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**SPECIFIC GROUPS AND INDIVIDUALS**

**MASS EXODUSES AND DISPLACED PERSONS**

**Report of the Representative of the Secretary-General on internally displaced persons,  
Francis M. Deng \***

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\* This document is submitted late so as to include the most up-to-date information possible.

## Summary

This report focuses on the activities of the Representative of the Secretary-General on internally displaced persons since his last report to the Commission. The report also contains an overview of what the Representative has tried to do in discharging his responsibilities over the years and reflects on the challenges he sees ahead for the mandate.

During the last year, the overall number of internally displaced persons has remained essentially constant, at about 24.6 million. However, this is not because new displacement has slowed down. On the contrary, more than three million persons were newly displaced in 2003, most of them in Africa, including in Burundi, the Democratic Republic of the Congo, Liberia, the Sudan, and Uganda, but also elsewhere, notably Colombia and the Aceh region in Indonesia. However, other areas of the world, for example, Angola, Afghanistan, Bosnia and Herzegovina and parts of Indonesia, approximately three million internally displaced persons were able to return to their places of origin, although many of them continued to face enormous hardships, including difficulties in repossessing property and serious violations of human rights. And, of course, many millions displaced in years past remained unable to return home due to protracted or “frozen” conflicts, such as in the South Caucasus.

Internal displacement remains a crisis in 2004 and the response to it at both the national and international levels is still inadequate, despite the many years of international focus on the issue. The challenge to affected States, the international community, and the mandate of the Representative is to combat both pessimism and complacency: pessimism in the face of the daunting size of the crisis and the logistical, political, legal, bureaucratic and conceptual problems associated with it, and complacency in the face of the progress that the international community has certainly made in responding to the crisis.

In this report, the Representative documents progress towards meeting this challenge during the past year, and also looks ahead to future challenges for the mandate. The structure of the report reflects the six “pillars” or areas of work developed by the Representative with guidance from resolutions of the Commission on Human Rights and the General Assembly. These pillars are: advocacy and awareness raising; development and promotion of the normative framework; ongoing assessment of institutional arrangements at the international, regional and national levels; focus on country situations and dialogues with Governments; building local capacities for response through cooperation with national and local actors; and conducting ongoing policy research with results that are capable of practical application at field level.

The Representative concludes that the international community has come a long way in developing the international response to the global crisis of internal displacement, from initially shying away from the issue as too sensitive on the grounds of national sovereignty, to developing normative and institutional responses, to engaging constructively on the principles and strategies for protecting and assisting internally displaced persons, and now to facing the challenge of making these achievements more effective and comprehensive.

Various studies and evaluations conducted in the course of 2003 have clearly identified the gaps and areas where more concerted effort will be needed. A consensus now emerging in the international community indicates a readiness to increase efforts to make the collaborative

approach work and to ensure better protection and assistance to internally displaced persons worldwide. This will require a strong commitment from all sides. The United Nations will need to demonstrate its capacity to improve the operational response, which, in turn, will depend on adequate financial support from donor countries as well as the political backing of all States. At the same time, it is important to continue to be aware of institutional weaknesses, and be ready to address them and re-evaluate current approaches, should they prove ineffective.

The Representative believes that the mandate's role of global advocacy and overall promotion of a reliable system of protection and assistance for internally displaced persons could continue to benefit from the six areas of activity described in this report. The Representative ends his report with personal reflections on how he has tried to carry out his responsibilities over the years and, in particular, how he has approached the sensitive issue of national sovereignty that confronts the international community in responding to a crisis that is by definition internal. He also offers some reflections on what he sees as the challenges lying ahead for the mandate and the response of the international community to this global crisis.

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## Introduction

1. In his last reports to the Commission on Human Rights (E/CN.4/2003/86) and the General Assembly (A/58/393), the Representative of the Secretary-General internally displaced persons reviewed the challenges faced and progress achieved during the past 10 years of his mandate. He noted that while significant progress had been made in the areas of norm-setting, institutional arrangements and operational responses to the needs of the internally displaced, there still remained a significant gap between the normative standards, institutional structures and operational performance, on the one hand, and the persistent needs of the displaced populations for protection and assistance, on the other hand. He also noted that the estimated number of internally displaced persons worldwide had grown alarmingly, from 1.2 million in 1982 to nearly 25 million in 2003 – more than double the number of refugees.

2. During the last year, the overall number of internally displaced persons has stayed essentially constant, with a current estimate of 24.6 million.<sup>1</sup> In certain areas of the world (for example, Angola, Afghanistan, Bosnia and Herzegovina and parts of Indonesia), approximately three million internally displaced persons were able to return to their places of origin. However, new displacement has not slowed down; on the contrary, more than three million persons were newly displaced in 2003, most of them in African countries, including Burundi, the Democratic Republic of Congo, Liberia, the Sudan, and Uganda, but also elsewhere, notably Colombia and the Aceh region in Indonesia. And, of course, many millions displaced in years past remained unable to return home owing to protracted or “frozen” conflicts, such as in the South Caucasus.

3. As in past years, most of those still or newly displaced live in situations of conflict and remain in dire need of assistance and protection. A number of the States that were unable to address their needs requested international support in order to provide the required assistance and protection to the internally displaced. Others appeared unwilling to respond effectively to the displacement crises within their borders, making continued dialogue with those Governments critical. Equally important, internally displaced persons themselves and local civil society have begun to undertake their own advocacy on this issue in order to bring change from within their societies; such efforts must be strengthened and reinforced as well as listened to.

4. A great deal of work remains to be done at the international level as well. Four major studies have been undertaken over the past year on the scope and quality of the international community’s response to internal displacement. Each of them concluded that the international community was still far from reaching its own goals in reinforcing States’ efforts to provide assistance and protection.

5. The challenge to the affected States, the international community, and the mandate of the Representative is to combat both pessimism and complacency: pessimism in the face of the daunting size of the crisis and the logistical, political, legal, bureaucratic and conceptual problems associated with it, and complacency in deriving undue satisfaction with the progress the international community has made thus far in responding to the crisis. There is a need to reinvigorate efforts to overcome both pessimism and complacency in confronting the challenge of internal displacement.

6. This report will document progress towards meeting this challenge over the past year and will also address some of the challenges lying ahead for the mandate. The structure of the report reflects the six “pillars” or areas of work developed by the Representative over the years with guidance from resolutions of the Commission and the Assembly. The six pillars are: advocacy and awareness raising; development and promotion of the normative framework; on-going assessment of institutional arrangements at the international, regional and national levels; focus on country situations and dialogues with Governments; building local capacities for response through cooperation with national and local actors; and conducting ongoing policy research with results that are capable of achieving practical application at field level.

## **I. ADVOCACY AND AWARENESS RAISING EFFORTS**

7. A major element of the Representative’s work as the Representative of the Secretary-General on this issue with a mandate created by the Commission, has been to raise awareness about the global crisis of internal displacement and advocate on behalf of the internally displaced. Indeed, his role as global ombudsman and spokesperson for the rights of the internally displaced pervades all the pillars of his work. In his dialogue with Governments, United Nations agencies and programmes, other international and regional organizations, donor States and non-State actors, the Representative has sought to give a voice to displaced persons and to ensure that their rights, concerns and needs are addressed.

8. The Representative’s advocacy approach has been premised on his understanding that internal displacement is a problem that falls within the sovereignty of States and national Governments and that a primary element of sovereignty is responsibility for the well-being and the protection of the rights of persons within the national jurisdiction. The Representative believes strongly in the power of dialogue and his primary tool, therefore, has been constructive engagement with national Governments and other authorities. The situation of internally displaced persons is best addressed when national authorities understand and accept their responsibility to protect and assist those under their jurisdiction and, if need be, to seek the assistance of the international community in discharging this responsibility. It is indeed in their interest to address the needs of the internally displaced populations in this cooperative manner, since responding positively and effectively can only win international approval, while failure to do so is bound to attract negative attention and international scrutiny.

9. When necessary, however, the Representative also uses his position to raise the alarm where national, regional and/or international responses to the rights and needs of the internally displaced fall short. Speaking out in public, through the media or at public events, plays a useful role in raising international awareness about forgotten situations of internal displacement or situations where internally displaced persons are at serious risk. Over the past year, the Representative has made such statements about Iraq, Liberia and the Sudan and, following the earthquake in Bam, the Islamic Republic of Iran, as well as about the situations in Uganda and the Russian Federation.

10. The Representative is well aware that advocacy for the millions of internally displaced persons around the world cannot be a task for one voice alone. Accordingly, he has actively encouraged and frequently collaborated with other actors in their efforts on behalf of the internally displaced. These include United Nations humanitarian, human rights and development

agencies and officials, in particular the Under-Secretary-General for Humanitarian Affairs/Emergency Relief Coordinator (ERC), the United Nations High Commissioner for Human Rights, the IDP Unit of the Office for the Coordination of Humanitarian Affairs (OCHA), the various human rights mechanisms created by the Commission on Human Rights, the human rights treaty bodies that monitor the implementation of the human rights treaties adhered to by States, non-governmental organizations (NGOs), such as the Global IDP Project of the Norwegian Refugee Council, local civil society, national human rights institutions and organizations of internally displaced persons.

11. The Representative is also aware of the need for the mandate to strengthen engagement with national and international media in order to raise awareness about the crisis of internal displacement throughout the world. As follow-up to his country missions, he has convened press conferences in the countries concerned, with a view to galvanizing support for internally displaced persons as well as the States affected by the problem. Now that Governments have accepted that this is an area of legitimate concern and involvement by the international community, there is a clear need for more targeted advocacy activities to disseminate the key findings of the missions undertaken and the research conducted. Current issues that have been studied in cooperation with the Brookings/Johns Hopkins University School of Advanced International Studies (SAIS Project include the role of peacekeeping forces vis-à-vis internally displaced persons, the voting rights of internally displaced persons, and efforts to develop a comprehensive approach to protecting victims of forced migration. The *Forced Migration Review* has become an important vehicle for disseminating information about the work of the mandate. For instance, this past year there have been articles by the Representative on the challenge of sovereignty and on the findings of his mission to Uganda.<sup>2</sup>

12. Often, the voice of the internally displaced themselves is forgotten in addressing and responding to crises of internal displacement. A nascent movement to enhance accountability to the beneficiaries is gaining ground within the international humanitarian and donor community, yet more must be done to allow those most affected to be heard. As a step towards raising the profile of this issue, it has been suggested that the possibility be explored of convening a conference that would bring together internally displaced persons from different countries to discuss their concerns, make them known to the international community, and help identify better approaches to assistance and protection. This can be carried out under the mandate, or in cooperation with other partners that work closely with the United Nations system in this area.

## **II. DEVELOPING AND PROMOTING A NORMATIVE FRAMEWORK**

13. At the outset of the Representative's mandate, the Commission identified the central importance of an appropriate normative framework for responding to the needs and ensuring the protection of the rights of the internally displaced. Accordingly, at the request and with the ongoing support of the Commission and the General Assembly, the Representative and his team of legal experts developed the Guiding Principles on Internal Displacement, (E/CN.4/1998/53/Add.2), which compile and restate existing international human rights and humanitarian law, as well as refugee law applied by analogy. The Principles address all "phases" of displacement; prevention, protection and assistance during displacement; and issues relating to return, resettlement and integration.

14. Since their presentation to the Commission in 1998, the Representative has been active in promoting the use and acceptance of the Guiding Principles at the international, regional and national levels. Important progress has been made, with laws based on the Guiding Principles having been passed in a number of States; supportive resolutions adopted by the Commission, Economic and Social Council, the General Assembly and other international organs, declarations and statements agreed to by many regional organizations around the world; active incorporation of the Guiding Principles into the work of the United Nations and other international humanitarian organizations; as well as their active promotion and use by NGOs, local civil society and internally displaced person associations.

15. There have been a number of advances in these areas since the Representative's last report to the Commission. At the international level, the most recent resolution of the General Assembly (58/177) expressed "its appreciation of the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement, welcome[d] the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourage[d] all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement".

16. There were also some encouraging developments at the regional level, particularly in Africa and Europe. In September 2003, at a conference on internal displacement in the Inter-Governmental Authority on Development (IGAD) Sub-Region co-sponsored by the Representative and the OCHA IDP Unit (described in greater detail below and in addendum 4 to this report, the IGAD ministers, representing Djibouti, Eritrea, Ethiopia, Kenya, Somalia, the Sudan, and Uganda, adopted the "Khartoum Declaration on Internally Displaced Persons in the IGAD Sub-Region" in which they "[took] note of the Guiding Principles on Internal Displacement as a useful tool for developing and evaluating appropriate national policies and legislation on internal displacement and noting also that the Principles compile the existing international law related to internal displacement." In December 2003, the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE) adopted decisions 3/03 and 4/03, in which it "[took] into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement." Similarly, in November 2003, the Parliamentary Assembly of the Council of Europe adopted recommendation 1631 (2003) to its Committee of Ministers requesting that it "contribute to the promotion of the Guiding Principles on Internal Displacement at the European level." The Representative and other advocates for the displaced are supporting efforts to promote action upon and implementation of these decisions and recommendations.

17. At the national level, work continued on the development of a national policy on internal displacement in Uganda based on the Guiding Principles. The Government conducted a wide-ranging consultation process among stakeholders and developed a text integrating local needs and international standards. Although it has been some time in coming, it is now reported that the draft policy is with the Cabinet awaiting its approval and hopes are high that a law will be adopted in the very near term. This would be a very positive development for Uganda and the Representative hopes that it will soon come to fruition. (For more detail, see the report of the Representative on his mission to Uganda (E/CN.4/2004/77/Add.1).) In Nigeria, the Government

has begun studying the possibility of a national policy on internal displacement and the Representative has provided the Guiding Principles and secondary material.

18. In Peru, the Congress passed a bill that would lay out a number of rights of internally displaced persons in language very similar to that of the Guiding Principles. The bill has not yet been signed into law by the President, and there are some concerns that it might be stalled due to concerns about institutional arrangements for dealing with internal displacement, which are also addressed in the bill. The Representative hopes that these concerns can soon be overcome and that a policy can be adopted into law. In Mexico, the Government is seeking a constitutional amendment and the development of a policy and legislation on internal displacement based on the Guiding Principles.

19. In addition to sharing expertise in international norms related to internal displacement with Governments, advocates seeking to assess and promote domestic laws and policies in light of international standards and partners within the United Nations and NGO community, the Representative and the Brookings/SAIS Project support wide dissemination and translation of the Guiding Principles as an indispensable step towards their acceptance and use. The Guiding Principles now exist in over 28 languages. Further, secondary materials relating to the Guiding Principles have been prepared and disseminated, to explain and interpret them and make them more accessible.

20. There is a need to arrange for further translations of the *Handbook for Applying the Guiding Principles on Internal Displacement* (which was published by the Brookings/SAIS Project and OCHA in 1999 and is currently available in English, French, Russian and Spanish). This year, the Project sponsored the translation of the *Annotations to the Guiding Principles*, prepared by Professor Walter Kalin, into Russian and translations into other additional languages are also planned. In addition, the Representative and the Project have jointly undertaken the development of a handbook on human rights mechanisms which is intended to guide IDPs and their advocates in accessing international human rights machinery with a view to enhancing protection for the internally displaced. Work is also being undertaken concerning the legal status of the Guiding Principles, as well as the development of an enhanced web page on the Guiding Principles, which will include major references to the Principles in various legal sources (Commission resolutions, court decisions, etc.) and expanding to other sources (e.g. civil society workshops).

21. Moreover, the Representative and the Project have been active in encouraging the development of appropriate norms supplementary to the Guiding Principles. This includes research in areas such as development-induced displacement, property rights, and advocacy for the enhanced use of other legal frameworks for responding to internal displacement, for example, by encouraging greater recourse to human rights treaty bodies and other human rights mechanisms by internally displaced persons and their advocates. Research on when displacement ends is also under way. Further, the Representative supports norm-making initiatives on internal displacement issues by regional and subregional organizations, for example, through statements at regional forums and conferences.

### III. PROMOTING EFFECTIVE INSTITUTIONAL ARRANGEMENTS

#### International level

22. Among the tasks that the Commission and the General Assembly have asked the Representative to undertake was to evaluate the international institutional arrangements for addressing internal displacement and suggest improvements where needed. Initially, the Representative identified three options for organizing the international response: the creation of a special international agency with a global mandate for protecting and assisting the internally displaced; the designation of an existing agency to assume full responsibility for the internally displaced; or collaboration among the various relevant agencies and organizations, both within and outside the United Nations.

23. The third option -- “the collaborative approach” -- was chosen by the international community. To implement the collaborative approach, a number of institutional mechanisms were put into place to facilitate inter-agency cooperation on behalf of the displaced with a view to addressing the persistent gaps in coordination and protection. At the country level, the humanitarian coordinator (HC) is charged with facilitating coordination among United Nations agencies and with NGOs. This official is often the same person appointed as the United Nations resident coordinator (RC). At Headquarters level, the Emergency Relief Coordinator, who is also the Under-Secretary-General for Humanitarian Affairs and the Chairperson of the Inter-Agency Standing Committee (IASC), is charged with overseeing the HCs and ensuring that the collaborative approach is working worldwide. A number of other Headquarters-level institutions have had an important part to play, including the IASC and the IASC Working Group, the Senior Inter-Agency Network on Internal Displacement and the OCHA IDP Unit, which was created as an inter-agency arm of OCHA in 2002 to assist the ERC in his internally displaced person-related tasks.

24. Notwithstanding the formation of this formal structure for ensuring collaboration, the international community’s response to internal displacement has remained problematic. This was vividly demonstrated by the four major studies undertaken in the last year.

25. The first, and perhaps most troubling, of these was the “Protection Survey” jointly commissioned by the Project and the IDP Unit, a detailed field-based study of international protection for internally displaced persons using the 1999 IASC Policy Paper on the Protection of Internally Displaced Persons as the basic framework for analysis. The survey team visited nine countries with internal displacement, interviewing representatives from humanitarian organizations about their protection-related activities, their awareness of the provisions of the IASC Protection Policy and the challenges they face in its implementation.

26. An initial draft of the study found that while United Nations and NGO staff have expended considerable efforts in some affected countries to provide protection to internally displaced persons, the basic elements of the IASC Protection Policy are rarely carried out – or even known – in the field. As a result, the survey concluded that the “UN’s approach to the protection of internally displaced persons is still largely *ad hoc*. It is an approach which is driven more by the personalities and convictions of individuals on the ground than by an institutional, system-wide agenda. The UN’s approach to protection at the field level also suffers

from a lack of political and financial support from UN headquarters and UN member states.” The initial draft of the Protection Survey was shared with the Senior Network and the IASC Working Group in November 2003 in order that the humanitarian community might immediately begin assessing the results and developing corrective plans. A public version of the study incorporating comments from all stakeholders will be published by the Brookings-SAIS Project in 2004.

27. In parallel, the OCHA IDP Unit conducted its own survey called the “IDP Response Matrix”, which sought to map the response of humanitarian actors to internal displacement in all affected countries and to examine the effectiveness of the collaborative approach. The Unit developed a web-based questionnaire for this purpose, which it asked individual United Nations agencies, United Nations country teams, in particular the HCs, and NGOs to complete. The results appeared to confirm the need for a strengthened institutional response. In its analysis of the findings of the Protection Survey and the Matrix, the IDP Unit noted that both studies suggested that there was need for a stronger commitment by all involved actors to the collaborative approach; that more procedural transparency and predictability were required; that there was a clear need to improve protection activities vis-à-vis internally displaced persons, and that more accountability throughout the system was needed to ensure proper implementation of the collaborative approach.

28. A third study was an independent review commissioned by the IASC of its own progress over the last 10 years as a policy-making, coordinating and liaison body within the United Nations and wider international humanitarian community. Although not specifically focused on internal displacement, the IASC evaluation noted that improving the international response to internal displacement had been one of the IASC Working Group’s major preoccupations in past years. The reviewers concluded that the IASC and its Working Group had made less progress than might have been hoped in solving the mandate gaps plaguing the IDP response, but predicted that the issue would soon return to the centre of the Group’s agenda.

29. Finally, as stipulated in the terms of reference of the IDP Unit, an independent evaluation of the Unit was also conducted in 2003. The evaluation assessed the degree to which the IDP Unit had achieved the objectives established in its terms of reference.<sup>3</sup> It also examined the functioning of the IDP Unit with regard to the planning process and the nature and quality of the Unit’s key inter-agency relationships, including with the Representative. The evaluation concluded that the collaborative approach was not working in the field as hoped and that the Unit was not having the hoped-for effect on the system. It stressed that the entire system, including agencies and donors, carried responsibility for the inadequate implementation of the collaborative approach. The evaluation urged that the Unit develop a sharper strategic vision, focus its activities on its core mandate and concentrate on making a greater impact on the United Nations system, and that the ERC and agencies commit themselves to supporting it for at least two to three more years. Should these efforts not succeed, however, it proposed that the system radically rethink its organizational approach to the problem of internal displacement.

30. As a follow-up to the evaluation, the Government of Canada hosted a workshop in Geneva on 4 February 2004 with representatives of United Nations agencies, NGOs and donor States, which served to further clarify the roles of the various actors and indicate the way forward. At the workshop, in which the Representative as well as the ERC participated, there

was wide acceptance of the IDP Unit evaluation's findings and recommendations for urgently improving the "collaborative approach". Participants also emphasized the need for: (a) a clearer and more predictable set of procedures for the designation of agency roles; (b) efforts to increase the awareness of RC/HCs of their responsibilities with regard to internally displaced persons; and (c) the need for creative ways to address protection problems. One such idea offered by the IDP Unit that participants thought worthy of further discussion was the creation of an IDP "protection surge capacity" or "protection standby force", which might involve a roster of qualified protection personnel who could be deployed to internal displacement situations where no individual United Nations agency would assume responsibility for the protection of internally displaced persons. The Office of the United Nations High Commissioner for Refugees (UNHCR) also proposed the idea of an "IDP typology", which would be a listing of the roles of the various actors on the ground vis-à-vis the internally displaced.

31. In subsequent meetings of the Senior Network and the IASC Working Group, these four studies formed the basis for discussions on reforming, and thereby reinvigorating, the "collaborative approach". It is expected that a detailed "road map" will be presented to a meeting of the IASC Principals in the near future in the hopes of achieving this. The Office of the Representative has actively taken part in these discussions and should continue to offer guidance and assistance in an effort to improve the collaborative system.

32. While it is still too early to give a clear indication of how and with what effect the international response will be enhanced, a few points resulting from the process summarized above bear mentioning. The first is to emphasize that the system has made progress towards agreeing upon an enhanced international response to internal displacement, but the quality, coherence and scope of that response remain far from being achieved. To make the system work more effectively, several factors need to be acknowledged and addressed. The leadership role of the ERC must be affirmed and supported, particularly by the operational agencies. At the same time, the ERC will have to be a persuasive leader among peers in order to exercise that leadership. The IDP Unit, as the arm of the ERC in the collaborative approach, will also have to be fully supported in carrying out its mandate. Its primary responsibility is to assist the ERC in ensuring that the operational agencies are doing what they should be doing to help the displaced. Again, the Unit will have to exercise this function persuasively. In the end, however, accountability will have to be exercised through the ERC and, ultimately, the Secretary-General.

33. Furthermore, in order for the collaborative approach to be effective and comprehensive in meeting the needs of internally displaced persons, not only the Unit and ERC, but also the operational agencies will have to be proactive in supporting this approach and in addressing the identified gaps, drawing upon their respective comparative advantages. This is especially true in the area of protection, where the greater engagement of agencies with specific protection expertise, among them UNHCR, should be welcomed. In addition, the collaborative approach will also be strengthened through closer cooperation among several actors - the IDP Unit, the NRC Global IDP Project, and the Representative with supportive institutions such as the Brookings-SAIS Project while fully respecting the independence of the last three entities. Already, work plans have been developed by and shared among them, in order to forge this closer and more strategic cooperation.

34. The Representative believes that it is important for the mandate to continue close cooperation with the various actors. The ERC and the Representative working closely together can play a leadership role of global and in-country advocacy, open doors for the operational agencies to move in to deliver the needed assistance and protection, and ensure a more effective and comprehensive approach. By the same token, the IDP Unit, as well as the Norwegian Refugee Council's Global IDP Project, which has a mandate and particular expertise in information gathering, can advise the ERC and the Representative on where to intervene constructively. However, it is the operational agencies that must take the primary responsibility for ensuring that collaboration among them works on the ground.

### **Regional level**

35. At the regional level, and further to the resolutions of the Commission and the General Assembly, the Representative has sought to raise the awareness of internal displacement among regional and subregional organizations around the world and to encourage them to engage with the issue. Over the years, the Representative and the Project have convened seminars and conferences to this end with the Organization of African Unity (OAU), the Economic Community of West African States (ECOWAS), OSCE, the Council of Europe, the Commonwealth and the Organization of American States (OAS). This year, as noted above, the Representative, the IGAD and the IDP Unit co-sponsored the first IGAD conference on internal displacement in the subregion (comprising Djibouti, Eritrea, Ethiopia, Kenya, Somalia, the Sudan, and Uganda). The conference was hosted by the Government of the Sudan, in its capacity as Chair of IGAD, from 30 August to 1 September 2003 in Khartoum. It consisted of a two-day expert meeting followed by a one-day meeting of IGAD ministers. A summary report of the proceedings of the experts' portion of the conference is contained in document E/CN.4/2004/77/Add.4.

36. The IGAD conference was significant for a number of reasons. As already noted, it resulted in a ministerial declaration recognizing the importance and utility of the Guiding Principles and international human rights and humanitarian standards more generally in national responses to internal displacement. The ministers and experts emphasized the willingness of IGAD member States to work together, particularly to address the regional dynamics that feed and exacerbate internal displacement in each member State, including factors such as ongoing tensions between some member States, small arms proliferation, cattle rustling, climatic conditions, and ethnic feuds.

37. Among the recommendations of the experts that were adopted by the ministers was the recommendation to create a unit within the IGAD secretariat to follow up on the many issues raised at the conference, assist member States in developing IDP policies, and disseminate the Guiding Principles. The Representative looks forward to working with IGAD member States and the secretariat to bring these and other recommendations to fruition.

38. In Europe, the OSCE, after having disseminated the Guiding Principles to participating States and its field missions, has increasingly focused on their application. In September 2000, the OSCE/Office for Democratic Institutions and Human Rights (ODHIR) convened a meeting on migration and internal displacement, the principal aim of which was to elaborate ways in which the OSCE institutions, field operations and participating States could enhance their

response to internal displacement, in particular through the practical application of the Principles. At the OSCE Human Dimension Implementation meeting the following year, several States spoke in support of an enhanced role for OSCE with regard to internal displacement as well as the value of the Guiding Principles as a framework. The regional seminar on internal displacement in the South Caucasus (E/CN.4/2001/5/Add.2), as well as the follow-up review of national legislation, which was co-sponsored by ODIHR/OSCE together with the Representative and the Project, provide examples of how OSCE is actively supporting the promotion and application of the Principles at the country level.<sup>4</sup>

39. The momentum in the OSCE has continued over the past year. In July 2003, the OSCE Parliamentary Assembly adopted the "Rotterdam Declaration" in which it urged the OSCE Ministers to consider "the endorsement of the United Nations Guiding Principles on Internal Displacement or the adoption of key aspects of those Guiding Principles as OSCE commitments". The issue of internal displacement also featured at the OSCE Human Dimension Implementation Meeting held in October in Warsaw, where several Governments and NGOs made recommendations for greater integration of the issue into the OSCE's work.<sup>5</sup> Later that month, the Netherlands, as Chair of the OSCE, co-sponsored with UNHCR an information briefing and information exchange for OSCE delegations, in which the Representative participated, on the role of national and international protection in internal displacement. In December, the OSCE Ministerial Council adopted two decisions on internal displacement. In decision 4/03, mentioned earlier (see sect. II), the OSCE Ministerial Council "[took] into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement". This provision was reiterated in decision 3/03 providing an action plan for improving the situation of Roma and Sinti in the OSCE area. The action plan also includes commitments by OSCE ministers to ensure that Roma and Sinti populations in a forced displacement situation are duly registered and provided with the relevant documents and are able to make an informed choice in the exercise of their right to safe, decent and sustainable return. In January 2004, the OSCE Permanent Council announced that the OSCE will convene a Supplementary Human Dimension Meeting on internally displaced persons in November 2004.

40. Turning to Latin America, in February 2004, the Representative and the Project co-sponsored a conference on internal displacement hosted by the Government of Mexico in Mexico City, which also involved the participation of the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen. The conference brought together representatives of Governments, national human rights institutions, civil society, IDP communities and international agencies from Colombia, Guatemala, Mexico and Peru, as well as the former Special Rapporteur on internally displaced persons of the Inter-American Commission on Human Rights to discuss current trends in internal displacement in the region and develop effective national, regional and international responses. The organization of a regional seminar on internal displacement in the Americas had been an initiative agreed to during the Representative's mission to Mexico in 2002 (E/CN.4/2003/86/Add.3). The meeting in Mexico City provided the opportunity for the Representative and the Government to follow up on developments since the mission. Furthermore, the seminar itself provided an opportunity for the Representative to follow up on his earlier missions to Colombia (E/CN.4/1995/50/Add.1 and Corr.1 and E/CN.4/2000/83/Add.1) and Peru (E/CN.4/1996/52/Add.1) as well as the 1999 workshop co-

organized by the Project in Colombia.<sup>6</sup> The seminar concluded with the development of a framework for action highlighting national responsibility and also including regional and international response, intended to provide guidance and assistance to Governments, civil society, and regional as well as international actors in addressing internal displacement in the Americas. The framework should also provide useful guidance in other regions of the world as well and will be included in the report of the seminar to be published in the spring of 2004. Following the seminar, the Representative and the Co-Director of the Brookings-SAIS Project met with the Inter-American Commission on Human Rights, whose members reaffirmed their commitment to the issue of internal displacement in the Americas and the cooperation with the Representative and the Project.

41. The Representative and the Project also participated in a special expert meeting on internal displacement convened by the Commonwealth Secretariat in London in May 2003. The meeting brought together Commonwealth Governments, national human rights institutions, international organizations, NGOs and civil society from Commonwealth countries to discuss internal displacement in Commonwealth member States and develop a set of best practices to guide Commonwealth Governments based on the Guiding Principles on Internal Displacement. The report will be published in 2004.

42. The Representative and the Project have been exploring the possibility of convening a regional conference on internal displacement in South Asia and with the Southern African Development Community (SADC) in the upcoming year. They have also been planning follow-up with IGAD, the OSCE and the Council of Europe to ensure that measures agreed upon have been carried out, as described above.

#### **IV. COUNTRY FOCUS**

43. Country missions, 27 of which the Representative has undertaken to date, have served to increase understanding of the problem of internal displacement, draw national and international attention to neglected crises, and catalyse national and international response. Missions provide the opportunity for on-the-ground assessment of the conditions of the internally displaced and for solutions-oriented dialogue with governmental officials, other authorities, international agencies and NGOs, civil society and, above all, the internally displaced themselves. Often, the Representative's dialogues have served to pave the way for a more constructive engagement between the Government and the United Nations Country Team. Following country missions, the Representative has continued to monitor the situation and pursue opportunities for ongoing cooperation in improving the response and implementation of his recommendations.

44. From 10 to 16 August 2003 the Representative visited Uganda, and the findings of his mission are found in document E/CN.4/2004/77/Add.1. The mission was instrumental in raising international awareness about the tragic situation of more than 1.4 million internally displaced persons in the north of the country. The Representative welcomed the initiative by the Government to develop a national policy on internal displacement and looks forward to its adoption and implementation in early 2004. However, it was also clear that a stronger national and international involvement was needed to ensure the most minimum protection of and assistance to the internally displaced. In particular, the Representative urged the Government to ensure the physical protection of the displaced hosted in camps, who remained vulnerable to

rebel attacks and abductions, as well as to provide adequate protection and assistance to the so-called “night-commuters”, approximately 25,000 persons –mostly children – who came to sleep in the urban centres in the north out of fear of attacks and abduction by armed rebel groups. The urgency of the need for better physical protection came tragically to the world attention again in February 2004, when a camp for the displaced in the Lira district was attacked, allegedly by rebels, who massacred more than 190 people.

45. From 7 to 13 September 2003, the Representative visited the Russian Federation, and undertook field visits to Ingushetia and Chechnya. The findings of his mission are found in document E/CN.4/2004/77/Add.2. The mission focused on issues of voluntary return of internally displaced persons as well as adequate humanitarian assistance and protection to returnees in Chechnya. During the mission, the Representative had constructive talks on these issues with governmental authorities in both Moscow and the North Caucasus. In the report, the Representative urges the Government to abide by its affirmation of respect for the right to voluntary return of the displaced, and to ensure that adequate alternative housing is available in Ingushetia and elsewhere for those who do not wish to return. He also urges the Government to ensure the protection of the returnees in Chechnya, who stated their concerns about the lack of security and protection to the Representative.

46. The Representative is scheduled to undertake an official mission to the Democratic Republic of the Congo in the near future. It is estimated that the country is now host to more than three million internally displaced persons. The Representative will engage the Government constructively with a view to identifying adequate responses and solutions to the displacement crisis.

47. The Representative has also asked to visit Afghanistan, Colombia, Côte d'Ivoire, Liberia, Myanmar, Sierra Leone and Sri Lanka. He notes with appreciation that the Governments of Côte d'Ivoire and Sierra Leone have welcomed such a visit, and that the Government of Colombia has issued a standing invitation to all the special procedures of the Commission on Human Rights. The Representative has been in contact with the United Nations Assistance Mission in Afghanistan and understands that the Government would welcome a visit. He has also met with diplomatic representatives in Geneva of both Myanmar and Sri Lanka, and hopes that both Governments will soon extend invitations for mission to their countries.

48. Furthermore, in conformity with resolution 2003/11 of the Commission, the Representative wrote to the Government of Turkmenistan on 2 July 2003 noting that the Commission had called upon the Representative, along with other special procedures, to seek invitations to visit the Country and requesting information from the Government concerning internal displacement in Turkmenistan in the context of a possible mission. On 14 October 2003, having had no reply, the Representative again wrote to the Government, this time explicitly expressing his interest in undertaking an official mission to Turkmenistan. At the time of writing, the Representative had not received a response to his request.

49. In addition to submitting comprehensive reports to the Commission, the Representative has regularly and more immediately reported the findings and recommendations of his missions to United Nations inter-agency bodies, in particular the IASC, in order to make known the gaps found in the international response to internally displaced persons' needs and to promote a

timely response by the operational agencies. The IASC Working Group, working with the HCRCs, has recently begun regularly scheduling follow-up meetings after receiving such reports to ensure that any needed action takes place. This past year, the Representative reported to the IASC Working Group and engaged in follow-up discussions about the findings and recommendations of his missions to Uganda and the Russian Federation.

50. The Representative has also been monitoring situations of internal displacement and has issued public statements on specific situations of particular concern, as he did this past year in the cases of the Sudan, Liberia, Iraq and the Islamic Republic of Iran. These statements draw attention to particular issues of concern and advocate for more effective national and international responses. Joint advocacy efforts on particular country situations also have been undertaken by the Representative and the ERC and/or Unit, as provided for in the memorandum of understanding between them. In addition, the Representative has used his good offices to engage in confidential high-level dialogue, both directly and through written communications, with Governments to raise concerns about particular cases of internal displacement and has recommended measures to ensure that protection and assistance are extended to internally displaced persons and, in cases of forewarned displacement, to prevent arbitrary displacement (see also sect. I).

51. The Representative has also encouraged the organization of national meetings on internally displaced persons as a follow-up to his missions. He hopes that such a meeting will soon take place in Turkey, which will be the follow-up to a recommendation from his mission report (E/CN.4/2003/86/Add.2). The Representative is encouraged that discussions to this end are under way between the Government and the United Nations Country Team. This meeting will bring together Turkish authorities and the international humanitarian and development community in order jointly to identify appropriate response mechanisms to the internal displacement situation in the country.

52. The Representative, as noted above, has also promoted the adoption of national IDP policies and laws and hopes that such initiatives will continue to be assisted by providing technical expertise and guidance related to national policies and legislation. He also hopes that research and events in countries to which it has been difficult to gain access will continue to be promoted in order to raise attention to these IDP situations.

## **V. PARTNERSHIPS WITH CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

53. As a fundamentally national problem, whatever its regional and international dimensions, internal displacement requires local energy, resources, and commitment with international support. Because of the work done in developing the Guiding Principles and the standing of the mandate of the Representative in the international community and its many contacts in the field, the Representative and the Project have been able to identify and partner with dynamic local actors in a number of countries, including NGOs, academic institutions, displaced persons associations and lawyers' associations, to effectively enable them to develop their own responses to internal displacement.

54. In 2003, the American Society for International Law, the Brookings Institution-SAIS Project, the Georgian Young Lawyers' Association and OSCE/ODIHR published in book form three studies undertaken by local legal experts in Armenia, Azerbaijan and Georgia, examining the laws and regulations of their countries in light of the Guiding Principles. Their findings and recommendations for legal reform are contained in *The Guiding Principles and the Law of the South Caucasus: Georgia, Armenia, Azerbaijan*.<sup>7</sup> The Project hopes to replicate this process in other IDP-affected countries in the coming years.

55. In South Asia, the Project has partnered with a number of organizations, including the Consortium of Humanitarian Agencies in Sri Lanka, which has developed a *Practitioner Kit on Return, Resettlement, Rehabilitation and Development* to help government officials, NGOs, non-State actors and displaced persons during the return of internally displaced persons in that country. In India, the Project is working with the Calcutta Research Group (CRG), which will be publishing a book on internal displacement in the region (*Internal Displacement in South Asia and the UN Guiding Principles*, forthcoming). In collaboration with the Project, CRG has also created an annual winter course on forced migration with a strong focus on internal displacement, and is planning regional workshops for civil society focused on the Guiding Principles. Also in India, Jadavpur University, in collaboration with the Project, will be publishing a book this year, *Forced Migration in the South Asian Region: Displacement, Human Rights and Conflict Resolution*, whose Foreword is written by the Representative and which includes several chapters on internal displacement.

56. In the Sudan, the Representative has maintained a close dialogue with the Government, the Sudan People's Liberation Movement/Army, the Resident/Humanitarian Coordinator and the Country Team, as well as with pertinent international actors, concerning the anticipated peace and the prospects for return, rehabilitation, reintegration and reconstruction. He has also been actively engaged with a number of local NGOs in supporting grass-roots peace and return initiatives in the Abyei region. The Project has also actively collaborated with NGOs in Colombia and Peru, disseminating copies of the *Handbook for Applying the Guiding Principles* and collaborating in the organization of meetings on internal displacement.

57. The Representative has also identified national human rights institutions as actors with enormous potential to encourage improved national responses to internal displacement, particularly in the area of protection. The Project is currently collaborating with the Asia-Pacific Forum of National Human Rights Institutions in a year-long capacity-building programme aimed at human rights commissions in Asian countries with issues of internal displacement.

## VI. POLICY-ORIENTED RESEARCH

58. Underpinning all the pillars of the mandate's work has been a programme of research into the causes and consequences of internal displacement, the particular needs of internally displaced persons, the conceptual, normative and institutional frameworks for response, specific country situations and responses, and particular thematic issues. At the outset of the mandate, as requested by the Commission, the Representative undertook a comprehensive study identifying the causes and consequences of internal displacement. Building upon this initial study, and at the request of the United Nations Secretary-General, a more elaborate study of the global crisis,

published in two volumes (*Masses in Flight* and *The Forsaken People*) was prepared jointly by the Representative and Roberta Cohen, and it has become the primary reference in the field.

59. With the global crisis of internal displacement now well documented and better understood,<sup>8</sup> the research agenda of the mandate has sharpened its focus to concentrate on specific issues and problems facing the internally displaced and impeding effective responses to their plight. The aim of this research is not simply to inform but to influence the development of more effective policies, and in this regard serve an important advocacy function. A number of specific studies have been formally presented to the IASC and other bodies and have resulted in policy changes (e.g. *The Consolidated Appeals and IDPs, Internally Displaced Persons and Elections: The OSCE Region*). The United Nations in turn, has requested the Representative/Project to provide research and policy guidance on specific issues.

60. Current areas of research include issues such as the role of peacekeeping forces in protection of internally displaced persons, the preparation of a two-volume compilation of university course syllabuses and training manuals on internal displacement, further research on the political participation of internally displaced persons in the OSCE region, and the development of criteria on when displacement ends. Research will also focus on a comprehensive protection regime for internally displaced persons and refugees, lessons learned on property rights issues for displaced persons in post-conflict situations, and an analysis of national responsibility towards internally displaced persons with a focus on national human rights institutions. The role, accountability, and responsibility of non-state actors vis-à-vis internally displaced persons will also be examined, and research will be conducted on the particular challenges faced by IDP women and children. As noted above, the Project will further publish the *Protection Survey*, in collaboration with OCHA's IDP Unit.

## VII. REFLECTIONS AND CONCLUSION

61. **In assessing the response of the international community to the global crisis of internal displacement through the lens of the mandate of the Representative, it is worth noting that we live in a world in which the principle of national sovereignty is still the cornerstone of international relations, despite significant modifications over the years in its application. Under international humanitarian and human rights instruments States have legally binding obligations to provide protection and assistance to needy populations within their national borders, and those people for the most part depend on the national authorities for their security and general welfare. International access to them can be significantly constrained, and even blocked entirely, by States in the name of the exercise of sovereignty. Diplomacy and persuasion can help to lower barriers to access, but in extreme circumstances, more assertive action may be imperative.**

62. **A pragmatic basis for a diplomatic dialogue that moderates the negative implications of a narrowly conceived application of sovereignty is to postulate the concept of sovereignty in a positive sense: it need not be an impediment to international involvement and cooperation if it is seen as part of the *responsibility* of the State to invite, or at least facilitate, international assistance to complement national efforts to protect and assist its citizens where lack or inadequacy of resources and operational capacities make this necessary. There is an implicit assumption of accountability behind the notion of**

**responsibility: where the needs of sizeable populations over whom sovereignty is exercised are unmet and large numbers of people suffer extreme deprivation and are threatened with death, the international community, itself obligated by humanitarian and human rights principles, cannot be expected to stand by and watch passively. The best guarantee of sovereignty for States is therefore to make sure that they carry out their responsibilities, if necessary with international cooperation.**

**63. This is the challenge for those States suffering a crisis of internal displacement, a situation which, by definition, comes under the sovereignty of the State. The critical question is how the international community can reinforce, strengthen and make effective the application of the principle of sovereignty as responsibility, building on the national, regional and international division of responsibility.**

**64. Countries experiencing cleavages between groups with differentiated identities based on race, ethnicity, religion, language or culture may find it especially difficult to guarantee the protection and general welfare of citizens and others under State jurisdiction. In most cases, the most affected are minority or marginalized groups who are peripheral to the dominant identity group; these are often situations of conflict in which members of the minority groups tend to be identified as the enemy and are at best neglected, and at worst, persecuted. In such circumstances, citizenship has little more than paper value, as it becomes disconnected from the enjoyment of the rights normally associated with being a citizen. Marginalization therefore becomes tantamount to statelessness.**

**65. Internal displacement is not only a human rights concern; it is also humanitarian, developmental and political. Along with Governments, United Nations agencies have a key role to play. While the Emergency Relief Coordinator is supposed to ensure that they all complement each other in the collaborative approach and according to their comparative advantages, the real challenge is to secure the cooperation of the heads of the operational agencies, who carefully guard their respective turf and autonomy. The Secretary-General is needed to exercise his leadership and moral authority to reinforce the collaborative approach. There is also a need for the Security Council to be more effective in enforcing the principle of sovereignty as responsibility beyond the particular national interests or concerns of the members, especially the Permanent Five. It is, however, important to note the progress being made in this respect. Through the Protection of Civilians in Armed Conflict agenda, the Council has in recent years addressed the lack of effective protection for internally displaced persons. It has recognized that situations of internal displacement can constitute a threat to international peace and security, and has specifically requested that such situations where internally displaced populations are under threat of harassment and harm be brought to its attention.**

**66. The Representative believes that the normative concept of sovereignty as responsibility, though perhaps not new in international jurisprudence, is a powerful tool that is gaining significant momentum in the new international order. But it needs to be expounded, sharpened and given teeth in order to be applied effectively. How that can be done is an open, and challenging question. For the internally displaced, this normative concept has the potential to bridge national, regional and international responses to this**

**global crisis and thereby build an effective and comprehensive system for ensuring their protection**

**67. It is important to acknowledge that the international community has come a long way in responding to the global crisis of internal displacement, from initially shying away from the issue as too sensitive on the grounds of national sovereignty, to developing normative and institutional responses, to engaging constructively on the principles and strategies for protecting and assisting internally displaced persons, and now to facing the challenge of making these achievements more effective and comprehensive.**

**68. Various studies and evaluations conducted in the course of 2003 have clearly identified the gaps and areas where more concerted effort will be needed. A consensus in the international community is now emerging which indicates a readiness to increase efforts to make the collaborative approach work and to ensure better protection and assistance to internally displaced persons worldwide. This will require a strong commitment from all sides. The United Nations will need to demonstrate its capacity to improve the operational response, which, in turn, will depend on adequate financial support from donor countries as well as the political backing of all States. At the same time, it is important to continue to be aware of institutional weaknesses, to be ready to address them, and to re-evaluate current approaches, should they prove ineffective.**

## Notes

<sup>1</sup> Norwegian Refugee Council Global IDP Project, *Internal Displacement: A Global Overview of Trends and Developments in 2003*, available at [www.idpproject.org](http://www.idpproject.org).

<sup>2</sup> “IDPs in Uganda – a forgotten crisis”, *Forced Migration Review*, Issue No. 19, January 2004, and “In the vacuum of sovereignty: the international challenge of internal displacement”, *Forced Migration Review*, Issue No. 17, May 2003.

<sup>3</sup> According to the terms of reference, the role of the IDP Unit is, inter alia, to “advise and support the ERC in focusing on and coordinating an effective response to the needs of the internally displaced.... the Unit will provide a nucleus of expertise on IDP issues that will act as a catalyst in guiding the response to IDP crises by supporting the field activities of the IASC members and OCHA, in the context of an inter-agency collaborative approach. It will also support the mainstreaming of IDP issues into the work of IASC partners and OCHA branches.” See <http://www.reliefweb.int/idp/docs/references/IDPUnitTORFinal.pdf>

<sup>4</sup> Roberta Cohen, Walter Kälin and Erin Mooney (eds.), “The Guiding Principles on Internal Displacement and the Law of the South Caucasus”, *Studies in Transnational Legal Policy* No. 34, The American Society of International Law, the Brookings-SAIS Project on Internal Displacement, the Georgian Young Lawyers’ Association and OSCE/ODIHR, 2003.

<sup>5</sup> See OSCE/ODIHR, *Human Dimension Implementation Meeting, 6-17 October 2003. Consolidated Summary*. OSCE Doc: ODHIR.GAL/73/03/Rev.1 (31 October 2003), pp. 26-27.

<sup>6</sup> Internal Displacement in Colombia: Summary Report of the Workshop on Implementing the Guiding Principles on Internal Displacement, Bogota, 27-29 May 1999, available at [http://www.brookings.edu/fp/projects/idp/conferences/19990527\\_colombia.htm](http://www.brookings.edu/fp/projects/idp/conferences/19990527_colombia.htm)

<sup>7</sup> See above note 4.

<sup>8</sup> *Selected Bibliography on the Global Crisis of Internal Displacement*, Gimena Sanchez Garzoli, Research Analyst, Brookings-CUNY Project on Internal Displacement, December 2001.

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