

## **ADDRESSING INTERNAL DISPLACEMENT IN ASIA: A ROLE FOR REGIONAL ORGANIZATIONS<sup>1</sup>**

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In February 2000, a regional conference met for three days in Bangkok to develop strategies for dealing with internal displacement in Asia. Representatives of non-governmental and international organizations, academic institutions and journalists participated from 16 Asian countries. But the conference differed in one important respect from similar conferences held in other geographic regions, convened by the Representative of the United Nations Secretary-General on Internally Displaced Persons. No representatives from intergovernmental regional organizations in Asia participated: neither the Association of Southeast Asian Nations (ASEAN) nor the South Asian Association for Regional Cooperation (SAARC) sent delegates.

Their absence was not really a surprise. The conference's subject, internal displacement, deals with persons forcibly displaced within their own countries, and ASEAN scrupulously avoids taking positions on "internal" conditions within member states. Its member governments, in fact, often take the lead at international conferences in arguing against action on issues within the domestic sphere of states on the grounds that this would constitute an infringement of state sovereignty.<sup>1</sup> ASEAN appears to draw no linkage between its goals of promoting regional stability and economic and social cooperation and the interference with those goals caused by conflict-induced displacement in the region. Similarly, SAARC, founded to promote economic and social cooperation in the south Asian region, emphasizes noninterference in internal affairs. It considers steps to deal with natural disasters part of its mandate but does not try to prevent or manage the human-made disasters plaguing this same region.<sup>2</sup>

Within the SAARC region, conflict and displacement are having damaging effects on India, Pakistan and Sri Lanka. Within the ASEAN region, Indonesia, Myanmar (Burma) and the Philippines currently are experiencing problems of conflict and displacement, while Cambodia, Laos and Vietnam struggle with the after effects of conflict and displacement. Beyond these two sub-regions of Asia, displacement caused by conflict and human rights violation plagues Afghanistan, Iraq, and Tajikistan.

Internationally, internal displacement has come to the fore as one of the more pressing humanitarian, human rights, political and security issues facing the global community. An estimated 20 to 25 million persons worldwide are forcibly displaced within the borders of their own countries by conflict and human rights violations. United Nations Secretary-General Kofi Annan calls the problem "one of the great human tragedies of our time."<sup>3</sup> Conflict and displacement not only disrupt the lives of the individuals and families concerned, but whole communities and societies. Both the areas left behind and the areas to which the displaced flee often suffer extensive damage. In many cases, socioeconomic systems and community structures break down, impeding reconstruction and development for decades. Nor do internal conflicts and displacement remain confined within borders. Often they spill over into neighboring

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countries and upset regional stability. One has only to look at the damaging political and economic impact on Thailand of the conflict and displacement in Myanmar to understand how the problem goes beyond being an "internal" affair.

True, internally displaced persons are within their own countries, and their governments have primary responsibility for their security and well-being. But in most cases their governments are unable to provide for their protection and assistance or sometimes deliberately cause the displacement and obstruct international efforts to reach those uprooted. In other cases, there is no government at all. Regional and international attention become essential.

The United Nations Security Council has become preoccupied in recent years with the impact of internal conflict and displacement on both regional and international peace and security. This is not surprising since it is called upon increasingly to intervene, or to authorize the dispatch of regional forces, when situations get out of hand and troops are needed to reach displaced persons at risk. Whether in Somalia, Bosnia, Rwanda (after the genocide) or East Timor, internal conflict and displacement have figured heavily in international and regional involvement. In 1999, for the first time, the Security Council held discussions on how best to protect and assist civilians in internal conflicts; and in 2000 it expressed its intention to invite the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, to address it on the forced displacement of persons within their own countries.

Furthermore, United Nations Secretary-General Kofi Annan has called upon the Security Council to encourage member states to observe the Guiding Principles on Internal Displacement in situations of massive displacement. The Guiding Principles are the first international standards relative to the needs of internally displaced persons. Drafted by a team of international legal experts under the direction of the Secretary-General's Representative, the Guiding Principles were introduced into the United Nations in 1998. They set forth the rights of internally displaced persons and the obligations of governments, insurgent groups and other relevant actors toward these populations. Although not a binding legal document like a treaty, the Principles are based on existing human rights law, humanitarian law, and analogous refugee law, and have gained, in a relatively short period of time, considerable recognition and standing. Their wide dissemination by the United Nations and growing reference to them in Security Council resolutions and statements reflects the growing concern of the international community with situations of internal displacement.

Conflict-induced displacement has also begun to preoccupy regional intergovernmental organizations. Because the United Nations can not respond to every crisis in every region, regional institutions in Africa, the Americas and Europe have begun to explore ways to assume some of the responsibility in their own geographic areas. It is instructive to look at some of the steps being taken by these regional organizations - founded on the same principle of non-interference in internal affairs as those in Asia - to deal with conflict-induced displacement.

### Policies and Programs in Other Regions

In Africa, where more than half of the world's internally displaced persons can be found, the Secretary-General of the Organization of African Unity (OAU), Salim Ahmed Salim, has

advocated greater OAU involvement in the prevention of conflicts that give rise to mass displacement and in the strengthening of national and regional capacities to deal with displacement. This notwithstanding the OAU's adherence to the principle of non-interference in the domestic affairs of states, which Salim underscores has been carried to "absurd proportions," especially when massive killings, genocide and deliberate starvation overcome countries and spill over borders.<sup>4</sup>

Accordingly, in 1990 the OAU summit authorized the organization to address all types of conflict in Africa, including conflicts *within* states. A mechanism for conflict prevention, management and resolution was set up in 1993 together with a conflict prevention center to anticipate and defuse conflicts and encourage the return of refugees and displaced persons.<sup>5</sup> The creation of an African military force to back up the conflict prevention mechanism was also discussed but thus far has not materialized.<sup>6</sup> The conflict prevention machinery created has begun to have some successes although as yet it has far to go toward reducing Africa's most severe conflicts.<sup>7</sup>

The OAU has also sponsored meetings to make its members more aware of the problem of internal displacement. In 1994 its Commission on Human and Peoples' Rights held a seminar on the protection of African refugees and internally displaced persons, and that same year, together with the United Nations High Commissioner for Refugees (UNHCR), the OAU organized a regional symposium on refugees and forced population displacements. These meetings recommended greater OAU involvement in addressing internal displacement, in tackling its root causes, and in forging stronger linkages between conflict resolution activities and programs on behalf of refugees and internally displaced persons.<sup>8</sup> The OAU also co-sponsored with UNHCR a regional conference to seek solutions to the massive displacement crisis in the Great Lakes region of Africa and to mobilize resources in support of the countries in the region.<sup>9</sup> It has paid special attention to the gender aspects of internal displacement at seminars and workshops.<sup>10</sup> And in 1998, in collaboration with the Brookings Institution Project on Internal Displacement and UNHCR, the OAU cosponsored a workshop on internal displacement in Africa to promote more effective strategies for protecting and assisting internally displaced persons throughout the continent.<sup>11</sup>

The OAU Commission on Refugees, a governmental body composed of all member states, now includes in its reports statistics on internally displaced persons; and Commission members, in the course of their visits to different countries, have begun to monitor the situation of internally displaced persons as well as refugees and to make recommendations to the authorities about their conditions. In 1999, the Commission formally acknowledged with appreciation the Guiding Principles on Internal Displacement.

In the Americas, one also finds growing activities with regard to internal displacement at the Organization of American States (OAS), the hemisphere's regionwide political institution. OAS General Assembly resolutions have acknowledged the existence of internal displacement in the region and the need to undertake programs of assistance and human rights protection for displaced populations.<sup>12</sup> In making the defense of democracy one of its main objectives, it has also helped reduce the potential for massive displacement in the Americas.

The OAS Inter-American Commission on Human Rights, a body of seven independent legal experts, has formally endorsed the Guiding Principles, and in its missions to different countries, uses them as a basis for evaluating and monitoring conditions of internal displacement. Furthermore, governments in Latin America are finding the Guiding Principles of value in developing programs and policies on internal displacement, most notably Colombia, where there are more than 1.4 million internally displaced persons,

The Inter-American Commission has also appointed a Special Rapporteur on Internally Displaced Persons "in recognition of the grave situation of internally displaced persons in several countries of the Hemisphere."<sup>13</sup> This is the first, and thus far only, institutional position at the regional level specifically created to deal with internal displacement. It has already begun to ensure a more regularized focus on the problem in the Western hemisphere.

In Europe, the Organization for Security and Cooperation in Europe (OSCE) has set up conflict prevention machinery to try to head off the tensions that produce displacement. Its focus extends not only to Europe but to the central Asian republics of the former Soviet Union. The OSCE machinery, unlike that in Africa or the Americas, deploys field staff on the ground for long periods to ease local tensions and encourage dialogue and reconciliation. OSCE staff thus become directly involved with the protection of internally displaced persons. In Tajikistan, for example, OSCE field staff monitored the safety and human rights of internally displaced persons returning to their home areas and brought cases of harassment and illegal occupation of property to the attention of the authorities.<sup>14</sup> In the case of Bosnia and Herzegovina, several hundred OSCE staff members monitored human rights conditions under the Dayton accords, including freedom of movement and the right of displaced persons to repossess their property or receive compensation.<sup>15</sup> In Albania, in 1997, a European "multinational protection force" under OSCE auspices was deployed to facilitate the delivery of humanitarian assistance to displaced and other persons and help build a secure environment.<sup>16</sup>

Although the OSCE operates on the basis of consensus, it also can take steps, without the consent of the state concerned, in the event of clear, gross, and uncorrected violations of human rights commitments. This 1992 decision marks the first time a regional (or international) organization has articulated a justifiable defense, based on human rights and humanitarian norms, for overriding state sovereignty. OSCE also has other nonconsensual decisionmaking processes under which governments may initiate bilateral dialogues and good offices missions with a violating government, may air the issue multilaterally, or in extreme cases may undertake mandatory missions, with the support of a requisite number of states.<sup>17</sup>

For its September 2000 meeting, the OSCE invited the Representative of the UN Secretary-General on Internally Displaced Persons to address its members. It also has expressed support for and is widely disseminating the Guiding Principles on Internal Displacement. And to encourage compliance with their provisions, it has begun to organize seminars around the Principles. In May 2000, in Tbilisi, Georgia, for example, in collaboration with the Brookings Project on Internal Displacement and the Norwegian Refugee Council, the OSCE will be hosting a seminar which will bring together government representatives and NGOs from Armenia, Azerbaijan and Georgia to discuss effective strategies for dealing with internal displacement.

## Potential for Asia

Were Asian intergovernmental organizations to develop policies and programs with regard to internal displacement, they could draw upon many initiatives from other regions. But first, they would have to recognize that there is a problem in their region and reconcile this with their heavy emphasis on non-interference in internal affairs.

In Asia, of course, there are widely divergent political, economic and social systems as well as ideological differences, making it difficult for governments in the region to come to an agreement on measures to take with regard to internal displacement. Unlike the other regions, Asia has no overarching regional structure, or even a regional human rights commission. But as the most heavily populated continent, one with a great diversity of ethnic and religious identities, and severe cases of internal displacement, it is important that existing subregional organizations begin to address existing and potential problems of internal displacement. Doing so could set an example for the larger continent. Moreover, the dynamics of population displacement require the involvement not only of the affected countries but of those that surround them.

In the case of ASEAN, there is nothing within its mandate that would preclude it from undertaking initiatives to prevent or resolve internal conflicts or to discuss internal displacement once it occurs. It is encouraging in this regard that some members of ASEAN, in particular Thailand and the Philippines, have called for attention to be paid to the internal situation in Myanmar (Burma) and its impact on the rest of the region, and are reported to be working behind the scenes to promote human rights improvements.<sup>18</sup> Moreover, ASEAN participated in the negotiations leading to the settlement of Cambodia's civil war; and ASEAN nations and neighboring states contributed most of the troops and civilian police for the United Nations Transitional Authority in Cambodia (UNTAC) and are doing likewise in East Timor.

Among the steps ASEAN could take would be the formation of a working group on humanitarian issues to address the impact on the region of conflict-induced displacement. It should be recalled that ASEAN created such a working group on Indochinese refugees. It also could raise the issue of internal displacement on a regional or even global basis at its annual postministerial conferences, where ASEAN foreign ministers meet with "dialogue partners" from other Asian countries and the West to discuss regional security matters (the issue of refugees has come up at these meetings). Another important step would be for ASEAN to take note of the Guiding Principles on Internal Displacement as a tool to guide governments and other relevant actors in the region. It could invite the Representative of the Secretary General to address its members, and it could host seminars in the region.

SAARC, for its part, through its programs in rural development, health, and education, and for women and children, could extend support to internally displaced populations and also disseminate the Guiding Principles to its member states. It could study the impact on development of conflicts in the region and promote attention to the needs of internally displaced persons in India, Pakistan and Sri Lanka. Both SAARC and ASEAN could also explore the development of a secretariat for their organizations composed of regional civil servants. Unlike regional organizations in other parts of the world, neither ASEAN nor SAARC has a staff

representing the organization itself that can take initiatives and prod the organization to develop an interest in forced displacement and other pertinent issues in the region.

Over the past few years, non-governmental organizations in Asia have become quite vocal about the problem of internal displacement in the region. The Asian Forum for Human Rights and Development (Forum Asia), for example, based in Bangkok, is a strong advocate, and in 1999 organized a Regional Consultation on the Situation of Internally Displaced Peoples. In February 2000, Forum Asia and the University of Chulalongkorn hosted a Regional Conference on Internal Displacement in Asia, co-sponsored by UNHCR, the Brookings Institution Project on Internal Displacement, the Norwegian Refugee Council and the U.S. Committee for Refugees. In this meeting, Asian non-governmental regional groupings, such as the Asian Cultural Forum on Development (ACFOD), the South Asia Forum for Human Rights (SAFHR), and the Asia-Pacific Forum for National Human Rights Institutions (ASPAC), actively participated.

The Regional Conference on Internal Displacement in Asia recommended the introduction of the issue of internal displacement into the agendas of regional inter-governmental bodies, such as ASEAN and SAARC. It also recommended the formation of a regional network of NGOs to work together on the problem of internal displacement. And it called upon ASPAC to ensure that each national human rights institution plays a greater role. National human rights commissions, it was pointed out, could work to prevent situations of forced displacement, press for observance of the Guiding Principles, and promote equitable return and reintegration. To these ends, they could undertake monitoring and reporting, provide legal advice, offer community assistance, engage in advocacy and public information campaigns, and influence government officials and NGOs.<sup>19</sup> With ASPAC behind them, they could also influence regional intergovernmental organizations to play a role.

The Bangkok Regional Conference further recommended that academic institutions in Asia promote attention to internal displacement. Indeed, leading academics and researchers from Bangladesh, India, Indonesia, Pakistan, Sri Lanka and Thailand participated in the meeting and have begun to publish papers on the issue and promote the inclusion of the subject in course work at their respective universities. Some are holding conferences on the subject, as is being done at Jadavpur University in Calcutta, in April 2000. It was suggested that a few lead institutions be identified in Asia to promote regional cooperation in research, conferences and publications with regard to internal displacement and to assist national human rights commissions in their work.

Asian academics and non-governmental groups are concerned not only about conflict-induced displacement but about "development-induced displacement." Much of the Asian continent, they point out, is undergoing rapid industrialization, requiring greater attention to the often arbitrary uprootedness caused. This is especially the case "where [development] projects do not meet the standard of overriding public interest and where poor, indigenous and marginalized groups are forcibly displaced without consultation, respect for their human rights or the provision of adequate resettlement or compensation."<sup>20</sup> Moreover, displacement caused by development policies and projects often become the cause of conflict and violence within societies, directly leading to conflict-induced displacement.

## Conclusion

A great deal of interest has developed on the part of Asian NGOs, academics, journalists, and members of national human rights commissions in addressing the issue of internal displacement in Asia. Their interests and concerns, however, are not yet shared by their governments or by the existing regional intergovernmental bodies, ASEAN and SAARC. Indeed, there is a sharp disconnect between the concerns of civil society and those of their governments when it comes to the issue of forced displacement.

There is also a gap between the approach of Asian regional government bodies and those in other parts of the world with regard to displacement. In other regions, attitudes have begun to change with regard to traditional notions of sovereignty and nonintervention in member states. Although respect for the sovereignty and integrity of member states remains critical to regional systems, the importance of heading off conflicts, reaching people in need, and holding governments accountable when they violate regional and international standards have gained increasing recognition.

Within Asia, forced displacement is a serious issue. With regard to displacement caused by conflict and human rights violations, the cases of Afghanistan, East Timor, India, Indonesia, Pakistan, Sri Lanka, Myanmar (Burma), Tajikistan, and the Philippines feature significantly. Development-induced displacement would add many more to the total - not only from the countries listed above but from China, Malaysia, Nepal and Thailand. Moreover, displacement caused by natural disasters affects many countries, and may be compounded by human rights violations, such as is the case in North Korea. The return and reintegration of the displaced in particular affect Cambodia, East Timor, Laos and the Philippines.

The United Nations Secretary-General has called upon the international community to "strengthen its efforts to assist and protect displaced populations" even while acknowledging that the issue creates "an unprecedented challenge for the international community: to find ways to respond to what is essentially an internal crisis."<sup>21</sup> Regional organizations in Africa, Europe and the Americas have taken up this challenge. Leading non-governmental organizations and institutions in Asia have become seized of the problem. Is it not time for Asian intergovernmental organizations to begin to address it?

## Endnotes

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- <sup>1</sup> See Sidney Jones, "Regional Institutions for Protecting Human Rights in Asia," in American Society of International Law, *Proceedings of the 89th Annual Meeting: Structures of World Order*, April 5-8, 1995, pp. 476-77; and Sarasin Viraphol, "Human Rights: An Asian Perspective," in Don M. Snider and Stuart J.D. Schwartzstein, eds., *The United Nations at Fifty: Sovereignty, Peacekeeping, and Human Rights* (Washington: Center for Strategic and International Studies, 1995), p.62.
- <sup>2</sup> See Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Brookings: 1998), p.235.
- <sup>3</sup> Kofi Annan, Preface, to Cohen and Deng, *Masses in Flight*, p.xix.
- <sup>4</sup> See Salim A. Salim, Address of the OAU Secretary-General before the Forty-Sixth Session of the Executive Committee of the High Commissioner for Refugees Programme, October 1, 1995; and "Sudan, 'Potentially Explosive,'" *Reuters*, March 4, 1996.
- <sup>5</sup> See Chris J. Bagwesegha, "The Role of the Organization of African Unity in Conflict Prevention, Management and Resolution," OAU-UNHCR, September 1994.
- <sup>6</sup> See Cohen and Deng, *Masses in Flight*, pp.215-6.
- <sup>7</sup> Cohen and Deng, *Masses in Flight*, p. 215.
- <sup>8</sup> See Conclusions of the Seminar on Protection of African Refugees and Internally Displaced Persons, held in Harare, February 16-18, 1994, African Commission on Human & Peoples' Rights, Banjul, 1994. See also the Addis Ababa Document, 1994.
- <sup>9</sup> The Plan of Action of the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region sought to promote the voluntary return of refugees and internally displaced persons combined with steps at rehabilitation and reconstruction.
- <sup>10</sup> In 1995, the OAU held a regional conference on the legal status of refugee and internally displaced women in Africa which called for stronger legal protections for uprooted women. The conference was co-sponsored by UNHCR, UNIFEM and the UN Economic Commission for Africa. It also held a seminar in 1998 on the special needs of uprooted women and children upon return and reintegration.
- <sup>11</sup> See UNHCR-Brookings Institution-OAU, *Internal displacement in Africa*, Report of a workshop held in Addis Ababa, Ethiopia, 19-20 October 1998.
- <sup>12</sup> See, for example, Organization of American States, "Legal Situation of Refugees, Returnees, and Displaced Persons in the American Hemisphere," General Assembly Resolution, AG/RES.1214 (XXIII-0/93), Washington, D.C., June 11, 1993.
- <sup>13</sup> Inter-American Commission on Human Rights, Press Release 3/96, March 8, 1996.
- <sup>14</sup> See for example, Jennifer McLean and Thomas Greene, "Turmoil in Tajikstan," in Roberta Cohen and Francis M. Deng, eds., *The Forsaken People: Case Studies of the Internally Displaced* (Brookings: 1998).
- <sup>15</sup> See Commission on Security and Cooperation in Europe, "The OSCE in Post-Dayton Bosnia," *CSCE Digest*, vol. 19 (January 1996).
- <sup>16</sup> See John M. Goshko, "UN Approves Italy-Led Force for Albania," *Washington Post*, March 29, 1997, p.A14.
- <sup>17</sup> Cohen and Deng, *Masses in Flight*, pp.225-6.
- <sup>18</sup> See, for example, Michael Richardson, "ASEAN Ignores West on Burma," *International Herald Tribune*, July 20-21, 1996; Seth Mydans, "Southeast Asia Bloc Admits Burmese and Two Others," *New York Times*, June 1, 1997, sec.1, p.10; and Roberta Cohen, "Hard Cases: Internal Displacement in Turkey, Burma and Algeria," *Forced Migration Review*, Oxford, December 1999.



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<sup>19</sup> See Summary Report, Regional Conference on Internal Displacement in Asia, February 22-24, 2000, Bangkok Thailand.

<sup>20</sup> Ibid.

<sup>21</sup> Annan, Preface, Cohen and Deng, *Masses in Flight*, p.xix.