarian Emergencies: New Roles for U.N. Human Rights Bodies," Refugee Policy Group, September 1992.
59. ECOSOC Resolution 1990/48 on Enlargement of the Commission on Human Rights and the Further Promotion of Human Rights and Fundamental Freedoms, 25 May 1990.
60. See Cohen, note 58 above. See also "Report on the 1995 UN Commission on Human Rights," Quaker United Nations Office, Geneva, April 1995.
61. Commission on Human Rights Resolution 1994/68, 9 March 1994.
62. Gaspar Biro, Interim Report on the Situation of Human Rights in the Sudan, General Assembly, A/48/601, 18 November 1993.
63. See Deng, note 2 above.

64. See General Assembly Resolution 48/141, 20 December 1993.
65. See Report on Rwanda to the Commission on Human Rights by Rene Degni-Segui, Special Rapporteur, E/CN.4/1995/70, 11 November 1994. See also "Rwanda, 'A Waste of Hope,' The United Nations Human Rights Field Operation," African Rights, London, March 1995; "Amateurs Posing as Professionals: The United Nations Human Rights Field Operation in Rwanda," Human Rights Tribune, Ottawa, June/July 1995; and "Rwanda: The Crisis Continues," Human Rights Watch/Africa and Federation Internationale des Droits de l'Homme, April 1995.
66. Report on the Programme and Administrative Practices of the Centre for Human Rights, by the Office of Inspections and Investigations, contained in Review of the Efficiency of the Administrative and Financial Functioning of the United Nations, General Assembly, A/49/892, 26 April 1995, Annex, p.4.
67. Report of the United Nations High Commissioner for Human Rights to the Commission on Human Rights, E/CN.4/1995/98 15 February 1995. See also Lecture by the High Commissioner for Human Rights, "Human Rights in the 21st Century: A Global Challenge," Copenhagen University, 27 June 1994.
68. United Nations Press Release HR/95/16, 25 April 1995.
69. For resignation of Tadeusz Mazowiecki, see Letter dated 27 July 1995, E/CN.4/1996/9 (Annex I), Geneva, 22 August 1995; and "U.N. Envoy in Bosnia Quits at 'Hypocrisy'," International Herald Tribune, 28 July 1995.
70. See "The Lost Agenda," note 15 above. It examines five of the largest U.N. field operations in recent years, in Cambodia, El Salvador, Iraq, Somalia and the former Yugoslavia, and finds that with the exception of El Salvador, human rights concerns were given a low priority.
71. See Commission on Human Rights Resolution 1994/69, 9 March 1994.
72. See Commission on Human Rights Resolution 1995/88, 8 March 1995.
73. The High Commissioner has plans to send up to 35 observers to Burundi. He has gotten the agreement of the Government of Burundi, and the European Union has agreed to finance the program.
74. Commission on Human Rights Resolution 1995/57, 3 March 1995.

75. For the full extent of the Representative's activities, see his Report to the Commission on Human Rights, note 2 above.
76. *Ibid.*, p.16.
77. Francis M. Deng, "Internally Displaced Persons: An Interim Report to the United Nations Secretary-General on Protection and Assistance," U.N. Department of Humanitarian Affairs and Refugee Policy Group, December 1994, p.19.
78. See note 6 above.
79. Draft Report of the Inter-Agency Task Force on Internally Displaced Persons to the Inter-Agency Standing Committee, Geneva, October 1994.
80. See note 55 above.
81. *Ibid.*
82. See note 20 above.
83. The Representative of the Secretary-General on Internally Displaced Persons and the Centre for Human Rights began to participate in the work of the Task Force in 1994. A Task Force Discussion Note of 14 September 1994 decided to "ensure the participation" of the Representative of the Secretary-General. The Centre for Human Rights also participated in the work of the Task Force on an informal basis.
84. See statement cited in Francis M. Deng, Comprehensive Study to the Commission on Human Rights, E/CN.4/1993/25, 21 January 1993, p.26. See also Statement of the U.N. High Commissioner for Refugees to the World Conference on Human Rights, Vienna, 15 June 1993.
85. "Internally Displaced Persons: Preliminary Findings," Inter-Agency Task Force on Internally Displaced Persons, Geneva, 1993.
86. Security Council Resolution 965, 30 November 1994.
87. See, for example, Security Council Resolutions 824 of 6 May 1993 and 836 of 4 June 1993, which declared that Sarajevo, Tuzla, Zepa, Gorazde, Bihac and Srebrenica should be treated as "safe areas" and authorized the U.N. Protection Force (UNPROFOR) to "deter attacks against the safe areas."

88. In the Sudan and the former Yugoslavia, for example, the protection of civilians has often been made a secondary priority to the delivery of humanitarian supplies, see, for example, "Humanitarianism Unbound?," note 15 above, p.14; and Human Rights Watch World Report 1995, New York, 1995, pp.xvii-xviii.
89. This has been proposed, for example, in U.S. Foreign Policy and the United Nations System, United Nations Association of the United States of America, New York, 20-23 April 1993. The Commission on Human Rights has 53 members.
90. See Deng, note 84 above, pp.26-7, 28-9.
91. Note on Draft Work Plan 1994, Inter-Agency Task Force on Internally Displaced Persons, Geneva, 31 March 1994.
92. Deng, note 2 above, pp.28-9.
93. The Centre for Human Rights, for example, at the request of the Commission, has been compiling information on human rights situations that are causing mass exoduses, see Commission on Human Rights Resolution 1995/88, which calls upon the various rapporteurs, representatives, working groups and treaty bodies of the Commission to include information on mass exoduses in their reports and to bring this information to the attention of the High Commissioner for Human Rights so that he may address them. See also the Report on Human Rights and Mass Exoduses, E/CN.4/1995/49.
94. "Consultations on Early Warning of New Flows of Refugees and Displaced Persons," A Report to the Administrative Committee on Coordination (ACC), Department of Humanitarian Affairs, New York, 1995.
95. *Ibid.*
96. In southern Africa, for example, in 1992, early warning and a coordinated international response prevented a major famine due to drought, see Jan Eliasson, "Humanitarian Challenges for the UN: Ethical Standards as Reality Rather than Pious Hope." DHA News, 1993 in Review, January-February 1994.
97. The High Commissioner was requested to address such situations through "emergency preparedness and response mechanisms including information sharing, the provision of technical advice, expertise and cooperation," see note

72 above.

98. Statement of the U.N. High Commissioner for Refugees, note 84 above.
99. Situation of Human Rights in the Territory of the Former Yugoslavia, Tenth periodic report by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, E/CN.4/1995/57, 16 January 1995, p.26.
100. The objectives of the U.N. Human Rights Field Operation in Rwanda (HRFOR) is set forth in an Agreement Between the United Nations and the Government of Rwanda on the Status of the Human Rights Mission in Rwanda, see "Rwanda: 'A Waste of Hope'," note 65 above, p.3.
101. See note 67 above.
102. Humanitarian law does not provide adequate protection for relief workers in all situations of armed conflict. Whereas Protocol I (Art.71) of the Geneva Conventions provides protection for relief workers in international armed conflicts, Protocol II, which deals with internal conflicts, provides protection for medical and religious personnel only.
103. See note 69 above.
104. Commission on Human Rights Decision 1995/107, 3 March 1995.
105. Commission on Human Rights Resolution 1995/24, 3 March 1995.
106. See for example, Brian Urquhart, "Who Can Stop Civil Wars," New York Times, 29 December 1991. For proposals for additional machinery, including a U.N. high commissioner for minorities, see B.G. Ramcharan, "The Future of International Protection of Human Rights," Human Rights Internet Reporter, Spring 1989.
107. See Report of the United Nations High Commissioner for Human Rights, note 67 above, p.17.
108. Report on Assistance to Guatemala in the Field of Human Rights, Commission on Human Rights, E/CN.4/1994/CRP.1, 24 February 1994.
109. See Cuenod, note 17 above.

110. Michael Priestly, Report to the Under-Secretary-General, Department of Humanitarian Affairs, 21 September 1994 (unpublished draft), p.5.
111. See note 33 above.
112. See Deng, note 2 above.
113. *Ibid.*, p.60.
114. "PARINAC Plan of Action," ICVA and UNHCR, Geneva, 1994, pp.16-18.
115. Jan Borgen, "Internally Displaced Persons: An NGO Perspective on Protection: Check-List of Activities," Norwegian Refugee Council, April 1994.
116. "Norwegian Government Roundtable Discussion on United Nations Protection for Internally Displaced Persons," Norwegian Refugee Council and Refugee Policy Group, Nyon, Switzerland, February 1993.
117. See Deng, note 84 above, para. 103.
118. Statement by the Representative of the Kingdom of the Netherlands to the Forty-Forth Session of the UNHCR Executive Committee, Geneva, 1993.
119. See Statement of High Commissioner, note 84 above.
120. Conclusion of the Executive Committee of the High Commissioner's Programme, A/AC.96/XLV/CRP.3, 7 October 1994.
121. For example, the U.S. proposal recommends collaborative arrangements between different agencies based on UNHCR-WFP cooperative arrangements, in particular: a memorandum of understanding between UNHCR and UNICEF on protecting, assisting and tracing unaccompanied refugee and internally displaced children; a joint arrangement between UNHCR and UNICEF on primary health care for refugees and internally displaced persons; and joint arrangements among UNHCR, UNICEF and WFP on relief supply operations. Overall, the proposal seeks to consolidate U.N. efforts in four functional areas: emergency response, development assistance, monitoring and reporting activities, and ECOSOC subsidiary bodies, see "Readying the United Nations for the Twenty-First Century: Some 'UN-21' Proposals for Consideration," Department of State, Washington D.C., September 1995.

122. ECOSOC Resolution 95/96 of 28 July 1995 requests the Secretary-General to prepare a report with proposals and recommendations for strengthening the capacity of the United Nations system for humanitarian assistance. The report should make clear that protection will have to be dealt with simultaneously.
123. The Centre also endorsed the growing trend to integrate human rights concerns into humanitarian programs and pledged to “address the root causes and effects of displacement” and “the provision of effective protection of and assistance to displaced persons.” See Plan of Activities of the Centre for Human Rights for the Implementation of the Vienna Declaration and Programme of Action, Annex II, Geneva, 10 November 1993.

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