HUMAN RIGHTS PROTECTION FOR INTERNALLY DISPLACED PERSONS
The Refugee Policy Group (RPG) is an independent, non-profit organization established in 1982 to improve international and domestic policy on refugee issues. The first center of its kind anywhere, RPG informs policymakers, program implementors and researchers through its reports, briefings, meetings and resource center.
HUMAN RIGHTS PROTECTION FOR INTERNALLY DISPLACED PERSONS

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INTRODUCTION

Civil wars, internal strife and ethnic tensions have caused an estimated 20 million people today to become displaced within the borders of their own countries. Many are subject to gross and persistent human rights violations. But there is no international system in place to protect them. Because they have not crossed a border, the internally displaced often fall beyond the mandates of refugee and relief organizations and receive little or no protection from the human rights community. Frequently they find themselves even more vulnerable after they have sought refuge in other parts of their country, the victims of physical assaults, deliberate starvation, mass expulsions, and forced labor. "Clearly, the problem has begun to rival that of political refugees, both in scope and severity," the Under-Secretary General for Special Political Questions told the United Nations General Assembly in 1989.1

The international human rights community can play an important role in improving the protection afforded to internally displaced persons. It can develop new international standards and machinery on their behalf. Working with humanitarian organizations that provide relief and assistance, human rights groups can collect information about the treatment of internally displaced persons, speak out publicly about human rights abuses of these individuals, and even assume a protection role in the field. To undertake these roles, however, human rights organizations need to define more broadly their mandates and their relationships to humanitarian situations and organizations. Humanitarian organizations for their part need to shoulder a greater protection role than they have undertaken so far and work more closely with those involved in the defense of human rights.

This paper outlines strategies for promoting a more effective response to the protection needs of internally displaced persons. It makes recommendations for the steps private organizations, governments and international organizations can take to strengthen human rights protection for those caught up in refugee like situations within their own countries. Its aim is to encourage the further evolution of international efforts in behalf of those internally displaced.
GLOBAL NATURE OF THE PROBLEM

Although the numbers of internally displaced persons are difficult to establish, the problem is worldwide. Internally displaced people are to be found on all continents. The group among the internally displaced of specific concern in this paper are those who are without the assistance and protection of their own government, who become in effect refugees within their own countries. Their numbers are estimated to be:

**Africa** - 13 million: 3-4 million in Sudan, 3.5 million in South Africa (forcibly resettled in "Bantustans"), 2 million in Mozambique, 1 million in Ethiopia, more than 700,000 in Angola, 500,000 in Liberia, 400,000 in Somalia, 300,000 in Uganda, and up to 300,000 in Chad.

**Asia** - 5 million: about 2 million in Afghanistan, 1 million in Sri Lanka, up to 1 million in Iraq, 800,000 in Lebanon, 500,000 in the Philippines, 270,000 in Cyprus, 200,000 in Cambodia, up to 200,000 in Burma, and 85,000 in India.

**The Americas** - 1 million: up to 400,000 in El Salvador, 350,000 in Nicaragua, 200,000 in Guatemala, 200,000 in Peru, 50,000 in Colombia, and 22,000 in Honduras.

**Europe** - 1 million: 750,000 to one million in the Soviet Union, and tens of thousands in Yugoslavia.
CAUSES OF INTERNAL REFUGEE MOVEMENTS

The largest concentrations of internal refugees are to be found in countries ravaged by civil war. Others are displaced by ethnic persecution or by actions taken by their government to disrupt their ability to survive. Still others have been forcibly resettled by their own governments on political, racial, or ethnic grounds. In many instances, they remain for years with little or no assistance or protection from their own governments or the international community. The desperate plight of many has been documented by human rights organizations.

Civil War and Internal Strife

In situations of civil war and internal strife, those internally displaced cannot escape entrapment in the war. Although they flee their homes because of attack or threat of attack or because their economic base -- their crops and animals -- have been destroyed, they are viewed with mistrust by one side or the other in the conflict. Sometimes, the displaced are forcibly conscripted into government or rebel armies or made to work in labor brigades. Sometimes, they are subject to armed attacks and violence. Sometimes, they are deliberately starved to weaken their ability to help one side or another. In some cases, they are the victims of land mines planted intentionally to maim and kill civilians.

In Angola, displaced persons have been deliberately starved by both government and rebel forces (UNITA) who view them as a potential base of support for the other side. The deliberate planting of land mines has prevented farming or the possibility of subsistence. In Mozambique, the rebel group RENAMO reportedly massacred, maimed, or mutilated over 100,000 civilians and regularly has used food as a weapon to bring displaced persons under control. In the Sudan, food repeatedly has been used as a weapon both by the government and the rebel forces (SPLA) to weaken the other side. An estimated 1,000,000 Dinka and other tribespeople who fled to Khartoum from the civil war in the south are being refused assistance and protection by the government. Millions of others facing starvation in the south are also being denied relief. In Guatemala, military-supported death squads have kidnapped and killed
displaced persons considered sympathetic to the rebel side. In Afghanistan, both the government and the mujahadeen have used food as a political weapon in the civil war.

**Ethnic Persecution**

Ethnic clashes also have led to internal displacement on a large scale. In Liberia, ethnic strife between the Krahn and Mandingo tribes on the one side and the Gio and Mano tribes on the other resulted in massacres and the internal displacement of hundreds of thousands in 1990. In the Soviet Union, hundreds of thousands have reportedly fled their homes because of ethnic strife. But flight has not always brought relief. Armenians forced from their homes in Azerbaidjan have met with violence and persecution in other republics. And it is reported that tens of thousands of displaced persons around Moscow receive no protection or assistance from the government.

**Forcible Relocations**

Substantial numbers of persons have been forcibly resettled by their governments. Internal displacement has often been a tool used by governments to subdue opposition political, racial, or ethnic groups. In South Africa, millions of blacks have been forced into "tribal homelands" ("Bantustans") where they have been divested of their South African citizenship and given little means of subsistence. In Iraq, government security forces in 1988 and 1989 forcibly moved hundreds of thousands of Kurds from their traditional homelands in the north to less hospitable parts of the country in an effort to break the power base of the Kurdish insurrection. In Ethiopia, in 1984, the government forcibly relocated hundreds of thousands of Tigreans from the drought-stricken north to the malaria-infested south in order to weaken their anti-government insurgency. In Burma, the government destroyed the homes of thousands of city dwellers in 1990 and forcibly displaced them to disease-ridden outlying towns in an effort to break up anti-government strongholds. In Cambodia, the Khmer Rouge forced tens of thousands of displaced persons into areas under its control and conscripted them into labor and
military brigades. In Guatemala, military forces have forcibly uprooted and relocated thousands of civilians into government controlled areas where they are subject to stringent political controls. In many cases of forcible movement, persons are deprived by their governments of the ability to grow food, earn a livelihood, and ultimately survive.
A MORE EFFECTIVE INTERNATIONAL SYSTEM

To the approximately 15 million people who qualify as external refugees, the U.N. High Commissioner for Refugees (UNHCR) provides food, shelter, medicine, and rehabilitation and training. The UNHCR also acts to protect these refugees from physical assaults or other violations of the security of the person and facilitates their resettlement or voluntary return when conditions warrant.

Internally displaced persons, however, have no comparable agency to turn to when they are forced from their homes. Because they have not crossed a border, they must look to their own government for help and support even though it is generally their own government that is the source of the problem. The response of the international community to such situations has been ad hoc, and in many cases no effort has been undertaken at all. In some cases, assistance has been provided with little protection.

Relief and development agencies that become involved in delivering assistance to internally displaced persons generally see themselves as having only a limited protection role. Their field staff rarely receive any training or orientation in protection issues or even a clear statement of their agency's overall position regarding protection matters. While there is general recognition that their very presence affords some safety to aid recipients, there is less agreement about what additional protection activities should be undertaken.

Even the organizations that have managed to assist and protect internally displaced persons over the years have mandates that do not explicitly allow them to do so or that limit their involvement. The UNHCR, for example, has played a significant role in helping displaced persons in Mozambique, Cyprus, and Sri Lanka even though its mandate does not extend to internally displaced persons. It has been able to help in such cases because it has been authorized by the U.N. Secretary-General or General Assembly, or because it already had programs to assist returning refugees in the areas where internally displaced persons were gathered. Sometimes, the UNHCR has become involved at the request of governments. But because internally displaced persons do not fall within its mandate, the UNHCR in the past decade has had to turn down many requests for help.
The International Committee of the Red Cross (ICRC) also has played a significant role in helping and protecting internally displaced persons in Central America, Asia and Africa. In fact, in many situations of armed conflict, it has been the ICRC, not the U.N., that has been the focal point of assistance and protection for internally displaced persons. But the ICRC's mandate is also limited. It extends only to civilians in non-international armed conflicts. Yet many of the situations in which internally displaced are involved are instances of internal strife rather than of non-international armed conflicts.* Moreover, even in situations of non-international armed conflict, not all states that authorize an ICRC presence have ratified the Geneva Conventions or Protocols. And even the states that have ratified them do not always allow entry to the ICRC or admit that a non-international armed conflict is taking place on their territory. The ICRC as well as other humanitarian bodies repeatedly have had problems in gaining access to internally displaced persons. ICRC policy nevertheless affirms the agency's readiness "to assist and to protect refugees, displaced persons and returnees....especially when they cannot benefit from any other protection or assistance, as in the case of some internally displaced persons."6

Because of growing recognition by the international community of the severity of the problem of internal displacement, the U.N. General Assembly in 1988 called upon the Secretary-General to study the need for an international mechanism to coordinate relief programs for internally displaced persons worldwide.7

The Secretary-General, in response, announced in 1989 that UNDP resident representatives, acting as United Nations resident coordinators, would be the focal points for coordinating relief to the internally displaced.8 Placing this responsibility with the U.N. Development Programme has been questioned by some. UNDP personnel, it is pointed out, are trained primarily in development work, not in managing humanitarian crises or in organizing emergency relief. UNDP representatives, moreover, deal principally with governments and may have difficulty injecting protection responsibilities into this relationship. In May 1990 in Liberia, for example, when government troops

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* It has been suggested that Common Article 3 to the Geneva Conventions be interpreted broadly so as to enable the ICRC to protect displaced persons in situations of internal strife. The Red Cross Statutes can also provide an ICRC mandate in such situations.
attacked a UNDP compound housing internally displaced persons, the Secretary-General evacuated all U.N. personnel and canceled the U.N.'s emergency program. Because the U.N. was unable to maintain a presence, it was left to individual governments and NGOs to step in and provide humanitarian assistance and protection.

At present, the United Nations is grappling with the problem of how best to organize itself to deal with humanitarian emergencies. It has reinstituted training programs for staff members of UNDP, the U.N. Disaster Relief Organization (UNDRO), UNHCR and other agencies on how to cope more effectively with humanitarian crises. The U.N. also is undertaking an internal system-wide review, expected to be reported to the Economic and Social Council (ECOSOC) this year, on how best to coordinate international efforts on behalf of refugees, returnees and displaced persons.9

In discussions surrounding these initiatives, some have recommended that the mandates of U.N. humanitarian agencies be strengthened so that they operate more like UNICEF, which in assisting women and children, has worked on both sides of armed conflict situations and has been less constrained in its actions than other U.N. bodies. Others have recommended that a single organization be created, like the UNHCR, to deal with displaced persons, or that the mandates of the UNHCR and ICRC be expanded to include the internally displaced.10 Still others argue that no one organization has the resources or expertise to meet all the emergency needs of internally displaced persons and that an effective international system would call upon all the different U.N. agencies, humanitarian organizations and voluntary groups with experience in helping the displaced. Further discussion and analysis of the options is clearly required.

But even if the U.N. develops a more effective international system to respond to humanitarian crises, key roles will still have to be played by individual governments, like the United States, by regional organizations, such as the Economic Community West African States (ECOWAS), and by non-governmental organizations. Political and other constraints too often prevent multilateral bodies from acting decisively in humanitarian crises. If too much reliance is placed on international organizations, internally displaced persons may not receive the best protection in all situations.
AN EXPANDED PROTECTION ROLE FOR HUMAN RIGHTS AND HUMANITARIAN ORGANIZATIONS

Human Rights Organizations

International human rights organizations have played only a limited role in promoting the protection of internally displaced people. Some organizations have been hampered by their mandates. Others have elected to interpret their mandates in ways that restrict their involvement.

For many human rights groups, the problems facing the internally displaced are outside their traditional areas of concern. Some regard the deliberate starvation by a government of hundreds of thousands of its citizens as a "humanitarian" problem better left to relief agencies whereas they will address the imprisonment of a few hundred on political grounds as a human rights problem. Victims of war and famine are often not seen as legitimate subjects of human rights concern. Amnesty International, for example, the largest of the human rights NGOs, deals essentially with prisoners of conscience. The organization is generally precluded from addressing the protection needs of internally displaced persons unless they are subjected to detention, imprisonment or extrajudicial executions.

Other human rights groups tend to interpret their mandates narrowly so that they exclude from consideration violations of the right to adequate food, shelter, or health care. Such groups focus almost exclusively on promoting civil and political rights on the grounds that violations of these rights, such as torture, arbitrary detention or disappearance, are abuses that governments can immediately address. The fact that governments can also immediately halt military attacks on civilians, or renounce policies that cause famine and starvation, has not been fully thought through. The necessary linkages between denials of civil and political rights and denials of economic, social and cultural rights have not always been well drawn. As one human rights organization recently pointed out, "a free press is a vital ingredient in preventing famine because it allows the earliest indicators of impending food
shortages to be openly discussed, both nationally and internationally, and serves as a challenge for exerting pressure on a government to act.\textsuperscript{11}

Human rights groups also have been constrained by existing human rights law which does not always cover the protection needs of internally displaced persons. Current standards, for example, do not provide a right to humanitarian assistance. They do not expressly oblige governments to accept aid from abroad if they are unable to provide food and other humanitarian assistance to their own populations. Current standards do not explicitly deal with the forcible relocation of people, one of the main causes of internal displacement. Nor do they prevent the forced return of internally displaced persons to their homes in the way that refugee law prohibits refoulement. Human rights law is also not binding on rebel forces. Human rights law, moreover, can be derogated in times of emergency or civil conflict, and generally is. Many groups have been reluctant to broaden interpretations of human rights law and go beyond its confines in an effort to defend those displaced.

In recent years, however, several have begun to include humanitarian law (e.g., the Geneva Conventions and Protocols) in their mandate, and to recognize that they should be playing a role in the protection of persons caught up in internal strife. The Human Rights Watch Committees, for example, since their inception have been documenting the human rights abuses of both sides in civil conflicts, drawing upon both human rights and humanitarian law. They have also reported on the human rights conditions of internally displaced persons and have called for the distribution of donated food, the free and safe delivery of relief, and respect for the rights of civilians in armed conflict.\textsuperscript{12}

International human rights groups are in a position to strengthen protection for internal refugees in a number of important ways.

\begin{itemize}
\item Human rights groups can regularly collect information about the treatment of internally displaced persons and raise cases of serious violations with the governments concerned and also with donor governments and international organizations. They can urge the appointment of civilian, as opposed to military, authorities to oversee relief and protection for them. They also can urge governments to create machinery
to enable displaced persons to voice their concerns and grievances.

♦ Human rights groups can speak out publicly against abuses of displaced persons when humanitarian and relief organizations find themselves constrained. Too often, relief groups fear loss of access or expulsion if they expose human rights violations. Yet international publicity mobilized by human rights groups can moderate government practices and trigger international attention in behalf of those displaced. A recent report on Khartoum’s displaced observed that "as long as the international community shows concern for the displaced, egregious examples of abuses against them, particularly any forced relocation, can be halted."13

♦ Human rights groups can train humanitarian and relief personnel in international human rights standards, methodology, and machinery, and better prepare them to deal with protection problems. To this end, human rights groups should ensure a human rights component in the training programs now being conducted by the U.N. for about 2,000 relief workers on its staff.

♦ Human rights personnel can play an actual protection role in the field. Human rights protection officers either from the U.N. Centre for Human Rights or from private organizations could accompany fact-finding missions to ascertain the immediate and longer term protection needs of displaced persons and how best to monitor their treatment. In cases where people are being relocated by governments, in particular by military force, ICRC and human rights organizations could request to observe these movements to ensure that they conform to basic human rights and humanitarian standards. By the same token, human rights officers could advise on whether conditions are sufficiently safe to warrant the return of internally displaced persons to their homes and help monitor their returns. The role the military played in Iraq in creating safe haven zones and encouraging Kurds to return could well have been monitored by human rights groups.
Human rights groups can help defend relief workers and members of local organizations who are endangered because of their support for displaced persons. Local human rights groups have played important roles in defending internally displaced persons but often are viewed as sympathizing with one side or another in a civil war and are vulnerable to physical attack. There have been many cases of local human rights monitors and relief workers being arrested, detained and even killed in the course of their helping displaced populations. International human rights groups can contribute to their safety and to the perception that their work is bonafide and neutral by publicizing their work and mobilizing campaigns when they are at risk.

Human rights groups can press for the application of human rights standards to humanitarian relief problems. Article 19, for example, called upon the government of the Sudan to abolish censorship of the press in order that the extent and severity of the famine be known. Emphasizing that the Sudanese people have the right to know, it called upon the government to document and disseminate information on conditions in famine-prone areas. It also called upon the government, in accordance with the right to freedom of information, to allow national and foreign journalists access to the famine zones.

Human rights groups can address the root causes of displacement and work to moderate or end the policies and practices that produce the uprooting of people and the need for emergency relief. In the case of man-made famines, they can identify the policies that create starvation and press governments to halt acts that cause or exacerbate famine.

Human rights groups can press for ratification by governments of the Geneva Conventions and Protocols and monitor compliance with their provisions. Although most NGO efforts to date largely have focused on international human rights treaties, they could expand their efforts to include humanitarian law. Protocol II to the Geneva
Conventions, for example, prohibits starvation as a method of combat in non-international armed conflicts and sets criteria for the forced movements of populations. The organization Human Rights Watch has already extended its human rights monitoring to include compliance by governments and insurgent groups with the humanitarian laws of war. This effort would appear to bolster the work of humanitarian organizations. Since Watch Committee reports are public, they often speak out about violations of humanitarian law when the ICRC cannot. Human rights groups can also speak out when governments deny access to humanitarian organizations like the ICRC, obstruct their relief efforts or expel relief groups that protest human right abuses.

**Humanitarian Organizations**

An expanded role for human rights organizations by no means lessens the obligation of humanitarian groups to press for greater protection for internally displaced persons. Relief and development agencies have a presence in many countries with internal refugees. They are generally among the first groups to identify protection problems through their contacts with the internally displaced. For example, health care agencies treat the victims of armed attacks, deliberate starvation, sexual assaults, and other violations of human rights.

The very presence of these agencies among the internally displaced serves as an important instrument of protection. Governments and resistance forces are often reluctant to carry out attacks on displaced persons when nongovernmental agencies are present because of fear of harming expatriates and gaining bad publicity.

At the same time, internally displaced persons can become more vulnerable to attack by government forces when they are concentrated in particular areas to obtain assistance. This was brought home dramatically in the case of the Kurds in northern Iraq. The protection role that can be played by humanitarian organizations must go beyond their mere presence.
There is an integral relationship between protection and assistance. Providing relief also has to involve dealing with the security needs of aid recipients and bringing these to the attention of host governments, the donor community and human rights organizations. In addition, the planning and implementation of assistance programs can have direct consequences for the protection of displaced persons. The physical layout of camps and the way food is distributed, for example, can affect protection. Even as seemingly mundane a decision as the placement of latrines in a camp can have serious protection ramifications if displaced women are attacked when they try to use them. Displaced persons unable to feed, clothe, and shelter themselves and their children are far more vulnerable to physical and sexual abuse. Thus, an important component of increasing their physical security is ensuring that the protection ramifications of decisions regarding assistance are taken into account.

More specific activities that humanitarian organizations can undertake in helping to better protect internally displaced persons include:

- Cooperating with human rights organizations that are monitoring the protection of internally displaced persons by providing information about abuses and helping the human rights groups gain access to the displaced population.

- Raising human rights concerns with host governments and providing information on human rights violations to donor governments, and in some cases to the media.

- Providing training to their staff members, including workers from within the displaced population, to help them identify human rights protection problems and know to whom to report them.

- Conditioning their involvement in development programs in a country where the government is a known abuser of human rights. For example, development agencies might link their willingness to bring human and financial resources into a country to their being allowed access to internally displaced persons.
Monitoring the nutritional status of displaced persons, particularly of women and children, to identify denial of food distribution. Where nutritional deficiencies or declining nutritional status are detected, immediate steps should be taken to determine if governmental actions are the cause, or if food distribution programs are being implemented in a discriminatory manner that provides inadequate access for some or all internally displaced.

Involving the displaced themselves in decisions about both assistance and protection. Participation promotes protection. Internal protection problems can sometimes be due to people's feelings of isolation, frustration and lack of belonging to a structured society. Participation helps build the values and sense of community that reduce protection problems.
STRATEGIES FOR IMPROVING HUMAN RIGHTS PROTECTION OF INTERNALLY DISPLACED PERSONS

There are a number of strategies that can be followed to improve human rights protection for internally displaced persons.

**Overcoming Constraints Imposed by Sovereignty**

Although sovereignty is one of the most difficult obstacles in dealing with internally displaced persons, there are ways to work with sovereignty to the advantage of those displaced.

When governments obstruct relief efforts or refuse to accept assistance for those in need within their borders, they generally justify their actions on grounds of national sovereignty. This is particularly true when they themselves are the cause of massive displacement, want to conceal its extent and do not want interference with their policies or actions. Governments also hide behind the "sanctity" of sovereignty when they do not want to admit that rebel forces control substantial parts of their territory, and that civilians in those areas need assistance which the central government cannot provide.

In 1988 in the Sudan, the government repeatedly invoked state sovereignty when it obstructed or denied outside relief assistance to displaced persons in SPLA-controlled areas. When the government refused to cooperate, international organizations and voluntary agencies basically stood by while nearly a quarter of a million people died for lack of food and emergency supplies. In 1990, the government again prevented humanitarian organizations from bringing in relief supplies on the grounds that doing so would help the rebels and undermine its sovereignty. Today, millions risk starvation and even death because of the government’s stance. In Iraq in 1988, the government cited infringement on its sovereignty as the reason for refusing a request by the U.N. to investigate reports that chemical weapons had been used against the Kurds. In 1991, after brutally suppressing Kurdish and Shiite uprisings, the government again cited sovereignty in opposing the creation
by the U.N. of safe haven zones on its territory to enable the international community to assist and protect displaced Kurds.

Sovereignty, however, does not have to mean that a state can behave in any way it wants toward its own citizens without consequence. Sovereignty carries with it a responsibility on the part of governments to protect their citizens. In becoming part of the United Nations system, governments assume the obligation to promote and protect the human rights of those who reside in their territory. If this obligation is a meaningful one, then on what grounds is international intervention justified in behalf of that citizenry? If the United Nations, for example, decides it must enter a country to provide humanitarian assistance to persons in life-threatening circumstances, are its actions and those of the governments, agencies and individuals that become involved, in accordance with the principles of the U.N. Charter? Or do such actions constitute interference in the internal affairs of states in contravention of the Charter? Does the danger exist that powerful states will be able to get away with greater violations of human rights than weaker states?

Answering these questions is certainly made more difficult by an international system that is built more upon sovereignty than upon the rights of the people in the countries concerned. Respect for sovereignty has been the cornerstone of the United Nations system and the basis for the provision of humanitarian aid to beleaguered populations. Time and again, respect for sovereignty has taken precedence over the equally compelling obligations of states to provide humanitarian assistance to persons at risk and to promote observance of human rights. Generally, the provision of assistance by U.N. agencies has been contingent on the approval of the host government. In many cases where lives were in danger, international organizations and voluntary organizations have delayed assistance because governments have not given their consent.

Although a narrow view of sovereignty remains one of the more formidable obstacles to assistance and protection for the internally displaced, it has not always proved insurmountable. There have been successful efforts -- sometimes by United Nations agencies, sometimes by non-governmental groups, occasionally by outside governments - to provide humanitarian assistance. In some instances, governments have been persuaded to cooperate by hard diplomatic bargaining and have
accepted the notion that it is their obligation as sovereign states to provide for the needs of their citizens. Operation Lifeline Sudan, negotiated by the U.N. with the government of Sudan in 1989 and then agreed to by the rebel forces, enabled the United Nations and voluntary agencies to provide food, medicines and needed relief to many displaced persons throughout the country for about a year.\textsuperscript{17} In accepting outside aid, both the government of Sudan and the rebels agreed that civilians in their territory have a right to humanitarian assistance and that assistance is neutral. Both sides also accepted the creation of zones of peace or "corridors of tranquillity" in war zones to enable the passage of humanitarian relief.

In other instances, voluntary agencies and donors have been able to bypass the need for governmental agreement by undertaking cross border feeding operations to help beleaguered populations. In such cases, voluntary agencies have taken the position that humanitarian concerns must take primacy over state imperatives and that governments forfeit their sovereignty when they refuse to meet the humanitarian needs of their population. In 1985, while informing the government of Ethiopia of their plans, donor governments and voluntary agencies brought food and emergency supplies into the north of the country from the Sudan. In Iraq in 1991, Western military forces launched an international relief effort to help hundreds of thousands of Kurds displaced within the country without securing Iraqi government agreement. Western governments based their actions on Security Council Resolution 688 which demanded that the Iraqi government allow immediate access by humanitarian organizations to displaced persons within its borders (see Appendix I). Only if the international community builds on these precedents and secures wider acceptance for the view that sovereignty implies humanitarian and human rights obligations will sovereignty cease being such an impediment.

Expanded notions of sovereignty can in fact serve to promote human rights and humanitarian principles. In an increasingly interdependent world, nations more and more are being called upon to account for how they treat their own citizens, particularly when violations of human rights are of such magnitude that they affect neighboring states. This was evident in international intervention in Iraq, which was motivated by both humanitarian and regional security concerns. One of the justifications was the infringement on Turkish and Iranian sovereignty
that resulted from the mass displacement of Kurds seeking safety from Iraqi forces. According to the British Foreign Secretary: "... the internal affairs of a country cannot always be divorced from their external impact -- for example, when they involve the displacement of hundreds of thousands of people."\textsuperscript{18}

The creation of international protection mechanisms for internally displaced persons could thus be justified on the grounds that they will enhance the nation state system by reducing the potentially de-stabilizing effects on other states of massive internal displacements. The international refugee system, it is pointed out, has served over the years to reduce the de-stabilizing effects on other states of individuals beyond the authority of their own government. Expanded international action in behalf of the internally displaced, it is argued, could produce the same results.\textsuperscript{19}

The international human rights system is especially instructive about how sovereignty can be used in support of international humanitarian intervention. The vast range of human rights agreements, signed and ratified by U.N. member states, not only oblige governments to protect the human rights of their citizens but also require them to allow other governments to review their records. Most U.N. treaties have monitoring bodies which scrutinize states’ compliance with human rights norms. When governments seriously violate them, they open themselves up to criticism and potentially to international actions. Human rights bodies generally feel obliged to speak out, publish reports, adopt resolutions, and even support sanctions, for example in the case of South Africa, when governments commit flagrant and massive violations of human rights. A domestic violation of human rights is considered the legitimate concern of the international community. To some extent, the legitimacy of a government is determined by whether or not it adheres to human rights precepts. Although in the humanitarian area U.N. bodies often feel obliged to wait for government consent before assistance can be provided, in the human rights area, there is an obligation to act when governments fail to live up to their commitments. Obliging governments to support humanitarian principles and using sovereignty in defense of international intervention could be applied more fully in the humanitarian area.
Using Government to Government Relations

Donor governments can play a significant role in improving the situation of internally displaced persons. The political and economic leverage they yield enables them to bring pressure on host governments to provide better protection for displaced persons. When they have been willing to use diplomatic pressure, there have been important results. Operation Lifeline Sudan came about after donor governments began to criticize and bring pressure on the government of the Sudan. In the case of Uganda, the Commonwealth countries in the mid-1980's used diplomatic pressure to bring about changes in the government’s policies toward displaced persons in the Luwero triangle.20

But governments frequently refrain from using their diplomatic and economic leverage in order not to antagonize the government concerned or jeopardize their other foreign policy interests with that government. In some cases, donor governments may be actively supporting a foreign government’s counterinsurgency operations which are creating situations of internal displacement. In other instances, donor governments may be reluctant to attach conditions on humanitarian assistance. To date, human rights restrictions on aid have largely been limited to development and security assistance. Tampering with humanitarian aid, it has been argued, will only hurt the needy that the aid is intended to help. But this view increasingly has begun to be questioned as donor governments see their humanitarian aid denied to civilians in need, diverted for military purposes or used to bolster the political position of a questionable regime.

Compelling reasons of self-interest should make donor governments press for better protection for internally displaced persons. For one, unchecked abuses make it much more difficult to carry out relief operations or to secure agreement for cease fires that could enable the delivery of supplies. In the Sudan in 1987 and 1988, the silence of donors about government abuses of human rights only led to further obstruction of relief efforts. Second, the number of persons in need of relief and assistance rises when human rights abuses go unaddressed. This became evident in Mozambique. When insufficient attention was paid by donor governments to the forcible displacement of civilians by the military, the displacements continued, increasing the number of persons in
need of foreign food, shelter and medical assistance. Third, the minimizing or ignoring of protection problems relieves governments of any incentive to cease violations. Allowed to pursue disastrous policies without interference, governments go on to create situations that produce even greater starvation and displacements. This is particularly evident in the case of famines. When man-made famines go unaddressed, the offending governments may continue to undertake brutal counterinsurgency operations, remove people from their land, destroy their ability to cope, and pursue policies that exacerbate starvation. In such circumstances, outside food aid easily serves to subsidize the governments in question, and help perpetuate their abuses.

There are many steps donor governments can take to increase protection for internally displaced persons.

- They can use their diplomatic leverage in behalf of those displaced by regularly raising the causes of displacement and the treatment of those displaced in their discussions with host governments and making it clear that these issues can affect bilateral relations.

- They can place conditions on their humanitarian assistance. For example, they can only contribute to assistance programs when governments agree to cease attacks on civilians, allow relief organizations to assist all persons in need, and agree to an ICRC presence, including in war zones.

- They can seek to ensure that relief programs function independently of the military, and that assistance is channeled to voluntary agencies when governmental relief agencies are politically or militarily controlled.

- They can place stringent human rights conditions on their security assistance, especially to governments involved in counterinsurgency operations and disastrous political and economic policies that cause displacement and famine.

- They can place conditions on their development assistance.
They can speak out publicly when violations continue and bring situations to the attention of international organizations.

They can insist on special protection for internally displaced persons in peace agreements between governments and rebel forces as in Angola.

They can include in their evaluations and reports of foreign governments’ human rights practices how they deal with internally displaced persons.

Developing New International Standards and Remedies

Can greater protection be provided to internally displaced persons by the development and adoption of new, specifically designed international standards drawn from both human rights and humanitarian law?

The main argument in favor of new standards is that existing human rights and humanitarian law do not afford sufficient protection to those internally displaced. Existing human rights law does not explicitly or adequately deal with many of the situations affecting the internally displaced. It does not, for example, stipulate a right to humanitarian assistance and access, or to protection against forcible displacements. It does not fully spell out the right to food. On the humanitarian side, the Geneva Conventions do not cover situations of low intensity internal strife that are the cause of so many internal displacements. Moreover, many states with massive displacements have not ratified Protocol II dealing with non-international armed conflict.

New instruments could strengthen the ability of the international community to hold governments accountable for how they treat those internally displaced. The implementation machinery established under human rights treaties promotes compliance with their provisions and in some cases provides remedies for individuals whose rights are violated. Drafting new instruments also serves an important educational purpose. It generates public awareness and support for standards, which can in turn influence the behavior of governments.
Following are some of the key provisions that could be included in new instruments:

- The establishment of an internationally recognized right to humanitarian access. Some have proposed a United Nations declaration or convention that would set forth this right and also include endorsement of relief corridors and cross-border relief operations. Others propose the development of "a code of conduct" on humanitarian access that would "affirm, crystallize, and guide the evolution of customary international law."²²

- A basic core of human rights and humanitarian norms to which internally displaced persons and others caught in civil strife are entitled and from which governments cannot derogate, even in times of emergency. One international lawyer has drafted a Declaration on Internal Strife drawn from both human rights and humanitarian law which would be binding on both governments and opposition forces. The Declaration strengthens basic rights such as the right to life and humane treatment, prohibits the forced movement of populations, and obliges both governments and opposition forces to grant to humanitarian organizations all facilities to enable them to protect and assist victims of internal strife.²³ (A Declaration is recommended rather than a formal treaty so that ratification will not be required and governments will not be able to argue that they are not bound by its provisions because they did not accede to it.)

- Standards that explicitly prohibit the forcible movement of internally displaced persons on racial, religious, ethnic, or political grounds. In this connection, it is proposed that current justifications for forcible movements in times of armed conflict, namely the safety of the population and imperative security reasons (see Protocol II to the Geneva Conventions) be re-visited and that strict criteria be established to ensure that displacements are legitimate; that they are undertaken under satisfactory conditions of shelter,
health, safety, and nutrition (see Protocol II); that the persons involved are allowed to return home voluntarily once the conditions making their displacement necessary have ceased; and that compensation be awarded in appropriate cases. The criteria would build upon both Protocol II and common Article 3 of the Geneva Conventions, and on the provisions in human rights law relating to freedom of movement, to choose one's residence, and to security of person.

Standards to protect relief workers and others engaged in assisting and protecting those internally displaced. (Protocol II to the Geneva Conventions includes provisions for medical and religious personnel; Protocol I provides protection for relief workers in international conflicts).

An elaborated right to food. While international human rights law establishes that everyone has a right to food (see Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights), human rights specialists have recommended that a convention spell out the implications of this basic norm, enumerate the obligations of governments and of the international community to promote realization of this right, and establish effective machinery to promote compliance with this right. A convention, for example, could commit governments and insurgent forces to provide food in recognized emergencies and prohibit them from withholding food supplies (in line with Protocol II to the Geneva Conventions which prohibits starvation of civilians as a method of combat). It could include an obligation on the part of governments and insurgent groups to accept international assistance when they are unable to provide food or humanitarian relief. It further could address the responsibility of states to take account of how other states are promoting the right to food, including whether they are deliberately producing famines by obstructing the right to produce or acquire food. A 1987 U.N. Report on the Right to Adequate Food as a Human Right, adopted by the U.N. Sub-Commission on the Prevention of Discrimination and
Protection of Minorities, recommended the drafting of a new instrument on the right to food.26

In the U.S., the Chairman of the House Select Committee on Hunger, Congressman Tony Hall, has proposed that the U.S. take the lead in calling upon the United Nations to draft a convention on the right to food, applicable to governments, the international community and insurgent groups, and inclusive of sanctions if either governments or insurgent groups fail to take adequate steps to ensure the realization of the right to food. Under the convention, "a signatory who used hunger as a weapon of war or an instrument of politics would be labeled a human rights violator." Congressman Hall further has proposed U.S. government sanctions against governments that engage in "a consistent pattern of gross violations of the internationally recognized right to food and to medical care...such as through denial of free and safe passage for relief supplies or denial of access to impartial humanitarian relief organizations providing relief assistance."27

At the same time, a variety of arguments have been advanced against seeking new international instruments. Because the drafting and adoption of new instruments will be a difficult and cumbersome process, it often is asked whether it is advisable to expend limited time, energy, and political will in such an effort. Those opposed generally argue that current human rights and humanitarian agreements, whatever their shortcomings, do contain protection for internally displaced persons and that priority should be given to ensuring that they are ratified and implemented. Emphasis also should be given to strengthening their interpretation (see below Treaty Monitoring Committees).

It also has been argued that given political realities, efforts to create new instruments could end up weakening existing law and practice. For example, the 1988 General Assembly resolution introduced by France to strengthen humanitarian assistance ended up -- in order to ensure passage -- affirming "the sovereignty of affected States and their primary role in the initiation, organization, co-ordination and implementation of humanitarian assistance within their respective borders." Nonetheless, the resolution also affirmed that "the abandonment of the victims of
emergency situations without humanitarian assistance constitutes a threat to human life and an offense to human dignity” and invited states to facilitate the work of humanitarian organizations in carrying out assistance.28

Rather than elaborate new standards, some propose the compilation of existing human rights and humanitarian norms applicable to internally displaced persons. Others favor the creation of special emergency machinery at the international and regional levels to address the protection needs of internally displaced persons (see below). This machinery, it is felt, will be more effective than new treaty monitoring committees, which take a long time to act and are not in a position to address emergency situations.

A midway position often put forward is the incremental approach to developing new human rights and humanitarian norms. This approach supports efforts to strengthen and implement existing norms but at the same time, endorses the need for new standards. It places emphasis rather on the careful and slow development of these standards. To advance this goal, private initiatives are suggested to draft declarations, codes of conduct, and other instruments, which ultimately could lead to the adoption of binding laws.29

Strengthening U.N. Machinery

International machinery could be used more effectively in defense of internally displaced persons. To date, the United Nations and its specialized agencies (eg. UNICEF, World Food Programme, UNDP) have focused on the relief needs of internally displaced persons but have not yet adequately addressed their protection problems. The dispatch, however, of U.N. guards to Iraq to protect the relief effort, could well lead to an expanded U.N. protection role in the future. Several U.N. bodies have already begun to encourage an enlarged U.N. role in the protection of internally displaced persons.

The Security Council. Resolution 688, adopted on April 5, 1991, took the important step of authorizing U.N. action in a humanitarian and human rights crisis. Although the Council has always had the authority to deal with such situations when they threaten to breach international peace
and security, U.N. member states and the Secretary-General have rarely brought such situations to the Council’s attention. As a result, some have proposed that a "trigger mechanism" be devised which, under Article 99 of the Charter, would assure Security Council review of human rights and humanitarian crises flowing from acute civil wars.\[^{30}\]

Resolution 688, by linking human rights violations in Iraq to threats to international peace and security, was able to authorize U.N. humanitarian action. The resolution condemned "the repression of the Iraqi population" whose consequences, it said, "threaten international peace and security" and demanded that Iraq "immediately end this repression" and allow immediate access by international humanitarian organizations to all those in need. It requested the Secretary-General "to use all the resources at his disposal...to address urgently the critical needs" of internally displaced persons and refugees (see Appendix I).

Although adoption of the resolution was not unanimous (10-3-2), it constitutes a powerful precedent for involving the U.N. in the protection problems of internally displaced persons in future. While reaffirming a commitment to "the sovereignty" of Iraq, the resolution made clear that the international community was also obliged to address the assistance and protection needs of those displaced within the country.

While some interpret the resolution as empowering the United Nations to provide actual police or military protection to those displaced, others believe the resolution does not go that far. The U.N.'s agreement with the government of Iraq authorized U.N. guards to protect the relief effort, but not the Kurdish population. Nevertheless, the principle of protection has been advanced considerably by the resolution, namely that when human lives are in danger, the international community must do everything possible to protect those at risk.

**Office of the Secretary-General.** By means of his good offices role, the Secretary-General can raise issues privately with governments, speak out publicly, and also undertake fact-finding missions. In 1984, for example, the Secretary-General appealed to Iran and Iraq to cease deliberate military attacks on civilian areas. In 1985, he issued a public statement to protest "recurrent reports of arbitrary detention, banishment, [and] uprooting of families" in South Africa. In the conflict in the southern Sudan, the Secretary-General convened a meeting in Khartoum
in 1989 to devise measures to avert further "starvation and death" of "populations displaced or adversely affected by the conflict."\textsuperscript{31}

The Secretary-General should be encouraged to make broader use of his authority to intervene in humanitarian and human rights emergencies. He can look for assistance to the Office of Research and the Collection of Information (ORCI) which was established in 1987 to provide him with early warning of "developing situations" requiring his attention and to "monitor factors related to possible refugee flows and comparable emergencies."\textsuperscript{32} Another step, some argue, that could strengthen his capacity to deal with human rights and humanitarian emergencies would be the appointment of an Under-Secretary-General for Special Humanitarian Affairs. This official would organize relief efforts at the first indication of a crisis and report to the Secretary-General and the Security Council if a country involved in a humanitarian crisis showed reluctance to cooperate with international efforts. A humanitarian rapid deployment force (composed of U.N. police or military units) has also been proposed to protect humanitarian operations.\textsuperscript{33}

On the human rights side, the proposal for a High Commissioner for Human Rights has been in existence for thirty years. The High Commissioner would consult with governments on their human rights practices, offer services to mediate disputes and impartially and independently intervene when violations occur. For years, the communist bloc opposed the creation of a High Commissioner on the grounds that it would constitute a supranational body that would interfere in the domestic affairs of states. Today's more favorable East-West climate might make it easier to secure the adoption of such an office and enable the U.N. to intercede more vigorously in human rights and humanitarian disasters. But at the same time, Third World sensitivities could well block such a move. It is possible that the forthcoming appointment of a new U.N. Secretary-General will lead to new opportunities.

\textbf{The General Assembly.} The U.N. General Assembly could also play a greater role in the protection side of internal displacement. Resolution 43/131 in 1990 did begin to develop the idea that there is a right to offer and a duty to accept humanitarian assistance. Nevertheless, the Assembly's efforts to date have largely focused on the relief side of internal displacement. It has not addressed human rights protection problems or called upon U.N. human rights bodies to do so. In
December 1989, when the government of the Sudan began to obstruct relief efforts and deny assistance and protection to southerners who had fled to Khartoum, the General Assembly’s Third (Humanitarian) Committee passed a resolution ignoring the threat Sudanese policies were posing to the lives of the people in that country.  

The Commission on Human Rights. On March 5, 1991, the Commission on Human Rights adopted by consensus a resolution inviting governments and international organizations to address the human rights protection needs of internally displaced persons and requesting the Secretary-General to submit to the next session of the Commission an analytical report. The resolution also requested the Secretary-General to take the protection needs of internally displaced persons into account in the U.N.’s system-wide review of how U.N. agencies deal with refugees, returnees and displaced persons (see Appendix II). The resolution’s adoption was the culmination of several years of lobbying efforts by non-governmental organizations, most notably the Quaker U.N. Office, the World Council of Churches, and the Refugee Policy Group.

As a result of this resolution, the Commission now has the opportunity to define the causes and consequences of internal displacement and make recommendations for international action. The report to be prepared by the Secretary-General could identify the protection needs of internally displaced persons, examine the laws and practices at the national level affecting them, the international human rights and humanitarian standards applicable to them, and the extent to which the international human rights, humanitarian, and refugee systems have worked or not worked to protect them. It could make recommendations for international actions to better protect internally displaced persons, including the development of new standards and machinery.

In addition, the Commission could:

♦ systematically express concern about serious cases of internal displacement and call upon governments and the international community to take specific measures to protect persons at risk. In its resolutions to date, the Commission has made only passing reference to the lack of protection for internally displaced persons and only in a few select
Yet, resolutions are important vehicles for drawing attention to violations and encourage governments to moderate their behavior. They also serve to strengthen the hand of those within the U.N. system who seek to promote stronger U.N. action.

- draw attention to the root causes of internal displacements. Recently the Commission has begun to draw connections between the mass exodus of refugees and the human rights violations that cause them. It could do the same for internal displacements -- link them to their root causes, in resolutions and reports, and expose the violations concerned.

- create new machinery. Several NGO’s have called for the appointment of a special rapporteur for internally displaced persons. Although many governments in the Commission are reluctant to appoint additional rapporteurs, the massive numbers of internally displaced persons and their desperate position could overcome this resistance in future. A rapporteur could act on an emergency basis and make contacts with governments, undertake fact-finding missions, publish reports, request the U.N. Secretary-General to use his good offices, and bring egregious cases to the attention of human rights bodies for public exposure. Many believe that the creation of new emergency machinery would be the most effective method of providing human rights protection for internally displaced persons.

- call emergency commission sessions to deal with particularly flagrant abuses of the rights of internally displaced persons. Since 1990, the Commission has had the authority to convene on an emergency basis if the majority of members agree. It could further draw egregious cases to the attention of the General Assembly, the Security Council and the Secretary-General.

**The Commission on the Status of Women.** The Commission on the Status of Women has begun to address the issue of refugee and displaced women as a priority theme. For the 1991 meeting, the U.N. Division for the Advancement of Women commissioned a background
paper and held an experts meeting to develop recommendations to the Commission. The experts group noted that the protection of internally displaced women had received too little attention by the international community. It also urged that the various U.N. instruments protecting the rights of women, particularly the U.N. Convention on the Elimination of All Forms of Discrimination against Women, underlie all actions on behalf of refugee and displaced women.

While the Commission did not address the situation of the internally displaced as a separate issue, it did express its "deep concern about the widespread violations of the rights of refugee and displaced women and children and their specific needs regarding protection and assistance." The Commission adopted a number of resolutions designed to gain greater visibility for the needs of refugee and displaced women and to ensure that their rights are protected. Future meetings of the Commission could be forums for a more detailed set of resolutions that would address more specifically actions that could be taken to enhance the protection of internally displaced women.

**United Nations Centre for Human Rights.** Under the advisory services program of the U.N. Centre, seminars and training courses could be organized in relevant countries on the human rights needs of internally displaced persons, and U.N. officials could work with local authorities to help develop local institutions that could protect internally displaced persons and encourage the incorporation of protection principles into constitutions and laws.

**Treaty Monitoring Committees.** These bodies could exercise a stronger role in holding governments accountable for their treatment of internally displaced persons. The Economic, Social, and Cultural Committee, for example, which reviews governments’ compliance with the International Covenant on Economic, Social and Cultural Rights, could scrutinize more carefully the policies of signatory states with regard to their implementation of the right to food. The Committee on Human Rights, which monitors compliance with the International Covenant on Civil and Political Rights, could also take steps to broaden and strengthen interpretations of human rights norms to promote greater respect for the rights of those internally displaced. The Committee already has taken the position that protection of the right to life means policies that ensure the right to food. It further is empowered to review complaints brought by
individuals and NGOs about rights violations if governments have consented to this procedure.

There are other treaty monitoring bodies that could play a more active role in protecting internally displaced persons, in particular the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD), and the Committee on the Rights of the Child. The Convention on the Rights of the Child contains specific provisions applicable to internally displaced children. For example, it requires states to protect civilian populations in armed conflicts and "take all measures to ensure protection and care of children who are affected by an armed conflict." UNICEF, which regularly provides assistance and protection to women and children in armed conflict situations, is given a special role in the implementation of the Convention.

Human rights groups can furnish information to these bodies and urge that greater action be taken.

**Activating Regional Human Rights Machinery**

Human rights commissions at the regional level can make important contributions to defining the human rights dimension of internal displacement and pressing governments to provide better protection.

The Inter-American Commission on Human Rights of the Organization of American States (OAS) has already moved in this direction. It has studied the forcible relocation of the Miskito Indians in Nicaragua and has recommended their return to their homes, which the government allowed. It has also addressed the situation of displaced persons in a report on Guatemala and called upon the government to improve their conditions and provide greater protection for them. There are further steps the Commission could take to draw attention to the problem of internal displacement. It could issue special reports on internal displacement, undertake on-site visits, make recommendations to governments and bring problems to the attention of the OAS General Assembly. It could create special emergency procedures similar to its procedures for disappearances. The Inter-American Human Rights Court could also address problems of internal displacement by means of its advisory opinion role.
The African Commission on Human and Peoples' Rights, which came into being in 1987, could also give attention to the problem of internal displacement. The Organization of African Unity (OAU), at its summit meeting in July 1990, adopted a resolution affirming the importance of humanitarian principles in armed conflict situations, in particular that civilians have a right to humanitarian assistance. The resolution called for international cooperation to assist those trapped in war zones. Another OAU resolution in 1991 called for redoubled efforts to publicize the plight of displaced persons in Africa.\(^{39}\) The OAU could go further. It could develop special machinery for emergency situations. It could develop standards and ultimately a convention applicable to internally displaced persons, modeled after the OAU's 1969 and 1976 conventions on refugees. These conventions expanded the refugee definition to include persons fleeing from armed conflict and internal disorder situations which could easily be applied to displaced persons. The OAU Commission of Fifteen on Refugees could more fully address the protection needs of internally displaced persons. The OAU Commission on Human and Peoples' Rights could also bring pressure to bear on governments to provide greater protection for those displaced. The Commission could publish studies, undertake on-site visits and raise cases of massive violations with governments and with the OAU Assembly. Its Chairman, together with the OAU Chairman, could use their good offices in behalf of those displaced.

In Europe, the Conference on Security and Cooperation in Europe (CSCE) will have to address the problem of internal displacement, given the rise of ethnic tensions in the East and the displacement of nearly a million Soviet citizens. In Turkey, thousands of Turkish Kurds have been displaced for reasons of internal security. In nearby Cyprus, several hundred thousand remain internally displaced since the Turkish invasion of the island. In Yugoslavia, growing numbers are being displaced. Yet to date, the issue of internal displacement has not been placed on the human rights agenda. It has been suggested that the CSCE's new conflict prevention procedures, set up in 1990, be utilized to mediate ethnic disputes within countries and thereby avert massive displacements.\(^{40}\) CSCE experts meetings on national minorities could also address the issue of internal displacement as could other CSCE human rights meetings. Those involved in human rights in the USSR have called upon human
rights organizations in the West for assistance in dealing with the problem of internal displacement.41

Generating Public Attention in Defense of Internally Displaced

Attention by the media is often what triggers international efforts on behalf of those displaced. When the BBC reported on famine and forcible relocations in Ethiopia in 1984, it led to an outpouring of international aid and exposure of the resettlement program. Television coverage of Kurds displaced in Iraq in 1991 influenced Western governments to undertake relief and protection efforts.

Human rights organizations can play an important role in mobilizing public attention. Their reports, articles, and testimony often spur governments and international organizations to act. Ensuring that situations involving human rights protection of internally displaced persons do not go unreported should be a major concern. Human rights groups will need to work with relief organizations to ensure that "famine fatigue" is not used as a reason for lack of media attention. Special attention should be paid by donor governments and international organizations to ensure that journalists are allowed entry and free movement in countries in times of emergency. Some have suggested that donor governments include in their aid negotiations provisions for media access.
POSSIBLE JOINT ACTIONS OF HUMAN RIGHTS AND HUMANITARIAN ORGANIZATIONS

Through more effective working relationships between human rights and humanitarian organizations can come a more effective system for the protection and assistance of internally displaced persons. At present, organizations mandated to protect human rights and those mandated to provide relief and development assistance tend not to operate together to ensure that both assistance and protection are provided to internally displaced persons.

Organizations like the ICRC or UNHCR, which already play assistance and protection roles with regard to internally displaced persons, might take the lead in exploring how these roles could more effectively be carried out and in what way human rights groups could support their programs. The UNHCR has been reaching out to human rights groups and United Nations human rights bodies to address the protection needs of refugees. When and if it becomes more involved with internally displaced persons, it could also examine collaboration with human rights bodies in dealing with the protection needs of those displaced.

Private voluntary organizations also need to develop channels of communication with human rights groups. A recent guide for U.S. private voluntary agencies published by InterAction heads in this direction. It affirms, for example, the importance of "understanding the nature of a conflict and the host government's attitude toward it" in determining PVO involvement. Among the questions it suggests that PVOs ask are the following: "Are there patterns of human rights violations which would affect relief efforts? Have private organizations, such as Amnesty International or other human rights groups carried out assessments of current need? If a PVO is committed to address the underlying causes of the conflict, will it be able to do so without compromising the ability to function in the country?" The guide reaffirms that "the overriding principle of all humanitarian assistance must be the recognition that ultimate accountability is to the displaced persons and not to the government, the donors, or the benefactors of the humanitarian assistance program."
In a report on the Sudan, Africa Watch criticized relief agencies for ignoring human rights considerations and recommended that they adopt a Human Rights Protocol to govern their actions. Among the points in the Protocol were that relief agencies should routinely include in their reports the human rights aspects of relief operations and that as a duty, they should pass information on human rights violations to their principal donors and where necessary the public.44

For their part, human rights organizations should examine their emphasis on civil and political rights to the almost exclusion of concern for social and economic rights, even where the abridgment of the latter has grave consequence for the survival of large numbers of people. Human rights organizations can be more effective in assessing the consequences of violations of economic and social rights through cooperation with humanitarian organizations that are working within a country. Development organizations, for example, may have information about systematic denial of the right to food or employment. Human rights organizations can also be more effective in providing information to relief organizations that will give them an "early warning" of possible displacements.

The international community has an opportunity to create an effective international response to the human rights problems of internally displaced persons. The desperate plight of those displaced makes it essential that meaningful steps be taken to protect them.
NOTES


2. Persons displaced as a result of natural disasters (e.g., earthquakes, floods) or environmental accidents (e.g., Chernobyl) are not included here. Such persons generally receive assistance and protection from their own governments and from the international community. Homeless persons are also not included here because there are many private and governmental agencies that seek to assist and protect them and because their displacement is not politically or ethnically motivated. There may, of course, be gray areas where government policies might be contributing to or exacerbating their plight. One especially gray area is the problem of people being forcibly relocated because of the implementation of development schemes by their government. Critics have argued that these plans are sometimes politically motivated, that is, intended to impoverish one ethnic group to the benefit of another. Certainly, the history of the treatment of many indigenous populations around the world shows that there is some basis for making this argument. But the main group of concern for the purpose of the conference are persons displaced for the same reasons as refugees, but who, unlike refugees, receive little or no assistance or protection from the international community.

3. Sources - U.S. Committee for Refugees (World Refugee Survey); Africa Watch; Hemispheric Migration Project, CIPRA, Georgetown University; and others.

4. There are, of course, emergency situations where governments are within their rights to move populations for reasons of their own security or for imperative military reasons (See Protocol II to the Geneva Conventions, Art. 17). However, too often governments broadly interpret this provision to justify forcible relocations on political or other grounds. If displacements "have to be carried out," Protocol II requires that "all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety, and
nutrition." The Organization of American States (OAS) has further recommended that persons forcibly displaced be allowed to return to their homes after the emergency is over and that they receive compensation for any damage done to their property by government action. See Report on the Situation of Human Rights of a Segment of The Nicaraguan Population of Miskito Origin and Resolution on the Friendly Settlement Procedure regarding the Human Rights Situation of a Segment of the Nicaraguan Population of Miskito Origin, InterAmerican Commission on Human Rights, Organization of American States, 1984.


6. Ibid. p. 122. The Statutes of the International Red Cross & Red Crescent Movement further affirm that ICRC "may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution." This could become the basis for an expanded protection role for ICRC in non-international armed conflicts and situations of internal strife, see ICRC working document, "Persons Displaced Within Their Own Countries as a Result of Armed Conflict or Disturbances," Geneva, 6 May 1991; and Michel Veuthey, "Implementation and Enforcement of Humanitarian Law and Human Rights Law in Non-International Armed Conflicts: The Role of the International Committee of the Red Cross," The American University Law Review, Vol. 33, No. 1, Fall 1983.


10. Because of the UNHCR’s long experience in assisting and protecting refugees, many have suggested that the agency’s mandate be expanded to include "internal refugees," the term increasingly used to describe those internally displaced. Those in favor of expanding the UNHCR’s mandate point out that the agency’s mandate has already been expanded beyond the legal definition of refugee to cover persons fleeing armed conflict and internal violence. The ICRC has also been recommended as a possible lead agency because of its long experience in helping civilians in armed conflict situations. The organization’s statutes, moreover, enable it to intervene more readily in situations of internal displacement, see supra note 6.


20. See supra note 5, pp. 118 and 129.


22. For U.N. General Assembly Resolution citing "the possibility of establishing...relief corridors," see GA Resolution 45/100, 14 December 1990. For proposal for a code of conduct, see New International Humanitarian Order: Report of the Secretary-General pursuant to General Assembly Resolution 38/115, Document A/40/348, 9 October 1985, p. 36.


32. Ramcharan, ibid.
33. For proposal to create an Under-Secretary-General, see supra notes 17, 27 and 29; see also Ved P. Nanda, "The Plight of the Kurds Prompts Re-examination of International Law," The Denver Post, May 5, 1991; for proposal to create a Special Representative for Humanitarian Questions to forewarn, monitor and defuse emergency situations that cause the mass exodus of refugees, see Sadruddin Aga Khan, Study on Human Rights and Massive Exoduses, E/CN. 4/1503, December 31, 1981.

34. General Assembly Resolution 44/151 on Situation of Refugees in the Sudan, December 15, 1989.

35. For Commission resolutions on El Salvador, Guatemala, and Afghanistan, see Roberta Cohen, Introducing Refugee Issues into the United Nations Human Rights Agenda, Refugee Policy Group, January 1990, pp. 25-26. The Commission has taken no public stand on internally displaced persons in the Sudan. In the case of Cambodia, it has not looked into the position of displaced persons on the Thai border who have been subjected to extra-judicial executions, imprisonment, forced repatriation, and forced labor for military purposes, see David Hawk, "Human Rights Aspects of a Comprehensive Solution to the Conflict in Cambodia," Cambodia Documentation Commission, New York, May 1990.


42. See Cohen, supra note 35.


44. Sudan: A Human Rights Disaster, supra note 12.
The Security Council

Mindful of its duties and its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Recalling Article 2, paragraph 7 of the Charter of the United Nations,

Gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas which led to a massive flow of refugees towards and across international frontiers and to cross border incursions, which threaten international peace and security in the region,

Deeply disturbed by the magnitude of the human suffering involved,

Taking note of the letters sent by the representatives of Turkey and France to the United Nations dated 2 April 1991 and 4 April 1991, respectively (S/22435 and S/22442),

Taking note also of the letters sent by the Permanent Representative of the Islamic Republic of Iran to the United Nations dated 3 and 4 April 1991, respectively (S/22436 and S/22447),

Reaffirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq and of all States in the area,
Bearing in mind the Secretary-General’s report of 20 March 1991 (S/22366),

1. **Condemns** the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, the consequences of which threaten international peace and security in the region;

2. **Demands** that Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression and expresses the hope in the same context that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected;

3. **Insists** that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations;

4. **Requests** the Secretary-General to pursue his humanitarian efforts in Iraq and to report forthwith, if appropriate on the basis of a further mission to the region, on the plight of the Iraqi civilian population, and in particular the Kurdish population, suffering from the repression in all its forms inflicted by the Iraqi authorities;

5. **Requests further** the Secretary-General to use all the resources at his disposal, including those of the relevant United Nations agencies to address urgently the critical needs of the refugees and displaced Iraqi population;

6. **Appeals** to all Member States and to all humanitarian organizations to contribute to these humanitarian relief efforts;

7. **Demands** that Iraq cooperate with the Secretary-General to these ends;

8. **Decides** to remain seized of the matter.
APPENDIX II: RESOLUTION OF U.N. COMMISSION ON HUMAN RIGHTS ON INTERNALLY DISPLACED PERSONS

UNITED NATIONS ADOPTED BY CONSENSUS, TUESDAY 5TH MARCH 1991

Economic and Social Council Distr. LIMITED

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COMMISSION ON HUMAN RIGHTS
Forty-Seventh Session
Agenda Item 11 + Introduced by the Delegation of Austria

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

+ Austria, Bulgaria, Canada, Cyprus, Czechoslovakia, Finland, France, Greece*, Lebanon*, Norway*, Panama, Union of Soviet Socialist Republics: draft resolution

Australia, Poland, Hungary, Senegal, Costa Rica and the United Kingdom.

Internally displaced persons

The Commission on Human Rights,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.
Welcoming Economic and Social Council resolution 1990/78 of 27 July 1990, entitled "Refugees, displaced persons and returnees",

Disturbed by the high numbers of internally displaced persons suffering throughout the world, who have been forced to flee their homes and seek shelter and safety in other parts of their own country,

Concerned at the serious problems encountered by internally displaced persons and the lack of humanitarian assistance,

1. Invites all governments and international organizations to intensify their co-operation and assistance in world-wide efforts to address the serious problems and needs resulting from internal displacement;

2. Requests the Secretary-General to take into account the protection of human rights and the needs of internally displaced persons in his system-wide review aimed at ensuring an effective response by the United Nations system to the problems of refugees, displaced persons and returnees;

3. Stresses the importance of strict adherence by States parties to their obligations under international human rights instruments and international humanitarian law;

4. Requests the Secretary-General to submit an analytical report on internally displaced persons, taking into account the protection of human rights of internally displaced persons, based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations, to the Commission on Human Rights at its forty-eighth session;

5. Decides to consider this matter at its forty-eighth session under the agenda item "further promotion and encouragement of human rights and fundamental freedoms".