

# INTERNALLY DISPLACED PERSONS: HISTORICAL PERSPECTIVE

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## Introduction

Internally Displaced Persons comprise a very large group of vulnerable people who are in need of humanitarian assistance in the world. He is someone who is forced to leave home or place of residence to escape armed conflict, general violence, human rights violations or natural disasters but do not cross internationally recognized State border but remains within his own country. Though their vulnerability to such threats vary from country to country but efforts to bring peace and prosperity to affected parts cannot be achieved unless the issue is addressed in a comprehensive and integrated manner<sup>1</sup>. Though UNHCR is assisting IDPs but it is not expressly mentioned in its mandate. No other institution other than UNHCR has a generally accepted specific legal basis to interfere on behalf of IDPs.

## Development of The concept of IDPs and Role of UNHCR in expansion of its original mandate

Although the principal mandate of the UNHCR is to provide international protection to refugees but it has expanded its role from time to time to the people within their own country where UNHCR assisted voluntary repatriation of refugees with mixed population of internally displaced who are in refugee-like situation.<sup>2</sup> However, the role of the UNHCR, in accordance with paragraph 9 of the Statute may be expanded by the General Assembly and the Economic and Social Council (ECOSOC)<sup>3</sup>. While the Statute makes no reference to IDPs, it recognizes in **Article 9** that the High Commissioner may also “engage in such activities ... as the General Assembly may determine, within the limits of the resources placed at his disposal.” Based on this Article, series of UN General Assembly Resolutions have been passed for its involvement in situations of internal displacement

<sup>1</sup> Informal Consultative Meeting ,30 January 2007 on Policy Framework And Corporate Strategy, UNHCR'S Role In Support Of An Enhanced Inter-Agency Response To The Protection of Internally Displaced Persons, Para 4, 5, 6.

<sup>2</sup> Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, 1949 I.C.J. (Apr. 11) available at <http://www.icj-cij.org/docket/files/4/1835.pdf>; see also ECOSOC resolution 1705 (LIII), (27 July 1972) accessed on 12-4-2009.

<sup>3</sup> In 1957, the General Assembly first authorized the High Commissioner to 'use its good offices' to assist people who did not fall within the Refugee Convention's refugee definition. U.N.G.A.

## Concept of Good Offices

Over the years the General Assembly has also allowed **UNHCR** to extend its protection to those outside the official mandate of Refugee Convention by referring to ‘displaced persons’. When UNHCR provided assistance to internally displaced populations who did not come under the 1951 refugee definition from time to time, it was said to use its ‘good offices’. The concept of ‘good offices’ was first used with reference to mainland Chinese refugees in Hong Kong. The High Commissioner was requested to use his good offices to assist refugees who do not come within the competence of the UN<sup>4</sup>. The use of the concept of ‘good offices’ was confirmed in subsequent General Assembly resolutions IDPs. There was initial resistance to extending assistance to internally displaced persons. Sadruddin Aga Khan, who was the High Commissioner for Refugees in the late 1960s and early 1970s, turned down a request for assistance to internally displaced persons in South Vietnam precisely because they were internally displaced. The largest numbers of regional UN officials dealt with internally displaced persons but did not define who exactly would be considered to be internally displaced in 1972 .

**ECOSOC res. 1705 (LIII), 27 Jul. 1972.** Para. 1 of resolution 1705 reads:

The Economic and Social Council urges Governments, The United Nations High Commissioner for Refugees, specialized agencies and other organizations associated with the United Nations and non-governmental organizations concerned, to provide the assistance required for the voluntary repatriation, rehabilitation and resettlement of the refugees returning from abroad, as well as persons displaced within the count<sup>5</sup>. These populations are regrouped under the denomination of “**others of concern**” in UNHCR statistics. UNHCR started extending its assistance to aid refugees, returnees, and **internally displaced persons**.

## Expansion of UNHCR Mandate

Initially, UNHCR was reluctant to get involved with the internally displaced. But subsequently between 1971 and 1991, UNHCR supported IDPs on adhoc bases solely based on the General Assembly approval or on a request from the UN Secretary-General and the state concerned. As the issue of internal displacement rose in prominence in the early 1990s, there was a growing recognition of the need for a general legal basis for UNHCR’s involvement with IDPs.

## First Definition of Internally Displaced Persons

<sup>4</sup> GA Res. 1388 (XIV), 20 November 1959

<sup>5</sup> Divya Vikram, Internally Displaced Persons, accessed on January 28, 2011, [Juris Online.in](http://JurisOnline.in)

In 1989, the General Assembly requested the Secretary-General ‘to consider the need for the establishment, within the United Nations system, of a mechanism or arrangement to ensure the implementation and overall coordination of relief programmes to internally displaced persons’<sup>6</sup>. In 1990, the UN’s Economic and Social Council requested the Secretary-General to initiate a UN system-wide review to assess the experience and capacity of UN entities in the provision and coordination of relief assistance to and protection of refugees, displaced persons and returnees. First definition was put forth in **1992** by the United Nations Secretary-General, which defined internally displaced persons as:

“Persons or groups who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disaster, and who are within the territory of their own country”<sup>7</sup>.

Above mentioned definition has been modified over the years following a better understanding of the concept of internal displacement as a consequence of in-depth research because it was observed that 1992 definition was determined to be too narrow in many respects.

### **Second Definition Based on Guiding Principles**

The definition that eventually emerged from the Representative’s deliberations is contained in the introduction to the *Guiding Principles on Internal Displacement*. They define internally displaced persons as:

“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”<sup>8</sup>.

Definition of IDPs in Guiding Principles tries to strike a balance between too narrow a framework that risks excluding people who share similar characteristics and one so broad that it loses the focus on the distinct protection and assistance needs arising from forced displacement.

<sup>6</sup> GA res. 43/116 (1988). See further, International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa. Report of the Secretary-General. UN doc. A/44/520,(1989).

<sup>7</sup> United Nations Commission on Human Rights, Analytical Report of the Secretary-General on Internally Displaced Persons, UN Doc. E/CN.4/1992/23 (14 February 1992), para. 17.

<sup>8</sup> United Nations Commission on Human Rights, Report of the representative of the Secretary-General on Internally Displaced Persons: Guiding Principles on Internal Displacement, UN doc. E/CN.4/1998/53/Add.2 (11 February 1998).

## A normative framework for addressing the specific needs of internally displaced persons

Dr. Deng developed the Guiding Principles on Internal Displacement and submitted them to the Commission in 1998. The Principles have since 1998 gained wide recognition as an important tool and a standard for addressing internal displacement and are being used around the world by governments, the United Nations, regional bodies, non-governmental organizations and other actors. This document details, in 30 principles, the specific meaning for internally displaced persons of the general human rights and humanitarian law guarantees found in international law. It covers all three phases of internal displacement: the pre-displacement phase, the situation during displacement, and the phase of return or resettlement and reintegration.<sup>9</sup> As Dr. Deng stressed at that time, the purpose of these Principles was “to address the specific needs of internally displaced persons worldwide by identifying rights and guarantees relevant to their protection”.

### RECENT DEVELOPMENTS

#### Co-ordination and co-operation

In defining its role with the internally displaced, UNHCR recognises the importance of acting in concert with all relevant actors and organisations, national and international, governmental and non-governmental. UN General Assembly resolutions authorising UNHCR's involvement with the internally displaced have also consistently stressed the need to respect complementary mandates and relevant expertise of other organisations. The Office is fully committed to strengthening co-operation and co-ordination with other humanitarian organisations within and outside the UN system, particularly OCHA, WFP, UNICEF, ICRC, IOM, and NGO partners, and with the Representative of the UN Secretary General on Internally Displaced Persons. UNHCR will continue to participate actively in the consultations of the Inter-Agency Standing Committee (IASC) to establish policies and guidelines on internal displacement. Of particular importance will be the development of clear criteria and an effective mechanism to allocate responsibilities and identify a lead agency for operations involving the internally displaced. UNHCR is ready to work closely with the ERC and other relevant organizations to this end.<sup>10</sup>

<sup>9</sup> Erin Mooney, The concept of internal displacement and the case for internally displaced persons as a category of concern, *Refugee survey quarterly* Vol. 24, Issue 3 24 (2005) pg.11

<sup>10</sup> UNHCR Position Paper, “IDPs: the Role of the UNHCR”, 6 March 2000.