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THE ROLE OF INTERNATIONAL ORGANIZATIONS IN SITUATIONS OF CONFLICT RELATED INTERNAL DISPLACEMENT

Wasantha Seneviratne *

1. INTRODUCTION

The phenomenon of forced displacement is one of the most pressing challenges confronting the international community today. It has become an issue of major international concern, both because of the serious human rights violations involved in forcing persons from their homes and countries, and also because of the national and international security issues that arise from the massive movement of persons within and across borders.¹ Displaced people either cross the national borders and become refugees, or remain displaced within the borders as internally displaced persons. While refugees are covered by a number of international treaties and organizations and are enjoying comparative safety in countries of asylum or resettlement, internally displaced persons (IDPs)² are given no such protection. Consequently, IDPs are more vulnerable than refugees.³ This article will specifically examine the role of international organizations in situations of internal displacement, and attempts to promote institutional arrangements for their better protection and assistance, both locally and internationally.

Internal displacement occurs as the result of a number of happenings, i.e. armed conflict, internal strife, grave violation of human rights, political upheavals and

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¹ Kathleen Sarah Galbraith, 'Moving People: Forced Migration and International Law', (1999) 13 *Georgetown Immigration Law Journal*, p.597.

² References to IDPs in this study are to internally displaced persons.

³ See Arthur C. Helton and Eliana Jacobs, 'What is Forced Migration?' (1999) 13 *Georgetown Immigration Law Journal*, pp.521-522.

persecution, for economic reasons and other natural or human-made disasters. This article examines the crisis of armed conflict-induced internal displacement, which is the most common reason for displacement in the modern world.⁴ The need to develop an effective organizational structure for IDPs is immense. At present, there is not a single organization at the international level with an explicit mandate to provide humanitarian assistance, safeguard human rights and provide physical security for IDPs. Although in the recent past a number of efforts have been made at international fora to address situations of internal displacement, the problem has still not been resolved since no appropriate framework is in place. The necessity of devising such a framework remains a daunting challenge.

The main objective of this article is to examine whether IDPs need an institutional framework that creates a new international organization with a direct mandate to deal with their plight, or whether it would be more operational to designate an existing organization to assume full responsibility for them, or whether existing institutional arrangements should be strengthened by way of a collaborative approach.

2 THE NEED FOR AN EFFECTIVE INSTITUTIONAL FRAMEWORK FOR THE INTERNALLY DISPLACED

Where refugees are concerned, they are protected and assisted by the United Nations High Commissioner for Refugees (UNHCR) throughout their plight, but there is no United Nations agency to respond to the crisis of internal displacement. Because of this lacuna, un-mandated organizations pick and choose the situations in which they wish to become involved in an ad hoc manner, and thus needy cases are overlooked. For example, UNHCR declined to become involved with IDPs in Uganda in 1996, regardless of the Ugandan government's request for its involvement. UNICEF also decided not to assume responsibility for IDPs in camps in Burundi in 1996, notwithstanding their vulnerable situation. For similar reasons,

⁴ The recent natural disasters, i.e. tsunami, cyclones, also caused to displace a large number of people within a short period of time. However, environmental related displacement will not be dealt with in this article.

many UN agencies present in Colombia were reluctant to help IDPs until 1998.⁵ The reluctance of the international community to undertake any action in former Zaire as well as in former Yugoslavia is also an example of an unsatisfactory international response.

There are many reasons why satisfactory institutional responses and arrangements have so far not been created: the inadequacy of legal norms, insufficient resources and expertise, and the disinclination of organizations to take up protection issues with governments because they do not wish to trespass on the sovereignty of States. There are also problems relating to mandates and the inherent capacities of existing institutions. These factors are aggravated by the current trend of providing material assistance rather than the care and protection which IDPs require.⁶ Some institutions are limited by their mandates and are not free to provide for people's needs in spite of the possible urgency of the situation.⁷ Thus, the actual requirements of IDPs may not be met. Clearly, the crisis of internal displacement exceeds the capacity of any one single organization. IDPs do have a multitude of problems, and thus an effective framework to assist them requires the bringing together of humanitarian, human rights and development regimes into one comprehensive approach.⁸ The international community has to wake up to this reality.

2.1 Sovereignty of States and the Role of International Organizations in Displacement

States have a primary responsibility towards all their citizens, including those who are displaced within their territory. However, when a State is faced with a mass

⁵ Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, (Washington D.C.: Brookings Institution Press, 1998), pp. 160-161.

⁶ This issue will be discussed later in this article.

⁷ Stephnie T.E Kelenie-Ahlbrandt, *The Protection Gap in the international protection of internally displaced persons: The case of Rwanda*, (Geneva: Graduate Institute of International Studies, 1996), p.29.

⁸ Francis M. Deng, Report of the Representative of the Secretary-General, E/CN. 4/1997/43, 4 February 1997, p.4.

exodus of IDPs, it may be beyond its response capacity to deal with such a situation. At such a time international humanitarian organizations and other appropriate actors should be able to offer their services in support of IDPs, and in agreement with the State. Such involvement should not be regarded as an unfriendly act, or as interference in a State's internal affairs.⁹ In situations where a State arbitrarily refuses to allow relief, the UN has the power to act.¹⁰ Recent interventions by the international community without the consent of the State in Somalia, Rwanda and Afghanistan attest to this duty.¹¹ However, the invasion of Iraq by the United States raises a new set of problems, and its legitimacy is questionable.

In principle, a *bona fide* intervention should only be carried out on the basis of an appeal by the affected country, and with its consent, in compliance with international and national laws and code of conduct.¹² In recent years, the UN Security Council has repeatedly insisted that authorities must grant immediate and unimpeded access to relevant organizations to provide protection and assistance to the needy in countries with humanitarian problems, at the same time reaffirming the sovereignty, territorial integrity and political independence of the concerned States. For example, in Resolution 1216 on the crisis in Guinea-Bissau, the Security Council expressed its firm commitment to preserve the unity, sovereignty, and territorial integrity of Guinea-Bissau. It further called upon the government and the self-proclaimed military junta to ensure safe and unimpeded access of international humanitarian organizations to persons in need of assistance as a result of the conflict.¹³

⁹ See Principle 25 (2) of the UN Guiding Principles on Internal displacement. As the humanitarian duty to intervene has gained recognition, the notion of sovereignty is increasingly being called into question. Violations of human rights, repression of minorities, indiscriminate violence and persecution are no longer considered internal matters.

¹⁰ Richard Plender, 'The Legal Basis of International Jurisdiction to Act with Regard to the Internally Displaced', in Vera Gowlland-Debbas (eds.) *The Problem of Refugees in the Light of Contemporary International Law Issues*, (The Hague /Bostan/London: Martinus Nijhoff Publishers, 1996), pp.119-133.

¹¹ Lousie Ludlam - Taylor, 'Recent Literature on IDPs', in Janie Hampton (eds.) *Internally Displaced People: A Global Survey*, (London: Earthscan Publications Ltd, 1998), p.38.

¹² Michael Reisman, 'Humanitarian Intervention and Fledgling Democracies', (1995) 18 *Fordham International Law Journal*, p.804.

¹³ See the SC/Res 1216, 21 December 1998.

The Special Representative for IDPs, Francis Deng, attempts to seek a balance between the principles of States' sovereignty and the States' responsibility towards their citizens, using his country missions diplomatically. He has taken several steps to highlight the responsibilities that sovereignty implies towards all those under State jurisdiction. If States are incapable of discharging those responsibilities, they are expected to request and accept international cooperation in providing assistance and protection. The Representative believes that this is the basis on which States can best guarantee their sovereignty.¹⁴ Accordingly, all the agencies that undertake responsibilities for the displaced, must respect State sovereignty. Similarly, States must also protect and assist IDPs who remain under their jurisdiction. When the crisis is beyond their capacity, States should provide unimpeded access to international organizations to help IDPs in need.

2.2 The Role of the Special Representative on Internally Displaced Persons in relation to Institutional Arrangements

Until the Special Representative of the UN Secretary-General on IDPs was appointed there was no systematic UN effort to report on and monitor the needs of IDPs. Since his appointment, the Special Representative Mr. Francis M. Deng has focused *inter alia* on developing an appropriate institutional framework for the protection and assistance of IDPs. Accordingly, the Representative has made numerous suggestions and recommendations on the institutional aspects of the international response to the crisis of internal displacement. He has visited several countries which experience serious problems of internal displacement, and published reports on these situations, making significant recommendations to governments and international agencies for improving the treatment of the displaced. He presented various options towards developing an effective institutional framework to respond effectively to the crisis of internal displacement. Among them, the designation of an existing agency to assume full responsibility, collaboration among

¹⁴ Francis M. Deng, 'Flocks Without Shepherds: The International Dilemma of Internal Displacement' in W. Davis (eds), *Rights have no borders: Internal Displacement Worldwide*.

the various relevant agencies and the creation of a special organization were considered as imperative.¹⁵

Despite all the contributions he has made to enhance the status of the internally displaced, there are limitations, which impede the catalyst role of the Representative. His appointment is voluntary and part-time, and is extended from time to time by the UN General Assembly at the request of the Commission of Human Rights.¹⁶ The office has no operational authority, and inadequate resources to undertake systematic monitoring of situations of internal displacement or frequent visits to countries with serious problems of internal displacement.¹⁷ Therefore the mandate of the Representative should be strengthened, making his appointment full-time, with adequate staff and flexibility in order to play his role as a catalytic advocate for IDPs. He should be provided with the necessary human and material resources to handle the crisis efficiently. His mandate should be strengthened further, enabling him to deal more effectively not only with governments but also with insurgent groups, in order to address the problems of IDPs in areas not controlled by governments. Concrete steps should be taken to increase and strengthen collaboration between the Representative and other agencies in the field.

3 ROLE OF SOME INTERNATIONAL ORGANIZATIONS

At present a plethora of international organizations engages in a variety of activities on behalf of IDPs. These include UN agencies and non-UN agencies such as the Office of the UN High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the UN Children's Fund (UNICEF), the Office of the UN High Commissioner for Human Rights (UNHCHR), the Office for Coordination of Humanitarian Affairs (OCHA), the UN Development

¹⁵ These options will be discussed later.

¹⁶ The Commission of Human Rights has renewed the mandate of the Special Representative four times. See Resolutions 1993/95, 1995/57, 1998/50 and 2001/54.

¹⁷ See R. Cohen and F.M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, p.157.

Programme (UNDP), the International Organization for Migration (IOM), the World Food Programme (WFP) and the World Health Organization (WHO).

Apart from these international agencies some regional, inter-governmental and non-governmental organizations also play a vital role in providing protection and assistance to the internally displaced. However, none of these organizations are geared to undertake activities for IDPs. Also, the objectives of the existing agencies vary. While some focus only on protection issues, others work on humanitarian assistance, or both protection and assistance. Some organizations may limit their work to development and reintegration of IDPs. Since these agencies differ profoundly in their objectives, resources, approaches and capabilities, coordinating these efforts has become a global challenge. At the same time, undertaking responsibilities in situations of conflict-induced displacement may create a risk for any agency working for IDPs.¹⁸ The different roles and capacities of selected international agencies (of two organizations) which have undertaken a range of activities on behalf of IDPs at the international level will be discussed below.

3.1 The Office of the United Nations High Commissioner for Refugees (UNHCR)

UNHCR was originally not mandated to care for IDPs, but to safeguard refugees. Nevertheless, it has increasingly assumed limited operational responsibilities to cater for the needs of certain groups of IDPs in several countries such as Sri Lanka, Afghanistan, Angola, Azerbaijan, Bosnia and Herzegovina, Croatia, El Salvador, Ethiopia, Georgia, Iraq, Liberia, Mozambique, Nicaragua, Rwanda, The Russian Federation, Sierra Leone, Somalia, Sudan, and Tajikistan.¹⁹ In several cases of conflict related displacement, such as in Bosnia and Herzegovina and Kosovo, there was major involvement of UNHCR, and protection was one aspect

¹⁸ UNHCR, *The State of World's Refugees: Fifty Years of Humanitarian Action*, (UK: Oxford University Press, 2000), p.282.

¹⁹ See generally UNHCR, 'UNHCR's Operational Experience with Internally Displaced Persons', Office of the United Nations High Commissioner for Refugees, Division of International Protection, Geneva, September 1994.

of its operations. The organization has undertaken such special operations on the basis of its humanitarian expertise, and in the context of promoting and implementing durable solutions to refugee problems, such as to prevent an exodus or to help reintegration and returning processes. These operations have been initiated at the request of the UN Secretary-General or the General Assembly with the consent of the country involved.²⁰

The Statute of UNHCR makes no reference to IDPs. However, Article 9 provides that “the High Commissioner for Refugees may, in addition to the work with refugees, engage in such activities as the General Assembly may determine, within the limits of the resources placed at (her) disposal”. Based on this Article and over a period of several decades, a series of UN General Assembly (GA) Resolutions have acknowledged UNHCR’s humanitarian expertise and encouraged its involvement in situations of internal displacement. These Resolutions together with Article 9 of the Statute provide the legal basis for its interest in an action for IDPs.²¹ The GA has recognized that the original mandate of UNHCR could be extended to IDPs when both refugees and IDPs are so intertwined that it would be practically impossible to assist one group and not the other. Its activities for IDPs include *inter alia* monitoring the treatment of threatened minority groups, intervening with the authorities to request protective action, investigating and prosecuting specific cases, and assisting governments to provide personal documentation.²² In situations of armed conflict or massive violations of human rights, UNHCR assists the safe passage of civilians through front lines, relocates and evacuates civilians from conflict areas, intervenes with local authorities to prevent the involuntary return of IDPs to areas of danger, and alerts governments and the public to human rights abuses. UNHCR has also participated in mediation and reconciliation efforts between returning displaced people and local residents.²³

²⁰ UNHCR, ‘Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees’, Position Paper, UNHCR, Geneva, 6 March 2000, p.6.

²¹ See GA Res 48/116, 20 December 1993. This Resolution set out important criteria to guide UNHCR’s decision on when to intervene on behalf of IDPs.

²² UNHCR, ‘Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees’, Position Paper, p.6.

²³ *Ibid.*

In the case of Sri Lanka, after the cease-fire agreement between the two warring parties, UNHCR has undertaken the return and reintegration of IDPs in co-operation with the Sri Lankan government. However, until the 1990s UNHCR's involvement with IDPs was unsystematic and ad hoc. In 1997 UNHCR redefined its mandate to allow for the inclusion of IDPs in certain situations, in line with a set of Guidelines prepared in 1997. These Guidelines however did not allow UNHCR to aid IDPs universally, and each involvement needed to be decided on a case-by-case basis.

According to UNHCR's Position Paper issued in March 2000, the rationale for its involvement with IDP matters would have been the similarity between IDPs and refugees in terms of the causes and consequences of their displacement, and their humanitarian needs. In the situations where the link between the two groups was direct and clear the organization carried out its programs for both categories without difficulty.²⁴ The involvement of UNHCR in Northern Iraq during the Kurdish crisis was one such example. Because of identical needs for humanitarian assistance by both groups, it must be understood that a solution cannot be found to the refugee problem without resolving the issue of internal displacement at the same time. In many instances, for effective reintegration of refugee returnees, assistance should be extended to IDPs in the same locality or community. For example, in Sri Lanka refugees who returned home on several occasions became internally displaced. This encouraged UNHCR to re-focus its programme on internal displacement. In Mozambique, Sierra Leone, Afghanistan and Guatemala it was also difficult for the organization to differentiate between returnees and IDPs, operationally as well as conceptually. In such instances it is practically impossible to assume responsibilities for only one group.²⁵

The experience and expertise of UNHCR in handling situations of refugees and returnees will be useful in their newly expanded role with regard to IDPs, in providing protection and humanitarian assistance to them, and finding durable solutions for their plight. In its position paper it is stated that UNHCR is ready to take the lead in addressing the needs of IDPs because a comprehensive strategy to address displacement on both sides of the border is often the best way of

²⁴ Ibid, p.4.

²⁵ Ibid, p.5.

promoting a lasting solution. In Sri Lanka also, despite the very small number of refugees, UNHCR undertakes several activities for the large number of IDPs in the Island. In fact, if UNHCR's attempts towards the reintegration, rehabilitation and development of refugee returnees are unsuccessful, they will become IDPs later. Thus in countries like Sri Lanka and Afghanistan this was the compelling factor for the organization to undertake a critical role for both categories. However, UNHCR takes the lead in protecting and assisting them only in 'certain situations'.²⁶ On a number of occasions political factors and operational constraints have limited its role on behalf of IDPs. Basically, UNHCR involvement with IDP matters is subject to a request by the UN Secretary-General with the consent of the concerned State, and within the limits of the UNHCR resources.²⁷ The newly assumed 'in country protection role' of UNHCR has been criticized as a threat to the concept of asylum, because it may prevent potential refugees from seeking asylum abroad.²⁸ However, the agency has repeatedly pointed out that protection for IDPs does not detract from its basic commitment to asylum.

Thus, on many occasions UNHCR deals with both refugees and IDPs in the same country. As a result, there are suggestions that the organization should officially be chosen as the common agency dealing with both categories of displacement. There are arguments both in favour of, and against this suggestion. Nevertheless, it would be difficult for practical reasons for one common agency to deal with both categories; for example the enormity of the numbers involved, a lack of resources and staff, the complexity of the different dimensions of the phenomenon, and the duplication of the work of other agencies. There may also be a tendency to overlook other important aspects of the original mandate. When one agency has to undertake responsibility for both categories it would need to handle more general problems rather than specific but crucial ones.²⁹ On the other hand, if UNHCR were to be well equipped with staff and other resources, and has the

²⁶ By "certain situations" is meant that there is a limit to the activities undertaken by the agency in relation to IDPs.

²⁷ *Ibid*, p.7.

²⁸ Michael Barutciski, 'Confusion about UNHCR's Role', RSP Working Paper No.2, 1999, < <http://www.qeh.ox.ac.uk> >, visited on 13.08.2005.

²⁹ See M. Barutciski, 'Confusion about UNHCR's Role', RSP Working Paper No.2, 1999.

genuine political will to cover the entire phenomenon, eventually the organization might be able to develop a comprehensive approach in providing protection and assistance to all the categories of displaced persons, irrespective of their status as refugees, IDPs or potential refugees.

3.2 The International Committee of the Red Cross (ICRC)

The ICRC is a non-UN organization that holds statutory responsibility for promoting and ensuring respect for international humanitarian law. Humanitarian law includes numerous provisions to prevent forcing people to flee from their habitual residence in times of war. As the guardian of this body of law, the ICRC has a clear mandate to use it³⁰ as a tool in the prevention of displacement, as well as to protect civilian victims of armed conflict, including IDPs.³¹ Thus IDPs affected by armed conflict would constitute a primary target group for ICRC activities. As a result, the ICRC can today be considered the most prominent agency which deals exclusively with displaced persons affected by armed conflict. However, IDPs who are displaced other than by armed conflicts are not covered by the mandate of ICRC. Nevertheless, since IDPs should be civilians who are affected by conflict in order to come under the purview of the ICRC, a broad category of people can claim the protection and assistance from this organization, such as those who are in the

³⁰ See Article 5 (2) (c) of the Statute of the ICRC and the Fourth Geneva Convention relating to the Protection of Civilians in times of Armed Conflict of 1949 and Protocol II of 1977. Even if displacement occurs in the context of an armed conflict, ICRC continues to protect IDPs as civilians.

³¹ The ICRC believes that even in times of war, civilians should be able to lead as normal a life as possible, and particularly should be able to remain in their homes, which is a basic objective of humanitarian law. However, even if displacement occurs in the context of an armed conflict, the ICRC continues to protect IDPs as civilians affected by war corresponding to the provisions of humanitarian law to shield them from the effects of hostilities, requiring parties to a conflict to provide them with humanitarian assistance, and if unable to meet their needs, requiring them to allow humanitarian and impartial relief actions in their favour. See Jean-Philippe Lavoyer, 'Refugees and internally displaced persons: International humanitarian law and the role of the ICRC', (1995) 305 *International Review of the Red Cross*, p.171 and 'Statement by the ICRC, Specific groups and individuals: Mass exoduses and displaced persons', 57th Session of the Commission on Human Rights, 19 March – 27 April 2001.

category of constructively displaced persons,³² and potential refugees, not covered by the mandate of UNHCR due to definitional problems.³³ Thus, through a sustained dialogue with all the parties and a permanent presence on the ground, ICRC seeks to prevent the displacement of populations, to protect the displaced and to promote return in safety and dignity whenever this is possible.

ICRC has carried out numerous operational activities worldwide, providing protection and assistance to civilian victims, including IDPs in situations of armed conflict. The organization usually makes no distinction between protection and assistance activities,³⁴ while UN humanitarian and development agencies often contend that protection responsibilities will jeopardize their assistance role.³⁵ The activities of the ICRC in Rwanda and Chechnya greatly benefited IDPs in the area by obtaining both protection and assistance.³⁶ In addition to its protection activities, the agency carries out several assistance programmes in different parts of the world such as in Sri Lanka, Angola, Somalia, Democratic Republic of the Congo, Afghanistan, Colombia, and Yugoslavia, providing a variety of services and material aid aimed at improving the situation of the displaced. Moreover, the ICRC works to preserve family unity or to restore family links, especially in cases of unaccompanied children where the ICRC has established a database to collect information.³⁷

³² People who want to flee but are not allowed or unable to do so. For example, in Sri Lanka, Tamils in the Vanni area under the control of the LTTE can be considered as constructively displaced persons.

³³ In 2000 special programmes have been developed in thirty-one countries to protect and assist IDPs in close co-operation with the National Red Cross and Red Crescent Societies. See 'Internally Displaced Persons: The Mandate and Role of the International Committee of the Red Cross', (2000) 838 *International Review of the Red Cross*, p.491-500.

³⁴ See Jean-Lue Blondel, 'Assistance to protected persons', (1987) 260 *International Review of the Red Cross*, pp.451 – 468.

³⁵ Unlike in the case of other organizations in the field, protection activities lie at the core of the mandate of the ICRC as the guardian of IHL.

³⁶ The largest relief operation undertaken by the ICRC so far is the case of Rwanda where the agency cared for more than one million civilians most of whom are displaced persons. In Chechnya also ICRC helped a vast number of IDPs. See 'The ICRC and internally displaced persons', (1995) 305 *International Review of the Red Cross*, p.181-182 .

³⁷ Ibid.

Most serious problems encountered by any humanitarian agency in war situations are the lack of access to the victims and of security for humanitarian workers. As international humanitarian law binds not only States but also non-State actors involved in armed conflict, the ICRC, by virtue of its mandate and its unique status as a neutral, impartial and independent agency, has undertaken several operational activities for IDPs where other organizations were reluctant to do so.³⁸ For example, when the United Nations refrained from undertaking responsibility in Somalia in 1990–1991 (due to the dangerous situation), the ICRC assumed the main responsibility for delivering relief to the Somali people, including to large numbers of IDPs.³⁹ In Rwanda and Chechnya also the agency played a crucial role in the absence of many other organizations. The ICRC performs its mandate impartially in order to preserve the confidence of all the parties involved. In most cases the organization carries out its operational activities with regard to IDPs collaboratively with UNHCR and other UN agencies. However, its cooperation with other organizations takes place in such a manner, that it does not put the perception of the ICRC at risk.⁴⁰ Accordingly, in some cases, such as in the former Yugoslavia, Chechnya and Tajikistan, the ICRC refrained from working together with other organizations in the same field.⁴¹

The ICRC does not draw excessive parallels between internal displacement and the problems of refugees. In the opinion of the ICRC, although the causes and consequences of displacement and the obstacles to return may be similar for both IDPs and refugees, the legal regimes applicable to the respective groups are different. It argues that refugees are in need of a specific legal regime as they are victims of persecution. But in the case of IDPs they are in their own country, and accordingly remain entitled to the full range of protection provided by humanitarian law, human rights law and domestic law. Therefore, the ICRC believes that no

³⁸ See Article 5, para 2(e) of the Statute of the ICRC.

³⁹ R. Cohen and F. M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, p.131.

⁴⁰ Françoise Krill, 'The ICRC'S policy on refugees and internally displaced civilians', (2001) 843 *International Review of Red Cross*, p. 621.

⁴¹ One of the striking features of the role of the ICRC is that the ICRC's responsibility is to the victims of conflict whereas the UN's is primarily to governments. R. Cohen and J. Cuenod, *Improving International Arrangements for the Internally Displaced*, p.20.

valid basis exists for equating the status of IDPs with that of refugees, who are aliens in the country of asylum.⁴² However, the ICRC objects to developing a new legal regime for IDPs as it considers the existing international law as competent to address their plight.⁴³ It maintains that IHL is adequate in addressing most problems of internal displacement associated with situations of armed conflict. Nevertheless, ICRC actively participated in the process of preparing the UN Guiding Principles on Internal Displacement, and supports their dissemination and use at the operational level.

Thus a plethora of actors is involved actively in matters of IDPs in the international fora, undertaking various responsibilities.⁴⁴ However, as no agency has a compulsory and direct mandate to look after IDPs the institutional response to the crisis of internal displacement still remains ad hoc, and sometimes poorly coordinated. Unpredictability and inconsistency in the international response to the problem hamper the effective protection of IDPs.⁴⁵ As a result, IDPs are still in dire need of effective international institutional arrangements. Therefore it is appropriate to examine options for effective institutional arrangements on their behalf, and an analysis of the most appropriate alternatives available at present in the absence of a specific international organization for IDPs follows.

4. OPTIONS FOR EFFECTIVE INSTITUTIONAL ARRANGEMENTS

Several options for better institutional arrangements for IDPs are at present under serious consideration at the international level.

- Establishing a new international organization with a direct mandate to deal with IDPs

⁴² See Françoise Krill, 'The ICRC's policy on refugees and internally displaced civilians', pp.607-627.

⁴³ See Richard Plender, 'The Legal Basis of International Jurisdiction to Act with regard to the Internally Displaced', (1994) 6(3) *International Journal of Refugee Law*, p.358.

⁴⁴ There are several organizations, which launch significant activities on behalf of IDPs among other activities related to their mandate. However, this article does not discuss these efforts due to limited scope.

⁴⁵ UNHCR, *The State of the Worlds Refugees : A Humanitarian Agenda*, p.117.

- Assigning of an existing agency with the responsibility to work on behalf of IDPs
- Strengthening of collaborative arrangements among agencies whose mandates and activities relate to IDPs.

4.1 Establishing a New International Organization for IDPs

There are several reasons for the lack of a single international organization that has been mandated to protect, assist and find solutions for the internally displaced. One reason is that sovereign States would resist the presence of such a single agency on their territory as IDPs are citizens still under the jurisdiction of their own State.⁴⁶ Another reason is that, unlike the refugee concept which has been well defined in international law, there is still no consensus about the notion of IDPs, for whom a working definition has only recently been formulated in the UN Guiding Principles on Internal Displacement. Because of such conceptual confusions, it would be difficult for a single international agency to accept responsibility for them.⁴⁷ Nevertheless, many proposals were made earlier for a single international agency, with a direct mandate to act exclusively on behalf of IDPs, similar to UNHCR. This would give them an organization to turn to when they are at risk.

In theory such a proposal has merits, but in practice it is unrealistic and unlikely to materialize, now or in the near future. There are numerous reasons. First and foremost, there is no political will among sovereign States for the creation of a new agency with sole responsibility for IDPs. At the outset, the Special Representative on IDPs strongly advocated the creation of a new single agency

⁴⁶ As IDPs are citizens of a sovereign State and thus an internal concern, any attempt to create an international agency to address the IDP issue could be seen as meddling in the domestic affairs of that State. In recent years, however, the traditional concept of sovereignty is gradually being replaced by a newer model – ‘sovereignty as responsibility’ –, which is being promoted by, the Special Representative on IDPs. See Marc Vincent, *The UN and IDPs: improving the system or side-stepping the issue?* Overseas Development Institute, 21 November 2001, <<http://www.reliefweb.int>>, visited on 16.10.2005.

⁴⁷ UNHCR, *The State of World's Refugees: A Humanitarian Agenda*, p.116.

for IDPs. He too has now conceded that the problem of internal displacement exceeds the capacities of any one single organization.⁴⁸ It would appear discriminatory for an agency to focus only on the situation of the internally displaced to the exclusion of others whose security and human rights are also at risk within their own country.⁴⁹ As a result, setting up a new agency may result in conflicts of interest between States and the relevant organization rather than focusing entirely on the issues of IDPs. Moreover, in contrast to existing agencies already involved with matters of IDPs in the course of their regular work, a new agency concentrating exclusively on internal displacement would have to request permission to gain entry to a country, and could thus easily be excluded. There is also little possibility of establishing a separate UN institution exclusively for the internally displaced when the UN faces financial constraints and lack of resources even for the existing organizations.

In fact, it is not easy to create a new international agency as this needs considerable resources and funds, and these should only be spent if no alternatives are available. Therefore using existing agencies should be considered. Moreover, a new agency might even hamper existing agencies from extending their services, thereby weakening rather than strengthening the current international response. It might draw on resources and capacities that have already been allocated to the internally displaced,⁵⁰ and might also foster dependency by encouraging governments to appeal to the new agency to address problems that should fall within their own area of responsibility. In line with the above reasoning that a single successful agency might be difficult to achieve, a general consensus prevails now against the creation of such an agency for IDPs. Therefore, two other alternatives have been suggested as more realistic and achievable.

⁴⁸ See The Special Representative on IDPs, 'Specific Groups and Individuals: Mass Exoduses and Displaced Persons', E/CN.4/2001/5, 17 January 2001, paras.62-65.

⁴⁹ See UNHCR, *The State of the Worlds Refugees: A Humanitarian Agenda*, p.116.

⁵⁰ R. Cohen and F.M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* p.169.

4.2 Assigning Responsibility to an Existing Organization

Designating an existing organization as a leading agency by expansion of its mandate to include protection and assistance for IDPs could be more practical than creating a new one which would lack the expertise and experience existing agencies already have.⁵¹ This approach has been implemented in several recent emergencies. For example, Operation Lifeline Sudan is an initiative designed to assist IDPs and war affected populations throughout that country. Accordingly, while in the North of Sudan UNDP was responsible for coordinating the programme, in the South UNICEF played the leading role. In the Former Yugoslavia the UNHCR was designated as the lead agency, while in Cambodia the World Food Programme (WFP) has played this role in relation to IDPs. In Rwanda the UN Department of Humanitarian Affairs (DHA) has been responsible for coordinating an inter-agency response to the problem of internal displacement through the UN Rwanda Emergency Office.⁵²

This option has become more popular due to the fact that such an agency has already developed special expertise in working with the displaced. The UNHCR is pin-pointed as the most promising organization, best equipped legally and operationally, to deal with the phenomenon.⁵³ The UNHCR's involvement would also help to resolve problems of inequity that do arise between the level of attention given to refugees and IDPs in the same country. It would be easier for the organization to treat both categories as two aspects of one problem.⁵⁴ However, when the Netherlands proposed in 1993 that the UN should assign general competence for IDPs to UNHCR, neither UNHCR nor its Executive Committee endorsed the idea. In 1997 UNHCR was asked again to take over responsibility for IDPs prior to the UN Secretary General's announcement of UN reforms. Even though UNHCR was ready to expand its role to welcome responsibilities

⁵¹ UNHCR, *The State of the World's Refugees: A Humanitarian Agenda*, p.116.

⁵² Ibid.

⁵³ See previous notes on the Role of the UNHCR in internal displacement for a detailed discussion on its expertise and experience in the very field.

⁵⁴ See R. Cohen and F.M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, p.170.

for IDPs, it did not express readiness to shoulder the entire responsibility,⁵⁵ and the High Commissioner for Refugees clearly defined the extent and conditions under which UNHCR was prepared to undertake activities for IDPs.⁵⁶ However, at present UNHCR shows a remarkable flexibility in this regard, and has assumed a great deal of responsibility for IDPs, other than refugees. However, its full involvement with all matters pertaining to IDPs remains questionable.

Since the majority of the displaced are women and children, it has been suggested that UNICEF might be a possible candidate for assuming overall responsibility for IDPs by expanding its mandate.⁵⁷ A recent positive development was the decision to designate UNHCR as the lead agency for IDPs in Afghanistan. Nevertheless, in the case of Sierra Leone, the UN system has not designated an operational lead agency to give special attention to the needs of the returning 155,000 IDPs to their home communities.⁵⁸ Cohen and Cuenod have made an alternative suggestion to assign responsibility for protection to one agency, and for assistance to another. According to this 'two-agency approach' they envisaged that the Centre for Human Rights under the High Commissioner for Human Rights would cover protection, whereas the Office for the Coordination of Humanitarian Affairs, under the Emergency Relief Coordinator, would co-ordinate assistance provided by different operational agencies.⁵⁹ However, it is believed that this approach would not be successful as it may cause a separation of these two needs rather than an integration, and that for practical reasons this approach is not a serious possibility, even in the near future.

In contrast to the past there is now provision for designating a lead agency in emergencies. The Inter Agency Standing Committee (IASC) is charged with

⁵⁵ R. Cohen, 'Recent trends in protection and assistance for internally displaced people' in Janie Hampton (eds), *Internally Displaced Peoples: A Global Survey*, p.6.

⁵⁶ See previous notes on the role of the UNHCR for further details.

⁵⁷ The mandate of the UNICEF covers women and children only.

⁵⁸ RosaGerrero, 'The Global Response to Internal Displacement: Still Struggling for Effectiveness', <<http://www.refugeesinternational.org>>, visited on 25.04. 2004.

⁵⁹ R. Cohen and J. Cuenod, *Improving International Arrangements for the Internally Displaced*, p.80.

ensuring effective liaison on IDP matters and can designate a lead agency in a particular emergency in consultation with the member agencies of the IASC.⁶⁰

4.3 Strengthening of Collaborative Arrangements among Organizations in the Field

During the recent past, it was widely believed that a collaborative approach by all relevant organizations and agencies in the international system would be the most effective and realistic option available at present in order to ensure that the needs of the internally displaced are adequately met. Thus developing various ways to improve the coordination and effectiveness of those institutional arrangements is very important. The collaborative approach is a management model for assistance and protection in situations of internal displacement, involving the local authorities, UN agencies, international organizations and international, regional and local NGOs.⁶¹ Strengthening and better co-ordination of their efforts could prove a promising prospect for addressing situations of internal displacement. For this, individual agencies with different areas of expertise should be encouraged to work together where necessary,⁶² and various tasks should be allocated by a central authority.⁶³

Over the past years the UN has taken several important steps to develop policies and create new bodies to provide a more comprehensive and combined response

⁶⁰ The role of the IASC will be discussed later.

⁶¹ As one promising step towards strengthening the collaborative approach, international agencies in the field should come to an agreement that has the effect of dividing responsibility for different tasks in emergency situations according to institutional expertise. See M. Vincent, 'The UN and IDPs: improving the system or side-stepping the issue?'.

⁶² The Memorandum Of Understanding (MOU) of 1996 between UNHCR and UNICEF is a fine example in this regard. In accordance with this MOU, UNICEF agreed to assume responsibility for protecting, assisting and tracing unaccompanied children in their countries of origin, working in collaboration with UNHCR.

⁶³ The UN Secretary-General endorsed this option in his July 1997 reform programme by assigning responsibility to the Emergency Relief Coordinator for ensuring the protection of IDPs.

to the protection and assistance needs of displaced populations.⁶⁴ At the Headquarters level, the humanitarian structure responsible for the protection of and assistance to IDPs comprises the ERC⁶⁵, who heads the OCHA.⁶⁶ At the field level, in situations of internal displacement defined as complex emergencies, a Humanitarian Coordinator or Resident Coordinator is normally designated by the ERC, in consultation with the IASC⁶⁷, as the official who is responsible and accountable for ensuring that humanitarian needs are met before, during and after an emergency.⁶⁸ These mechanisms will be examined briefly as to their viability in coordinating the efforts of different organizations in the field effectively.

4.3.1 The Office for the Coordination of Humanitarian Affairs (OCHA)

The OCHA has the mandate to coordinate UN assistance in humanitarian crises that go beyond the capacity and mandate of any one single humanitarian agency.⁶⁹ The OCHA is the successor of the Department of Humanitarian Affairs (DHA).⁷⁰ The head of the OCHA has dual responsibilities as Under Secretary-General in the UN Secretariat and as the ERC. The OCHA is dedicated to provide assistance and protection for IDPs, and to promote the application of the UN Guiding Principles on Internal Displacement. Its role, with regard to this task, is to facilitate a coordinated strategy to address issues of internal displacement, to define a framework for collaboration and a division of labour to avoid duplication.⁷¹ The

⁶⁴ See the Report of the UN Secretary-General, 'Human Rights and mass exodus', A/56/334, 4 September 2001, para. 30.

⁶⁵ References to 'ERC' are to the Emergency Relief Coordinator in this article.

⁶⁶ References to 'OCHA' are to the Office for the Coordination of Humanitarian Affairs in this article.

⁶⁷ References to 'IASC' are to the Inter Agency Standing Committee in this article.

⁶⁸ Report of the UN Secretary-General, 'Human Rights and mass exodus', para. 31.

⁶⁹ See Home Page, The Office for the Coordination of Humanitarian Affairs, 'Basic Facts about OCHA', <www.reliefweb.int/ocha_ol/about/facts.html>, visited on 25.09.2005.

⁷⁰ DHA was a failure for several reasons. It neither played an adequate role relating to the crisis of displacement nor assigned responsibilities to other agencies in the field.

⁷¹ See 'OCHA, Office for the Coordination of Humanitarian Affairs: what it is...What it does', <<http://www.reliefweb.int/ocha.pdf>>, visited on 15.03.2005.

OCHA discharges its co-ordination function primarily through the IASC and the ERC. It works with all the actors involved in today's humanitarian emergencies such as Governments, non-Governmental organizations, UN agencies and individuals to respond to such emergencies effectively, and has evolved a useful mechanism for dealing with internal displacement.

4.3.2 *The Emergency Relief Coordinator (ERC)*

The General Assembly created the post of the ERC at the Under Secretary-General level in 1991.⁷² The ERC is expected to work closely with the UN Secretary-General in cooperation with the relevant organizations and entities of the system dealing with humanitarian assistance. He, as chairman of the IASC, serves as a focal point at UN headquarters level for the inter-agency co-ordination of humanitarian assistance to IDPs.⁷³ The ERC is generally responsible for developing and advocating policy for humanitarian crises within the UN system, in order to co-ordinate emergency response and give counsel to the Secretary-General, particularly when humanitarian issues are before the Security Council.⁷⁴ He maintains a direct link with the UN Resident Coordinators of the countries concerned by way of getting reports from them when they are dealing with humanitarian issues, such as internal displacement.

⁷² The post of the ERC was established by the GA with a view to coordinating and facilitating the humanitarian assistance of the UN system to those emergencies that require a coordinated response. See General Assembly, 'Strengthening the Co-ordination of Humanitarian Emergency Assistance of the United Nations', A/Res/46/182, United Nations, December 19, 1991.

⁷³ This responsibility includes: global advocacy on both assistance and protection requirements; resource mobilization and the identification of gaps in resources for internal displacement; in consultation with external institutions, promotion of the establishment of a database and global information on IDPs, including monitoring and issuance of periodic situation reports; and support to the field on related humanitarian issues, including negotiations of access to IDPs. See, OCHA, 'Manual on Field Practice in Internal Displacement: Examples from UN Agencies and Partner Organizations of Field based Initiatives Supporting Internal Displaced Persons', Inter-Agency Standing Committee Policy Paper Series No.1, 1992, p.2.

⁷⁴ R. Cohen and F.M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, p.143.

However, there are critics with regard to this appointment. Accordingly, the ERC needs to assume more of a leadership role pertaining to the issue of internal displacement, taking steps to improve the current system to respond to the problem effectively. For that he should initiate a division of labour, deciding upon the principal agency to serve as the focal point in an emergency, and ensuring that other agencies play their role in an agreed-upon, co-ordinated arrangement.⁷⁵ This agency would be expected to monitor the particular situation of internal displacement, taking a lead in developing strategies to ensure the protection, assistance, reintegration and development needs of IDPs both directly and in collaboration with other agencies. Resident Coordinators / Humanitarian Coordinators in the field, who report to the ERC, should then help and mobilize the support of other agencies on behalf of the lead organization. The extent to which the needs of IDPs are being met should subsequently be monitored by the IASC.⁷⁶ This particular responsibility of the ERC serves both options discussed earlier: designation of one principle agency and collaboration between various agencies in the field. However, unlike in the past, the ERC must take steps to ensure not only assistance, but also that the protection needs of IDPs are addressed effectively.⁷⁷ Notwithstanding criticism of the role of the ERC, it has the mandate to assume a more authoritative stance with regard to IDPs, and its role in fostering a more comprehensive approach to problems of internal displacement has to some extent been successful. This appointment shows the readiness of the UN system to coordinate its widely dispersed activities in addressing situations of internal displacement.

⁷⁵ The designation of a principal agency should be done by the ERC with the approval of the IASC. As examined previously, experience in various countries has proved that when one agency is designated with responsibility for IDPs, greater attention is paid to their needs.

⁷⁶ R.Cohen, 'Recent trends in protection and assistance for internally displaced people', in J. Hampton (eds), *Internally Displaced People: A Global Survey*, p.6.

⁷⁷ Initially, the GA Resolution gave the authority to the ERC to co-ordinate assistance needs to the affected population. This is really unsatisfactory because the ERC cannot meet its responsibilities as a reference point for IDPs without dealing with protection problems. This is one major weakness of the office of the ERC. Nevertheless, the IASC recommended in 1997 that the ERC's role with regard to IDPs include global advocacy on both assistance and protection. The Secretary-General's 1997 reform programme also called on the ERC to ensure that both protection and assistance for IDPs are addressed.

4.3.3 The Inter Agency Standing Committee (IASC)

The IASC was established to serve as the primary mechanism for inter-agency co-ordination relating to humanitarian assistance in complex and major emergencies under the leadership of the ERC.⁷⁸ The IASC is an ideal forum for institutional collaboration, and its composition presents a wide spectrum of humanitarian bodies, bringing together relief and development agencies within and outside the UN system. At the policy level, the collaborative arrangement revolves around the IASC, and it serves as the pioneering organ for the ERC's co-ordinating role on both policy issues and operational response. The issue of internal displacement is a standing item on its agenda, and it has developed policies to support the collaborative framework. At meetings of the IASC and its working group, issues of internal displacement were given in-depth or systematic attention with follow-up actions planned. In 1998, the issue of internal displacement was made a permanent item on the agenda of the IASC.⁷⁹

In December 1999 the IASC adopted a Policy Paper on the Protection of IDPs, which highlighted the importance of ensuring the needs of the internally displaced, particularly in terms of protection. It advocates a flexible approach, which will vary according to the competence and comparative strengths of various actors, as well as the context of displacement.⁸⁰ However, the challenge remains to give practical effect to the various strategic types of protection activity included in the Policy Paper. This Policy Paper was complemented by 'The Supplementary

⁷⁸ See GA Res 46/182, June 1992.

⁷⁹ The responsibilities of the Committee with regard to IDPs includes: regular reviewing of all issues relating to IDPs and making recommendations to the ERC, reviewing specific field coordination arrangements by the RC/HC and country team, providing guidance to the RCs/HCs, recommending to the ERC ways to address obstacles in the provision of assistance and protection of IDPs, particularly vulnerable groups including women, children and the elderly, and promoting respect for international law. See 'A Discussion Paper on Future Options for a Humanitarian Response to Internally Displaced Persons'. <http://www.idpproject.org/UN/Senior_Network/IDP_discussion_paper_ICVA.pdf>, visited on 15.03.2005.

⁸⁰ This Policy Paper constitutes a core document for the IASC's response to internal displacement, and is an important basis for strategy development. See 'A Discussion Paper on Future Options for a Humanitarian Response to Internally Displaced Persons'.

Guidance to Humanitarian/Residential Coordinators' that clearly defines the responsibilities in the field pertaining to IDPs.

A critical review of the role of the IASC pertaining to the issue of IDPs reveals that it has recognized that an effective and comprehensive response to the protection and assistance needs of the internally displaced necessitates a collaborative approach, with a clear allocation of responsibilities among all those involved.⁸¹ Nevertheless, for better coordination, the IASC should look after both protection and assistance needs of IDPs, and should work closely with the special Representative on IDPs and the RCs/HCs of the country concerned.⁸² The IASC acknowledged recently that some steps should be taken to remedy the shortcomings in the current system under the OCHA. Accordingly, it has recognized the importance of clarifying responsibilities, formulating comprehensive strategies for each country situation and strengthening involvement, especially in protection. As a result, the Senior Inter-Agency Network on internal displacement was established in September 2000. Even so, the Special Representative recommends that IASC should put into place a mechanism for reviewing the realization of an effective and comprehensive response to internal displacement at the field level.⁸³

4.3.4 *The Senior Inter-Agency Network on Internal Displacement*

In order to strengthen and reaffirm the collaborative approach of the IASC, a Senior Inter-Agency Network on internal displacement was established in September 2000 and headed by a Special Co-ordinator. This Network was set up within the OCHA and consisted of focal points from all concerned organizations

⁸¹ See 'A Discussion paper on Future Options for a Humanitarian Response to Internally Displaced Persons' for details.

⁸² Unfortunately, under the DHA structure, the IASC was unable to facilitate cooperative assessment of needs and evaluation of agency capacities, and thus largely failed to realize its potential for promoting the efficient coordination of assistance in complex emergencies. Laura M.E. Sheridan, 'Institutional Arrangements for the coordination of humanitarian assistance in complex emergencies of forced migration', (2000) 14 *Georgetown Immigration Law Journal*, pp. 967-968.

⁸³ See the Report of the Special Representative on IDPs, A/56/68, 3 July 2001 para. 48.

involved in internal displacement. The main objective of the Network has been to assess current efforts to provide protection and assistance to IDPs, and to identify and address areas where the current response may not be adequate. For this purpose, the Network is expected to review selected countries with internally displaced populations, and to make proposals for an improved inter-agency response to their needs.⁸⁴ The Network uses the set of UN Guiding Principles as an important frame of reference for the review process,⁸⁵ and accords a role to the Special Representative on IDPs. It seeks his advice with regard to all activities, and liaises closely with him.⁸⁶ These complementary and collaborative relationships serve to reinforce the efforts of both parties, thus addressing the needs of IDPs in a better way. However, some degree of overlap between the work of the Representative, the Network and the IDP Unit is inevitable and even desirable.⁸⁷ Despite initial uncertainty, the Network has done some good work. Missions to Eritrea, Ethiopia, Burundi, Angola and Afghanistan, by teams comprised of representatives from all the relevant humanitarian actors, have submitted reports identifying gaps, and they have put forward valid recommendations.⁸⁸ The review missions undertaken by the Network revealed that there are serious gaps in the humanitarian response to the needs of IDPs, especially pertaining to their protection needs.⁸⁹

These factors create doubt about the level of UN commitment to translate the idea of inter-agency collaboration with regard to internal displacement into practice. Therefore, the UN took an important step in establishing a special IDP Unit within the UN system, exclusively dedicated for the first time to deal with IDPs.

⁸⁴ See the Report of the UN Secretary-General, 'Human Rights and Mass Exodus', para.33.

⁸⁵ See Report of the Special Representative on IDPs, E/CN.4/2001/5, 17 January 2001, para.83.

⁸⁶ See the Report of the Special Representative on IDPs, A/56/168, 3 July 2001, para.50.

⁸⁷ Ibid, para.65.

⁸⁸ See M. Vincent, 'The UN and IDPs improving the system or side-stepping the issue?'

⁸⁹ These gaps arise from a lack of clear agency responsibility for certain sectors, and inadequate efforts by some agencies in designated areas. However, there is criticism over the four missions undertaken by the Network, as they hardly constitute a comprehensive review of the UN response to IDPs.

4.3.5 The UN IDP Unit

The Unit was established within the OCHA in May 2001⁹⁰ to undertake systematic reviews of selected countries, to assess international efforts to meet the assistance and protection needs of IDPs and to make recommendations for improved response.⁹¹ This Unit is intended to reinforce the role of the ERC, ensuring that UN agencies, in co-operation with Governments, improve the delivery of protection and assistance to IDPs worldwide, to ensure effective coordination among various actors, and to support the Special Representative's advocacy efforts, particularly with regard to the Guiding Principles.⁹² For smooth functioning of both mechanisms any kind of overlap between the work of the Representative and that of the Unit was to be avoided so that both mechanisms should work together in a complementary and mutually reinforcing manner.⁹³ Following its establishment, the Unit prepared a Mission Statement and a Work Plan. Activities of the Unit are presented in this Work Plan according to the three phases of displacement, (i.e. before, during and after), using the Guiding Principles on Internal Displacement as the normative framework. In particular, the Unit will concentrate its efforts on situations where displacement is active and ongoing, and on countries where conflict-induced displacement is more acute.⁹⁴

⁹⁰ See the Report of the Special Representative, A/56/168, 3 July 2001, paras 65-66. The Unit is composed of staff seconded from the major operational UN agencies, such as UNHCR, UNICEF, and WFP, and includes an NGO representative seconded from the Norwegian Refugee Council. The primary mandate of the Unit is to be a source of information and policy advice for the UN system and the wider international community on the issue of internal displacement.

⁹¹ See the Interim Report of the UN Special Coordinator of the Network on Internal Displacement, 9 April 2001 and the Report of the Special Representative to the General Assembly, A/56/168, 2001, para. 62.

⁹² The Interim Report of the UN Special Coordinator of the Network on Internal Displacement, para. 62.

⁹³ *Ibid*, paras. 65-66.

⁹⁴ Among other activities the Unit focuses specifically on the issue of insufficient protection of IDPs and promotion of durable solutions for IDPs. The Unit will give top priority to some situations of displacement crises such as Afghanistan, Sudan and Angola, which require particular attention. In addition the Unit will provide support in a number of protracted crises such as Sri Lanka, Indonesia, and Colombia. See 'Internal Displacement Unit: Mission Statement', 1 March 2002. <<http://www.icva.ch/cgi-bin/browse.pl?doc>>, visited on 11.02. 2005.

Initially, the proposal for such a special unit for IDPs met with a mixed response. Some of the American NGOs dismissed the idea of establishing a new Unit as an empty gesture.⁹⁵ However, the creation of a dedicated unit for IDPs within the UN system is a unique and valuable opportunity. The greatest challenge for the Unit according to its mission statement is to improve protection, and it should change some of the systemic problems affecting the UN response to internal displacement. Ensuring protection for IDPs should be its top priority.⁹⁶ Thus the humanitarian community and UN member States should ensure that the new Unit actually makes a difference, and is effective as a viable nucleus for the better addressing of the crisis of internal displacement. To achieve its goals the Unit should be given autonomy, authority and independence. If strengthened, this Unit will build on the evolution of responsibility seen over the past under the IASC and the ERC.⁹⁷ It will integrate the functions of the Senior Network by conducting country reviews, and continuing to provide operational assistance and advice to country teams. Although it has no decision-making power it has the capacity to analyze issues, develop policies, and then recommend these policies to the ERC.⁹⁸ The strong demand for field assessment missions from UN offices in countries experiencing high levels of internal displacement is a positive sign of the wide acceptance of and expectations from the international community from this newly created IDP Unit.⁹⁹

⁹⁵ See..... 'A new UN response to IDPs', 11 *Forced Migration Review*, p.1.

⁹⁶ Ibid, p.2.

⁹⁷ Unlike the IASC, which is a committee, it will be much easier for the new IDP Unit to ensure accountability to its partners and donors. See 'A Discussion paper on Future Options for a Humanitarian Response to Internally Displaced Persons'.

⁹⁸ Rosa Gerrero, 'The Global Response to Internal Displacement: Still Struggling for Effectiveness', <<http://www.refugeesinternational.org>>, visited on 25.09.2005.

⁹⁹ Notwithstanding the optimistic hope of addressing the crisis of internal displacement by this Unit and other current UN mechanisms, some practical situations have proved their lack of success. For example, the Indonesian government declared by the end of 2002 arbitrarily and unrealistically, that the displacement problem is over, by offering IDPs an inadequate allowance for local integration, resettlement, or return to their place of origin. However, the UN system, in particular the OCHA, failed in any compromise with the Indonesian government. The planned inter-agency mission to Indonesia by the IDP Unit was cancelled and has not been rescheduled. See R. Gerrero, 'The Global Response to Internal Displacement: Still Struggling for Effectiveness'.

5. CONCLUSION

According to the above discussion, 'effective co-ordination and collaboration among organizations' remains the most viable option at present. However, it is not easy to decide on a management model suitable for all situations of internal displacement, and the model may have to vary according to every emergency or situation of internal displacement. The particular organization that has the capacity to handle situation 'x' may not be suitable to handle 'y'. Consequently, the characteristics of each situation may require the involvement of different organizations.

On the other hand, the appropriate agency may lack resources to address the particular situation, while another agency, which has already finished its responsibility according to its mandate, may possess excess resources and funding. Therefore it is important to have a central authority to coordinate all efforts, expertise, funding and resources of different agencies, and to take decisions on who is going to do what in different situations of internal displacement. Accordingly, this central authority should designate a lead agency, which is best equipped to handle the particular situation of internal displacement considering all the relevant factors, and can decide what kind of an assessment should be done and responsibility allocated or reallocated to the designated agency or agencies. This is not an easy task. Erroneous decisions may make the situation worse.

In order to enhance a collaborative approach among different actors on the international level, it requires not only greater coordination among the agencies involved but also a more comprehensive response and concerted effort towards the protection needs of the internally displaced. Nevertheless, in practice this option also contains inherent deficiencies. For instance, at the field level, the RCs /HCs are responsible for the strategic co-ordination of assistance to IDPs in full consultation with the inter-agency country team. But they have often proved unable to coordinate activities effectively. Especially in the area of physical security and human rights, this option has demonstrated substantive inadequacies. The US Ambassador to the UN, Richard Holbrooke, called the collaborative approach into question after witnessing the appalling conditions facing displaced people in Angola, and demanded a reassessment of institutional structures.¹⁰⁰ Considering

¹⁰⁰ See M. Vincent, 'The UN and IDPs: improving the system or side-stepping the issue?'.

the weakness of this option, 'designating one agency to assume responsibility for the internal displacement' has resurfaced. The response of the IASC to this was to reform the collaborative approach as the preferred option, but to acknowledge that it needs to be improved in order to respond effectively to the protection and assistance needs of IDPs.¹⁰¹ It is hoped that the recent initiatives taken at the UN Headquarters level, and in particular, by establishing a special Unit exclusively for IDPs, the Secretary-General's reform programme and strengthening of the capacities of the ERC and the IASC would provide a better institutional structure on behalf of IDPs.

The newly established IDP Unit is expected to deal with these responsibilities effectively. Although it is too early to comment on its work, it seems unlikely that the Unit has the necessary resources and operational mandate to handle the crisis of internal displacement. If the Unit is strengthened with adequate resources, and capable of attracting donor countries to the issue, it may be able to acquire the potential to expand its capacity from a UN Unit on IDPs to a dedicated UN Division on IDPs, and eventually to an Office of a UN High Commissioner for IDPs.

It is stressed that in an 'in-country situation', international organizations should engage in operations with due respect to the sovereignty of the State concerned. On the other hand, sovereign authorities also should allow for unimpeded access by international organizations to provide protection and assistance to IDPs. There should be mutual understanding between States and international organizations on their roles and commitments towards IDPs. Many organizations involved in the problem of internal displacement face limitations pertaining to lack of resources and staff training capacities. These organizations have shown increasing readiness, in spite of these limitations, to respond to situations of internal displacement and have expanded their mandates, developed expertise and trained staff to make their efforts a success. These organizations should be equipped with the necessary resources to provide a better service for IDPs, and the UN should allocate substantive funding, encouraging donor countries to focus on their plight. The greatest challenge that remains at present is to translate principles and policy recommendations into action by designing appropriate programmes to ensure adequate protection and assistance to IDPs.

¹⁰¹ See the Report of the special Representative, A/56/168, 2001, para. 48.

