

**UNHCR
AND
THE PROBLEMS OF INTERNALLY
DISPLACED PERSONS**

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CERTIFICATE

This is to certify that the dissertation entitled, “**UNHCR and the Problems of Internally Displaced Persons**” submitted by **Roopa K.N.** in partial fulfillment of the award of the degree of Master of Philosophy is her original work and has not been submitted for the awards of any degree of this or any other University.

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*With love to my parents
and my siblings-Rudru, Ramya and Praveen
for all the love and support
and
to my fiancée and my best friend, Avinash,
for his love, support and encouragement.*

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ABBREVIATIONS

ATTF: All Tripura Tiger Force.

CPOIA: Permanent Consultation on Internal Displacement in the Americas.

ERC: Emergency Relief Coordinator (UN)

FAO: Food and Agriculture Organization.

IASC: Inter-Agency Standing Committee (UN).

ICRC: International Committee of the Red Cross.

IDPS: Internally Displaced Persons.

ILO: International Labour Organization.

IOM: International Organization for migration.

NGO: Nongovernmental organization.

NHRL: National Human Right Commission.

NLFT: National Liberation Front of Tripura.

UNDP: United Nations Development Programme.

UNHCR: United Nations High Commission and Refugees.

UNICEF: United Nations International Childrens Funds.

UNOMIG: United Nations Observer Mission in Georgie.

UNRWA: United Nations Relief and works Agency.

USCR: United States Committee and Refugees.

WFP: World Food Programme.

WHO: World Health Organization.

Chapter - I

INTRODUCTION

The principle purpose of the study is to describe and analyse the problem of internally displaced persons and the role played by UNHCR. This study focuses on conflict induced displacement.

Internally displaced persons have added a new dimension to the conventional concept of the refugee by not transgressing the territorial borders of their countries. The criterion for being categorized as a refugee as spelt out in the 1951 convention and 1961 protocol is being outside their country of nationality...of habitual residence. As the area of study itself is quite new, the term "Internally Displaced Persons" however remains shrouded in considerable ambiguity, nevertheless displaced persons can be defined 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, or in order to avoid the effects of, armed conflict, situations of generalized violence, relations of human rights or natural or human - made disasters, and who have not crossed an internationally recognized state border¹.

Since the late 1980's an important issue, which is taking the shape of a global crisis is the issue of internally displaced persons. An estimated 20 million persons have been displaced forcefully, the

¹ *International Legal Standards Applicable to the Protection of Internally Displaced Persons: A reference Manual for unhcr staff*, Office of the United Nations High Commissioner for Refugees, Division of International Protection, UNHCR , 1996, p.2

causes varying from armed conflicts, internal strife, systematic violations of human rights and other traditional causes associated with refugees.

On the run and without documents, they are easy targets for roundups, arbitrary detention, forced conscription's and sexual assaults. Uprooted from their homes and deprived of their livelihood, many suffer from immense physical and psychological trauma.

The problem poses a challenge in gigantic proportions because there is no global mandate to protect and assist the internally displaced. The existing political, diplomatic, economic and legal mechanisms are not sufficiently developed to cope with the increasingly complex and volatile population movements after the cold war.

The ability of the international agencies to help these people depends on whether there is a frontier between the displaced persons and the authorities of their have country. In spite of the ambiguity or absence of a clear framework the international relief agencies are assisting these people, all though well short of their entitlement had they been full-fledged refugees.

Further limitations include the need for the consent of the country in which these people have been displaced, as this can be construed as interference in the sovereign rights of the state. This is

mainly because it is often the state which has caused this situation either directly by actions like ethnic cleansing or indirectly by armed conflict or civil war as a consequence of political instability in the first place. The operations become particularly delicate in situations where displacement is a function of ethnic or religious conflicts.

Out of the total estimated number of nearly twenty million IDPs, six million are under the care of UNHCR or all the UN agencies, UNHCR plays the broadest role in addressing the problems of the internally displaced: it offers protection, assistance and initial support for reintegration. Although UNHCR's statute does not include internally displaced persons, the organization has increasingly become involved in the situations they face at the request of the Secretary General, General Assembly or the Security Council and with the consent of the state.

Owing to the similarity between the needs of refugees and internally displaced persons, UNHCR has been able to apply its expertise to the internally displaced. Though gradual, UNHCR has clearly begun to shift its focus from refugees to persons in need of protection in countries of origin. In spite of the fears that assuming responsibility for the IDPs will change the character of the organization and overwhelm, its staff and resources, it has been inching towards the assumption of greater responsibility for persons in their country of origin.

UNHCR has evolved from a purely euro-centric approach for problem solving to a more third world oriented approach. In these circumstances, there is a greater role for UNHCR, in co-operation with governments as well as other non-governmental agencies.

As said earlier the principle objective is to describe and analyze the conditions of the internally displaced persons, where the displacement is due to conflict and therein examine the role of UNHCR. The Questions for which answers are sought are causes for and the background of displacement of persons within national boundaries. What are the implications of displacement on women and children? What is the role of UNHCR towards alleviating the plight of the displaced? What are the factors facilitating or inhibiting the functioning of UNHCR regarding the internally displaced? And finally the question of internal displacement in India.

Review of Literature :

Though a lot has been written on refugees, there is very little academic work done on internal displacement. The area is in itself young, as the phenomenon of the internally displaced, although not young in itself, has only been recognized in recent years, thus, it has only been in recent years, that scholarly interest has been focused on displacement issues. Researchers have to rely on mostly primary resources, with most of the secondary source materials being in the form of journals, periodicals and newspapers.

Most of the existing literature is descriptive in nature with details varying from author to author due to their reliance on different sources. However a good number of books are of descriptive–historical nature. A book titled **Internally Displaced People: A Global Survey**² published by the Norwegian Refugee Council is an extremely valuable book on the subject of Internally Displaced. Not only does it deal extensively with theoretical approaches to the problem, but it studies in various parts of the world. It has a chapter on displaced people in India too that is extremely useful. It was the first dedicated global survey of internal displacement and is now serving as an essential reference tool for academics, NGOs, the UN and government personnel. **Risks and Reconstruction : Experiences of Resettlers and Refugees**³ edited by Micheal M. Cervea and Christopher Mcdowell, offers an incisive analysis of displaced persons. The authors explore how the risks of impoverishment through displacement can be mitigated and reserved through reconstruction and improvements in livelihoods.

Refugees, Perspectives on the Experience of Forced Migration⁴ edited by Alistair Ager, brings together senior authors from

² Global IDP Survey /Norwegian Refugee Council, *Internally Displaced People: A Global Survey*, Earthscan Publications, London, 1998.

³ Cervea, Micheal M & Mcdowell, Christopher (eds.), *The International Bank for Reconstruction & Development*, The World Bank, Washington DC, USA,2000.

⁴ Ager, Alishnir (Ed) (1999), *Refugees, Perspectives on the experience of forced migration*, Biddler Ltd, Great Britain.

a range of disciplinary backgrounds to analyse the forces that shape the contemporary experience of forced migration. It considers global, social and personal dimensions of dimensions of displacement. It not only provides a concise overview of the causes and consequences of uprootedness over the part half century, but also analyses of the current inadequate response by the international community.

James Hathaway, in **The law of Refugees Status**⁵ also focuses on the issues of the internally displaced and the system of international protection regarding them. Another important source book is edited by Roberta Cohen and Francis Deng, **The Forsaken People: Case Studies of the Internally Displaced**⁶ which is a compilation of case studies on internal displacement all over the world including India. On South Asia the study edited by S.D. Muni and Lok Raj Baral titled, **Refugees and Regional Security in South Asia**⁷ gives a general profile of the refugee and displaced peoples problems faced by South Asia. With some insights in some of the cases, implications of displacement in the context of security is made clear by two books, **Ethnicity & Nation - Building in South Asia**⁸ by Urmila

⁵ Hathaway, James, *The Law of Refugee Status*,: Butterwoths, Toronto, Canada, 1999.

⁶ Cohen, Roberta, & Deng, Francis M (Ed), *The Forsaken People: Case studies of the Internally Displaced*, Brookings Institution Press, Washington,D.C., 1998.

⁷ Baral, Lok Raj and S.D Mani (eds.), *Refugees and Regional Security in South Asia*, Regional Centre for Strategic Studies , Colombo, 1996.

⁸ Phadnis, Urmila, *Ethnicity & Nation- Building in South Asia*, Sage Publication,New Delhi, 1999.

Phadnis and **Regional Migration, Ethnicity & Security: the South Asian Case**⁹ by Lok Raj Baral.

Further information has been gathered from various other sources like the background papers prepared by the UNHCR and other publications of International Committee for the Red Cross(ICRC), the UC Committee for Refugees, Amnesty International and government documents like the Annual Reports of the NHRC over the years.

Research Objective :

The principle objective of this study is to describe and analyze the conditions of the internally displaced persons, where the displacement is due to conflict and examine the role of UNHCR.

Research Questions :

1. What are the causes for, of displacement of persons within national boundaries ?
2. What is the scale and extent of internal displacement in India ?
3. What are the factors guiding India's approaches towards the IDPs ?
4. What is the role of UNHCR in alleviating the plight of the displaced ?
5. What are the factors facilitating or inhibiting the functioning of UNHCR regarding the internally displaced ?

⁹ Baral, Lok Raj *Regional Migrations, Ethnicity and Security : The South Asian Case*, Sterling Publishers Pvt Ltd., New Delhi, 1990.

Hypothesis:-

In the recent years a broad range of humanitarian, human rights and developmental agencies have begun to provide protection, assistance and reintegration for IDPs especially UNHCR. UNHCR has helped in the tackling of problems of mass migrations of people within and across the borders of states, further it has moved from applying a Euro-centric approach to problem solving to a more third world oriented approach. In these circumstances, there is a greater role for UNHCR, in co-operation with government as well as other non-governmental agencies.

Methodology:-

Both qualitative as well as quantitative methods have been used to conduct a research on this topic. Since this dissertation is an analytical study, not only primary sources but also secondary sources have been deployed to bring out the finer points of the data in the primary sources.

Sources:-

There are broadly two types of sources, which have been used during the research. They are:

- a) Primary sources: Reports, international documents of the UNHCR, ICRC, US Committee for Refugees, Amnesty International, Annual Reports of National Human Rights Commission (NHRC), Government of India websites.

- b) Secondary sources: Books, Periodicals, Newspapers, research findings, articles in journals.

Chapterization:

The first chapter introduces the body of the research. This chapter brings out review of literature, poses research questions, problems and explains the methodology used in the research.

The Second chapter focuses on the definitional aspect. The term IDPs being difficult to define one comes across a variety of definitions bringing forth comprehensive nature of some and too narrow confines of others before finally settling to a widely accepted definition. It also looks into various causes of displacement from which one can conclude that ethnicity has been one of the major causes of displacement. Further the chapter tries to bring out the impact of displacement, whether social, economical, political, psychological or ecological.

It also deals with the statistics regarding displaced persons. Along with approximate figures & numbers it describes the various difficulties in getting the exact numbers of those displaced and also its various sources.

The third chapter tries to provide a comprehensive global picture of internal displacement by considering regional trends in displacement. Keeping aside statistics one gets a brief picture of various causes, region-wise, contributing towards displacement.

The fourth chapter deals exclusively with displacement in India, Here the focus is on Jammu & Kashmir and North East India - the two regions being the centers of large scale displacement. Ethnic conflict based on demands for greater autonomy or secession has generated hundreds of thousands of IDP's in India. The reaction and response of the Indian government has been looked into.

Chapter five is a detailed and descriptive study of the role of UNHCR in particular, as also the role of United Nations & its agencies in resolving the problem of displacement in brief. This chapter tries to summarize the activities of UNHCR in dealing with the IDPs in selective cases and countries. It is so, because UNHCR's statute does not include IDPs

We also get to know the origin, development & the role of the Representative of the Secretary General on IDPs. The need for, efficiency & limitations of the representative are dealt with.

The concluding chapter summarizes the findings of the study on the problem of internally displaced persons and the role of United Nations High Commissioner for Refugees.

Chapter -II

INTERNALLY DISPLACED PERSONS

Defining the term IDP, the statistics related to IDPs, the statistical sources form the major contents of this chapter. The term being quite ambiguous one comes across a variety of definitions. As this work deals with conflict induced displacement-the causes therein are taken into consideration, cold war being one of the important cause. Impact of displacement is an important part of this chapter. Long term and short term implications, impact of both large scale and small scale displacements, impact on these displaced occupation, society, ecology , psychology etc has been briefly analysed . The differences between refugees and IDPs are very few, at times it hard to distinguish the two. Distinguishing one from another leads to interesting factors, which give one an identity of that, an IDP. In the latter part one comes across statistical aspects of the IDPs i.e. about sources and also lack of sources.

Definition:

Internally Displaced persons are often considered the largest at-risk population in the world and yet defining who they are and gathering information about them has been quite difficult.

The two distinctive features of internal displacement are that movement is coerced or involuntary and that the populations affected remain within their national borders. The most widely used working

definition of internally displaced persons, presented in 1992 report of the secretary-general of the United Nations, identifies them as

persons who have been forced out of their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human right or natural or man-made disasters, and who are within the territory of their own country. ¹

The definition includes the major causes of displacement, which are drawn in part from the broad refugee definitions used in Africa and Latin America. Persons fleeing armed conflict, internal strife, and systematic violations of human rights would, if they were to cross a border, qualify as refugee both under the organisation of African Unity Convention and the Cartagena Declaration, and in many cases, under the narrower definition of the refugee convention.²

Persons uprooted by natural disasters, however, qualify as refugees. They are included in the definition because in some natural disasters governments respond by discriminating against or neglecting certain groups on political or ethnic grounds, or by violating their human rights in other ways. People have been displaced because of a

¹ Commission on Human Rights, Analytical Report of the Secretary General on Internally Displaced Persons, United Nations, February 14, 1992, Para 17.

² Keely, Charles B., "Filling a critical Gap in The Refugee Protection Regime : The Internally Displaced", *World Refugee Survey*, U.S. Committee for Refugees.

combination of natural disasters and social and political factors. Including natural disasters in the definition highlights the fact that persons, subject to disasters may need special protection.

Man-made disasters such as nuclear or chemical accidents, are included for the same reason. Although the persons displaced by such disasters receive assistance from their governments and the international community, in some instances they may require international protection because of prevention, neglect, and systematic violation of their human rights. Under similar circumstances, those displaced by development projects might also require protection. For example, where a dam is under construction and a sizable population is forcibly displaced without adequate resettlement, compensation, or respect for human rights, it could qualify as a man-made disaster, and the displaced populations could seek attention under the definition.

Some development agencies have proposed expanding the definition to cover those who migrate because of extreme poverty or others economic problems. But in most cases of economic migration, the element of coercion is not clear what distinguishes the internally displaced is the coercion that impels their movement, the human Rights abuse they suffer as a result of their displacement, and the lack of protection for them within their own countries.

The 1992 definition ---- overlooks two important factors: the time and the numbers involved. If the term “ internally displaced”

refers only to those forced to leave their homes “suddenly or unexpectedly”; or “in large number”, many serious cases of internal displacement will be excluded. At times the displaced often flee in small numbers in order to make themselves less conspicuous. The term “forced to flee” is also too narrow. Bosnian Muslims did not flee, they were expelled from their homes on ethnic and religious grounds. Countless numbers were forcibly moved by their governments for political and ethnic reasons. There are also cases in which persons feel like leaving because of impending conflict or other disturbances.

The Representative of the Secretary General on Internally Displaced persons, together with a team of international lawyers, has been working towards refining the United Nations working definition to answer some of the above mentioned objections. The definition, which they arrived at, eliminates the requirements relating to time and numbers and specially includes persons who have been expelled or compelled to leave their homes. It has explicit reference to those displaced by natural and man-made disasters on the understanding that those cases in which discrimination and persecutions are major elements they would be of special concern. The modified version therefore defines the internally displaced as persons or groups of people

who have been forced or obliged to flee or to leave their homes or place 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 .

This definition is the broadest one in use at the international and regional level.³ On the other hand, the one employed by UNHCR is limited to persons in “refugee-like” situations who have fled their homes because of persecution, situations of general violence or massive violations of human rights and do not enjoy the full protection of their own government.⁴ On the same lines, the Permanent Consultation on Internal Displacement in the Americas (CPDIA) uses a definition that pertains only to persons who, were they to cross a border, would be refugees.⁵

The modified UN definition recognizes that the persons uprooted by natural disasters and also by development projects may be persecuted and discriminated against, thus be of special concern as internally displaced persons. The modified definition tries to strike a balance between too narrow a framework, that which results in exclusion of people, and one so broad that it would prove operationally unmanageable.

³ International Organization for Migration, *Internally Displaced Persons: IOM Policy and Programmes*, Geneva , April 1997.

⁴ *International Legal Standards Applicable to the Protection of Internally Displaced Persons: A Reference Manual for unhcr staff*, Office Of The United Nations High Commissioner For Refugees, Division Of International Protection, Unhcr, 1996 , p.2.

⁵ CPDIA, CPDIA Journal, April 1994.

It is also important to emphasize that “internal displacement” is a descriptive term that can be applied to a broad range of situations. Not all such situations would be of concern to the international community. If the needs of the internally displaced are met effectively by their own governments, the international community need not and does not become involved, unless it is at a specific request by the concerned Government.

Causes of Internal Displacement:

Internal displacement was not noticeable until after the cold war, hence it is often viewed as a post-cold war phenomenon. It is very important to understand that some of the major causes of internal displacement over the past two decades are related to conflicts that either took place during the cold war or were, to a great extent, affected by cold war policies.

Throughout the four decades of the cold war, the United States and the Soviet Union contributed to the development and intensification of internal conflicts in Africa, Asia and Latin America. The countries belonging to respective blocks were supplied with arms, often directly, sometimes through proxies, and usually in large quantities in the name of either supporting or opposing political or opposition movements. This enabled the ‘clients’ to establish control over a state, or to pursue a war against insurgency or against an opposing state. Many of the major instances of internal displacement

during the 1970s and 1980s took place in regions and states that were the center of cold war proxy wars.

The ending of the cold war markedly contributed to the decline of civil conflict and the beginning of healing process that resulted in large numbers of displaced persons returning home or resettling. Significantly, the nations in Africa that experienced the most extreme violence and the highest levels of displacement were those that were most closely aligned with and received the highest levels of aid from the two cold war protagonists.

With the demise of the Soviet Union, the hitherto suppressed nationalist aspirations and ethnic rivalries erupted in the Caucasus and parts of Central Asia, and internal rivalries destroyed the former Yugoslavia. The significant point to be noted in most of the conflicts is that they had their roots in underlying tensions of a political, ethnic, linguistic or religious nature. It was not that the cold war was the source of all conflicts, but in most cases they exacerbated and exploited the already existing underlying problems. In fact, many major outbreaks of internal conflict developed either entirely independently of the cold war and thus remained unaffected or partially affected by it.

According to U.S. Committee for Refugees "conflict between a government and a minority" is one of the principal causes of internal displacement. Minorities caught in these situations feel dispossessed

and abandoned by the state and seek to reverse the power imbalances or seek to gain some form of political and cultural autonomy.

Around three thousand ethnic groups exist in the world today and most do not have their own nation-State.⁶ Nor do they necessarily identify with or feel loyal to the state in which they live. Though there are more than fifty states in Africa, it is home to more than a thousand distinct ethnic groups. It is easy to understand why ethnicity may be more of a unifying concept than the nation-state. West Asia has been a scene of conflict between Israelis and Arabs, Kurds and Arabs, Kurds and Turks and between competing Muslim sects. In South Asia, the Sinhalese and Tamils are pitted against each other as are the Tibetans in China and numerous other ethnic groups, while in the former Soviet Union too a large number of ethnic and national groups are seeking greater autonomy many winning their independence.

However, it is seldom mere differences of identity based on ethnic or religious grounds that generate conflict. Instead the conflict is generated when differences become the basis of sharing power and distributing the nation's resources and opportunities. At times ethnic conflict is deliberately fomented by governments or opposition leaders or groups that play on existing communal, ethnic tensions to entrench their own power, forcibly acquire territory, or advance a political agenda. But again the fact that leaders are able to exploit ethnic

⁶ Lewis, Herbert B., "Ethnic Loyalties are on the Rise Globally," *Christian Science Monitor*, December 28, 1992, P.18.

differences raises a question that there may be genuine group concerns.

Most of the conflicts that lead to mass displacement have a strong ethnic component. Even in conflict situations in which ethnicity may not be apparent, it is often a factor.

At times, the level of human right abuse in a country is so severe or pervasive that it is the principle cause of displacement. Such abuse often stems from factors of identity such as race, ethnicity, language, religion, or culture.

Internal displacement can rarely be neatly categorized as having only one distinct cause. Usually there are multiple, overlapping and interrelated reasons explaining displacement. If a number of situations of internal displacement are related to external political development such as the cold war or its demise, then internal displacement could decline as the world gradually adjusted to a new post-cold war equilibrium. On the other hand, if deep-rooted issues of collective identity are at the base of many conflicts, then the number of internally displaced persons might rise as the demand grows for local or regional autonomy and independence. In the past, it was often assumed that religious and ethnic loyalties would fade when countries became more secular and economically developed. But, it has been proved false in many instances, for example the former Soviet Union and Yugoslavia. Even in Western Europe and Canada, where the

democratic nation-state is generally believed to have erased regional and linguistic differences, separatism has gained ground, albeit without violent upheaval. Thus the hope remains that the spread of democracy and respect for human rights may yet show the way towards resolving crises of national identity and internal displacement.⁷

Impact of Displacement :

Often, displacement is considered by many as a temporary problem that gets resolved once the displaced return home or resettle. On the contrary it is often a long-term phenomenon that disrupts the lives of not only the individuals and families concerned but also of whole communities and societies. Among the countries that have experienced major conflicts since 1980, more than 10 percent of their population of thirty countries have been dislocated and more than 40 percent of the population of 10 countries have been displaced.⁸ In such situations the displaced can hardly be referred as “vulnerable groups”.

The impact of large-scale displacement extends well beyond the numbers counted as being displaced. Those left behind must continue their lives in the vacuum

⁷ “1997 Freedom around the world”, *Freedom Review*, Vol. 28, No.1, 1997, p.16.

⁸ Holtzman, Steven, “Conflict Induced Displacement through a Development Lens”, *Environment Department Papers*, World Bank, Washington , D.C., May 1997, P.10

created by the departure of the displaced, while those in areas to which the displaced have moved find their lives attired by increased inflows of new population.

Entire communities or even entire regions may be depopulated or large segments of communities may leave. Young men, combatants, their families, and certain ethnic or linguistic groups may depart. Often, it is the elderly and the very young who are left behind to tend to agricultural land and to hold on to their property. However, departure patterns differs within countries as well as regions of the same country, For example in Bosnia, whole communities were forcibly expelled from their homes in "ethnic cleansing" campaigns while others left their communities to flee the war. With departures from rural areas, the human resources needed to maintain adequate levels of cultivation decrease drastically. In irrigated areas, canals fall into disrepair and cannot be easily rehabilitated. Under these circumstances, preparing land for cultivation becomes increasingly difficult.

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Homes, buildings, and infrastructure may also suffer enormous damage. Sometimes it is the direct consequence of the conflict, but often the problem is that those who remain behind are unable to carry out the necessary maintenance. Cycles of repair are disrupted and years of neglect can lead to irreversible destruction.



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In addition, displacement has a considerable impact on community organisation. When populations disappear for a year or two, leadership patterns, mechanisms of resolving disputes, and property rights in home areas change drastically especially in an atmosphere of lawlessness. Individuals may encroach on the land of those who are absent and combatant groups may formally or informally distribute vacant land to supporters. When the occupants are persons whose own property has been destroyed, the issue of property rights becomes even more complex.

Most of the countries that experience internal conflict have sparse land records and even these are often destroyed during the conflict. Returning populations find property rights to be a confusing and widespread problem, particularly in regard to the double occupancy of housing.

Yet another cause for concern is the environmental impact of displacement, when the displaced flee to rural areas, they may do irreparable damage to ecosystems, especially if they have no other options but to strip surrounding forests and grasslands to satisfy their need for housing and fuel .

Major urban centers, too, suffer serious consequences because of displacement. Urban populations may double or triple and overload social services, water supplies, and sanitation facilities and thereby add to the deterioration of the urban infrastructure, which has already

been weakened by conflict. At times, state services to the country as a whole become strained or even disrupted. Displacement thus “has ripple effects throughout entire societies,” going far beyond the need for humanitarian assistance to those displaced.⁹

Displacement may also lead to the widespread “de-skilling” of the displaced population. Craftsperson often lose or sell their tools or find no use for their skills in new areas, particularly where the markets available for their products are limited. Although farmers do not lose their skills, the longer they have limited or no access to land, the better the chances that their children will lose all links to the land. When agricultural activity disappears from the lives of displaced, the fabric of rural society is affected.

Displacement alters the structure and size of households and changes family patterns and gender roles. Productive older males often become separated from the household in their search for work or recruitment into the military. The number of female-headed households increases significantly. Yet for most women who become sole supporters of their families, the economic opportunities are limited, discriminatory practices being order of the day.¹⁰

The effects of displacement on children and their development have been well documented. Most notable are the problems caused by

⁹ Ibid., p.13.

the lack of shelter, warmth, proper food, and health care; the separation from their families; and the serious lack of protection. Educational opportunities are also in short supply. Only a small percentage of refugee children attend school worldwide.¹¹ The numbers for internally displaced are presumed to be similar or higher.¹² When displacement endures, generation of uneducated children, many of whom have become combatants, witness atrocities against their families, or have themselves committed atrocities against others. The problems they face are immense, especially if, they have grown up apart from their families and have been combatants most of their lives.¹³

It is often impossible to return to previous patterns of community life or socioeconomic frameworks after mass displacement. The codes of social behaviour and social institutions that held society together no longer prevail, confidence in the institutions of society disappears and post conflict reintegration and development become far more complicated than the mere rebuilding of the physical infrastructure.

Internally Displaced Persons as a Special Category

¹⁰ Deng, Francis M., Report on Internally Displaced Persons, E/CN.4/1995/50/ United Nations, Commission on Human Rights, February 2, 1995, pp.9-10.

¹¹ Cohen Roberta, Refugee and Internally Displaced Women, p.17.

¹² a. Deng, Francis M., Report on Internally Displaced Persons, E/CN.4/1996/52/ United Nations, Commission on Human Rights, February 22, 1996, pp.19:20.

b. USCR, "State of the World's IDPs".

¹³ Francis M Deng, Report on Internally Displaced Persons, E/CN.4/1996/52 pp.18-20.

The fact that IDPs are subject to serious abuse and have special and distinct needs is indisputable. Questions have arisen about whether the internally displaced should be identified as a special category; Should they be distinguished from non- displaced war-affected populations, though both groups appears to have the same needs? Would singling out one group discriminate against others equally in need and cause inequality and conflict? Is it not more appropriate to address "situations" and not concentrate on categories of persons, so that all those in need receive attention whether or not they are displaced? The International committee of the Red Cross provides assistance and protection to all civilian victims of armed conflict, whether they are displaced or not. Some agencies also favour what they call the "needs approach" i.e. targeting assistance on the basis of need not individual circumstances or situation.

The purpose of identifying the internally displaced is not to confer on them a privileged status but to ensure that in a given situation their unique needs are addressed along with those of others. Although situation by situation approach are said to give greater scope for responding to the problems of all groups, most of the times the needs of the internally displaced are largely ignored. Considerable discrepancy exists in the way the international community perceives and treats refugees and internally displaced, even when they face

similar problems and sometimes in the same circumstances. International resources and aid are generally not distributed in a sufficient, equitable manner to enable internally displaced persons to receive necessary protection, assistance or reintegration support.

Again, the needs of the internally displaced may be indistinguishable from those of others around them. When internally displaced persons are intermingled in urban settings it does become difficult to distinguish their needs from those of other disadvantaged groups. Some even chose to make themselves indistinguishable as a means of protection. In some cases the displaced are subjected to round ups, forcible relocation, and other restrictive practices. In addition, the internally displaced often face protection problems upon their return and reintegration. Although comprehensive programs are essential, special attention must be paid to the distinct problems of vulnerable groups. By identifying the internally displaced as a specific group, the international community would find it easier to call upon governments to assume their responsibility for those displaced or to press for international action on their behalf. Humanitarian organizations would also be helped to a great deal to integrate into their agendas, programmes on displacement.

Distinction between IDPs and Refugees

Internally displaced persons and refugees often flee their homes for the same reasons. Beginning in the mid-1990s, more uprooted people became internally displaced than refugees, even though they could expect more protection and assistance as refugees under the aegis of UNHCR.¹⁴ This trend can be attributed to a number of factors.

The distance to borders and topographical obstacles can be significant factors in preventing flight across borders. Further more, many uprooted people seek places of relative safety in familiar surroundings in which they can live and work among groups sharing the same culture, language and religion. Rural people particularly may find the prospect of seeking shelters or employment in a foreign country intimidating and decide to remain despite continuing conflict or human rights abuses. Also, some decide to flee to an area of their country that is under the control of a group with which they sympathize and from which they might expect protection.

However, the absence of alternatives is influencing the decision to remain displaced rather than seek refugee. The growing inclination of the international community is to prevent refugee flows and restrict refugee admissions. Although the right to seek and enjoy asylum from persecution in other countries is enshrined in international human

¹⁴ US. Committee for Refugees (USCR), *World Refugee Survey (1996)*, Washington, D.C., 1996, pp. 4-6.

rights law, large numbers of persons are finding borders closed to them. Some countries have denied and deny asylum because they say "safe havens" already exist to provide shelter and protection for internally displaced persons. As inhospitality to asylum seekers grows, along with an increasing number of countries finding it too costly, burdensome or destabilizing to admit refugees, the numbers of those displaced within their home countries will continue to rise in proportion to refugees.

STATISTICS ON INTERNALLY DISPLACED PERSONS:

Getting the exact figures/numbers and location of the worlds internally displaced persons has been one of the most difficult tasks. Keeping aside the definitional difficulties the other obstacles are institutional, political and operational. Unlike the collection of refugee statistics, a task undertaken by UNHCR, no single UN agency has assumed responsibility for the collection of figures on internally displaced populations.

The number of internally displaced persons has increased dramatically during the past quarter century. Estimates reached around 25 million to 30 million by the end of 1994 (if natural disasters were included too) and fluctuated between 20 million and 25 million thereafter. The United States Committee for Refugees (USCR) whose

statistics on internal displacement are usually the starting point for any discussion on the subject, acknowledges that information on such populations is “fragmentary” and that its figures are “estimates”.¹⁵

According to the USCR, at the end of 1985 there were at least 9.5 million internally displaced persons. By 1994, the worldwide total reportedly reached nearly 25 million, 1996 estimates declined to about 20 million, although the USCR believed the total number to be ‘undoubtedly higher’. The decrease after 1995 is largely due to the fact that civil wars ended in a numbers of countries.

Statistical Sources : Estimates of the number of internally displaced persons come from a wide variety of sources: local or national governments, insurgent groups, UN agencies, local and international NGOs religious institutions, and foreign military offices involved in humanitarian interventions. Governments, insurgent groups, or other interested player may understate the magnitude of displacement to play down the severity of the challenge to its authority, or if it has caused significant displacement, to limit criticism of its policies. Governments and insurgent groups also may overstate the size of uprooted populations to make donors to provide increased humanitarian aid, which may benefit not only the uprooted but also the combatants. Of course, not all erroneous reports are the result of active disinformation campaigns by governments or insurgent groups.

¹⁵ *UNHCR Populations of Concern to UNHCR : A Statistical Overview 1994*, Geneva, 1994, p.9.

As with refugee flights, the size of a rapidly arriving, often traumatized population is difficult to estimate even under ideal circumstances, with access to and cooperation from the authorities.

UN agencies, particularly UNHCR, can be turned to for statistics, but in some instances they count the internally displaced together with other populations in need. Thus overall figures of uprooted persons may include not only the internally displaced but refugees and the local population. Other parties that can provide reliable estimates include NGOs and other local groups.

Lack of Access: Information on a displaced population is particularly difficult to obtain in the midst of an armed conflict, which makes access difficult or dangerous, or when a government or insurgent group makes a concerted effort to block access by outside observers. At various points, conflicts have prevented outside observers from assessing the number and needs of the internally displaced. In other cases, governments or rebel groups have blocked access in order to shield from viewing poor humanitarian conditions or human rights abuses.

Reluctance to be identified : Some internally displaced may have sufficient resources-often in the form of family or friends-in the area of refuge to allow them to forgo registration. Others may decide

not to draw attention to themselves for fear of inviting further violence or persecution. There is also the 'problem' of mobility. Even if the displaced do not fear being identified, fears about safety may make them move from place to place so frequently that it is difficult to identify and count them. At times they move spontaneously and quietly, slipping out of the towns and centers where they have been taken refuge and dispersing to other areas.

various constituencies for autonomy and equitable participation in political and economic life. In most cases, the immediate cause of displacement was civil war or armed insurgency, which forced large numbers from their homes-as in Angola, Burundi, Liberia, Sierra Leone, Sudan and Uganda. In Liberia, the majority of the population became internally displaced when the civil war deteriorated into anarchy and the country suffered near total collapse. Large scale human rights abuses, such as the genocide in Rwanda and the forced resettlement of blacks in South Africa also uprooted large numbers. Ethnic strife, in some cases manipulated by governments, has contributed heavily to displacement. Refugee repatriation is another common source of internal displacement.

A large proportion of the internally displaced are known to be women who become heads of households because “the men are fighting, have been killed or have chosen to stay behind to protect their land, or have gone to cities or left the country to avoid recruitment in the military or to seek employment.¹ Dangers faced by displaced women and children throughout Africa seek special attention. Many of the women are victims of sexual violence, intimidation, and local inheritance laws that discriminate against widows attempting to retain family property after the death of their husbands.²

¹ Refugee Policy Group, “Internally Displaced Persons in Africa: Assistance, Challenges and Opportunities,” Washington, D.C., October 1992, p.17.

² Francis. M.Deng, Report on Internally Displaced Persons, E/CN. 4/1995/50, p.10.

Europe : For the first time since the end of the Second World War, Europe has become home to large numbers of internally displaced persons and refugees. At the end of 1996, the continent had close to five million internally displaced persons, roughly double the numbers of its refugees and nearly as many as in Asia. Apart from Turkey and Cyprus, which have the longest history of internal displacement in the region, Eastern Europe and the Caucasus are the main centers of internally displaced populations, as a direct result of the breakdown of the former Soviet Union and the former Yugoslavia. In 1996, significant displaced populations existed in seven countries: Turkey, Bosnia and Herzegovina, Azerbaijan, the Russian Federation, Georgia, Cyprus, and Croatia. Throughout Europe, the predominant cause of internal displacement was ethnic-related conflict.

Asia : Although internal displacement is not widespread in Asia, it is a serious problem in a number of countries. Altogether, Asia has some 5 million internally displaced persons most are located in a patchwork of eight countries in western, central, southern, and southeastern Asia respectively. The countries are Lebanon and Iraq; Tajikistan and Afghanistan; India and Srilanka, Myanmar and Cambodia. In East Asia, significant displacement occurs only in the Philippines.

In Western Asia the largest uprooted population consists of Palestinians (more than 3.5 million) living on the West Bank, Gaza

Strip and neighbouring countries. However, they are recognised as refugees and not internally displaced persons. They are assisted by a UN agency created specifically for them: the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

South Asia has the largest internally displaced population in Asia, about 2.4 million, as a result of conflicts in Afghanistan, Srilanka, and India. Civil wars have been the main cause of internal displacement in Asia, sometimes fomented or exacerbated by foreign intervention. Their causes range from political struggles to ethnic strife, with religion sometimes playing a prominent role. In India, displacement stems mainly from the conflict between, India and Pakistan over Kashmir, a dispute that goes back to 1947 when Kashmir remained with India. Some 250,000 are displaced in India as a result of the conflict in Kashmir state between the Indian authorities and Pakistan backed Muslim Militants.

Ethnic and religious groups constitute a large proportion of the internally displaced in Asia, whether living in camps with friends and relatives, or in makeshift shelters out in open, the displaced of Asia are among the most destitute and vulnerable within each of their societies. Though Asian continent has the smallest percentage of internally displaced persons in relation to the overall population, where displacement problems do exist, they are severe. Moreover, as the most heavily populated continent, and one with a great diversity of

ethnic and religious identities, Asia has the potential to generate large flows of refugees and internally displaced persons.

Latin America : Today, serious problems of internal displacement persist in only three countries in Latin America. Guatemala, Colombia and Peru, which taken together account for one to two million displaced. In all three, civil war have been the predominant cause of displacement. But one significant factors to be noted is that greater progress in dealing with the crisis of internal displacement has been made in Latin America particularly in Central America, than perhaps any other region.

Chapter – IV

INTERNALLY DISPLACED PERSONS IN INDIA

Internal displacement in India – a fact lots of people wouldn't want to believe in, stands out starkly for want of attention . It just cant be pushed aside for the numbers are too large to be ignored, and it is increasing . The two flashed points in India are Jammu and Kashmir and North East India. Causes for, implications of displacement and the response of Indian Government makes for an interesting discussion.

Internal displacement is not a massive problem in India but the government's inadequate response has exacerbated the suffering of those internally displaced.

Throughout the 1990s ethnic conflict based on demands for greater autonomy or secession generated hundreds of thousands of IDPs in India, primarily in the country's northeastern areas of Assam, Tripura, Manipur, Arunachal Pradesh and Mizoram, and in the northern state of Jammu and Kashmir. Estimates vary, but in 1998, the US committee for Refugees reported the total number of displaced persons in the Northeast to be between 170,000 and 230,000. There are reportedly 80,000 ethnic Santhals (and a small number of ethnic Nepalese) displaced in Assam; around 60,000 Bengalis in Assam; more than 20,000 ethnic Paite, Kuki, Naga displaced in Manipur;

39,000 ethnic Reangs displaced from Mizoram to Tripura; 25,000 Bengalis in Tripura; and 3,000 ethnic Chakmas in Arunchal Pradesh. In Jammu and Kashmir state, 350,000 have been displaced, primarily Hindu Pandits but they also include Sikhs and Muslims.¹

Though internal displacement in these areas is a fairly recent phenomenon, the origins of the conflicts that have induced displacement go back to several decades. Over the past 150 years, the Northeast's population swelled from around one million to more than 20 million. In response to labour shortages in the nineteenth century, British administrators encouraged migration from East-Bengal, and between 1947 and the present, hundreds of thousands of Bengali - speaking Hindus streamed into the Northeast from what is now Bangladesh. Feeling threatened by the mass influx of "outsiders", members of some indigenous groups established militant, secessionist organisations. In their effort to establish their ethnic supremacy in certain areas, insurgents have attacked villages, massacred residents, and burned houses to compel other ethnic groups to vacate disputed territory, leaving latter little choice but to move into ill-equipped and inadequately depended displacement camps.

Similarly in Kashmir, Muslim militants have also sought to preserve and assert their identity by acting against minority groups

¹ "No Refugee: The plight of Conflict Induced Internally Displaced Persons in India", www.hrdc.net/sahrdc/16/03/01

such as Hindu Pandits and Sikhs. Most IDPs from Kashmir live in Jammu (some 240,000 people) or Delhi (around 100,000 people), where the government aid they receive is substantially greater than that given to their northeastern counterparts. Displaced Kashmiri Pandits receive a monthly allowance, food aid, semi-permanent housing, medical and educational facilities, and many former governments are still paid their basic salaries. Nevertheless living conditions are poor; the dwellings are similar to 'cardboard rooms' lacking proper drainage systems and other basic amenities. But the Indian Government does not officially recognise them as IDPs - reportedly out of concern that this might attract international attention and involvement. The assistance is also minimal, and the government does not help the displaced find long-term solutions to their plight.

The Government's response to internal displacement in the northeast has largely been to leave the responsibility to state and local authorities, who in many cases are neglectful. Additionally, through the reduction of food rations and medical assistance, the government ignobly pressures IDPs to return to areas in which they feel unsafe.

To redress these problems, the Government needs to develop a strong legal and institutional framework. The Guiding Principles on Internal Displacement, submitted to the UN Commission on Human Rights in 1998, provide a sound ethical and pragmatic foundation for

such a framework for IDPs. Drawing heavily from existing international treaties and conventions, the guiding principles include the rights of IDPs to assistance and protection without discrimination. The constitution of India also affirms basic rights to life, food, and shelter. Together, these legal obligations can help. In Assam, Santhal, Bengali, and Nepali communities have been attacked by militant members of the Bodo tribe, who seek to claim majority status in the Bodo Autonomous Council area of western Assam, which was delineated in 1993 agreement with the central government. Bodo resentment is inflamed by the fact that the flood of outsiders has turned Bodos into minorities in some areas of their homeland.

Over 200,000 IDPs now live in 78 relief camps in Kokrajhar and Bongaigaon districts of Assam. Conditions are very poor. Shelters consist of rows of temporary sheds made of polythene and aluminium sheets. People sleep on the ground on makeshift beds of bamboo; and there is a lack of clean drinking water; and diseases such as malaria, jaundice, dysentery, diarrhoea and influenza pose a serious threat. Groups of five to six people are forced to share essentials. To supplement food rations, which are adequate for at most 10 days a month, they are compelled to consume snails, insects and wild plants. Pregnant women, children, and the elderly suffer the highest health risks in the camps. Over the past couple years, camps have been repeatedly, leaving several dead and dozens injured.

Displaced Bengalis in Tripura live in similar conditions. In response to the Bengalis' rapid attainment of majority status in the state, tribal militant groups such as the National Liberation Front of Tripura (NLFT) and the All Tripura Tiger Force (ATTF) have sought to establish autonomous areas attacking Bengali communities. Bengalis are thus forced to flee to displacement camps which are inadequately defended, as evidenced by the slaying of 32 people in a 1997 attack.

In spite of government efforts to find a compromise to the long running Naga dispute, renewed strife between the Nagas and the Kukis in the in Manipur has resulted in the death of over 1,000 people since 1992 and large-scale population movements. Additional tribal tensions reinforce instability in the state. Kukis and Paites have clashed since 1997 and friction persists between the Nagas and Meiteis. Violence between these groups has reportedly left 50,000 people homeless as entire villages are burned to the ground. Militants have also burned granaries, putting thousands to people to risk of malnutrition and starvation. Eleven thousand people now live in displacement camps and the government of neighbouring Mizoram has restricted the displaced from crossing into its territory.

In Mizoram, fearing presecution from the ethnic majority Mizos, 15,000 to 50,000 Reang tribals have fled their homes since 1997 and found shelter in north Tripura, border villages of Assam and the Chittagong Hill Tracts and Bangladesh. In order to accelerate the

repatriation process, the Tripura government discontinued food rations and medical services in some camps, causing at least 16 people to starve to death. At least 260 IDPs dies as a result of inadequate shelter and unclean water, and around 1,400 reportedly became seriously ill. Additionally, displacement camps are susceptible to attacks and mismanagement, for which the National Human Rihgts Commission castigated the Mizoram government in a 1998 report structure a workable solution to these problems.²

The Government should also strengthen its institutional capacity to assist IDPs by enhancing communication between vulnerable populations, their state governments and the central government. Displaced women, as household managers, must be involved in decision-making and assistance distribution groups. The administration and security forces must be made more transparent and accountable in order to improve protection and prevent army abuses such as rape, arbitrary arrest and murder.

Future wars and internal conflict are likely to produce more IDPs than official refugees. In addressing the plight of IDPs in the Northeast and Kashmir, India can become an important frontrunner for future international law and policy developments.

² Ibid., p. 3

Chapter - V

THE ROLE OF UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The increase in the numbers of IDPs has not led to a decrease in the numbers of Refugees. How has this issue been dealt with by the organizations, both national & international? Lack of a proper & adequate mandate along with the concept of sovereignty of states pose a big challenge towards the resolution of the displacement problem. After getting a generic view of other UN agencies & their responses one finally settles to the response & activities of UNHCR – the principal UN agency, which has & is working in this area. The role of UNHCR has been inadequate and its response uneven when the issue of internally persons comes up.

One also gets a briefing on the role of, efficiency of, need for the Representative of U.N. Secretary General on Internally Displaced Persons .

In recent years a broad range of humanitarian, human rights, and development organizations have begun to provide protection assistance, and reintegration and development support to internally displaced the response has been highly uneven.

Since, the late 1980s, the United Nations has taken steps to enhance its capacity to respond to situations of internal displacement. Following two international conferences on uprooted populations in

1988 and 1989, the General Assembly in 1990 assigned to resident coordinators the function of coordinating assistance to internally displaced persons in the field. The following year it created the post of emergency relief co-ordinator (the ERC) to promote a more rational and coherent response to emergency solutions. The very same year, with concerns over human rights and protection mounting, the Commission on Human Rights requested that the Secretary-general prepare an analytical report on internally displaced persons. And in 1992, at the request of the Commission on Human Rights, the secretary-general appointed a representative on internally displaced persons to focus attention on the human rights dimension of the problem and to identify ways and means of improving protection and assistance for the internally displaced. Also in 1992, the United Nations created the Inter-Agency Standing Committee (IASC), chaired by the ERC and composed of the heads of the major UN humanitarian and development agencies, to strengthen coordination in emergency situations. The IASC created a task force on internally displaced persons, which operated until 1997, and it designated the ERC "reference point" for requests for assistance and protection in actual or developing situations of internal displacement. In his 1997 UN reform program, the secretary-general reaffirmed the role of the ERC as being responsible for "ensuring" that "protection" and assistance for internally displaced persons are addressed.

Taken together, these initiatives represent an important progression toward developing mechanisms and policies within the UN system to be applied to situations of internal displacement. Nonetheless, this global problem is still being addressed in a basically ad hoc manner. Coordination is weak and a comprehensive approach that integrates assistance, protection, and reintegrate and development support has yet to be put in place.

Seven principal operational organizations play a role with internally displaced persons: the UN Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Development Programme, the World Food Programme, the United Nations Children's Fund, the World Health Organization, and the International Organisation for migration.

Other UN organisations play more marginal roles. The Food and Agriculture Organisation, through its global information and early warning system, provides information to the United Nations on sudden population displacements as a result of drought and famine. It also participates in needs assessments missions in emergency situations. It is involved with the internally displaced mainly in the areas of resettlement and rehabilitation. The FAO, for example, has assisted returning internally displaced persons and refugees to adopt to new farming systems and agricultural environments. The International

Labor Organizations supports community-based income-generating and employment projects that benefit internally displaced persons.

The capacities of organizations, agencies vary widely, with no one among them having the ability to meet all the needs of the displaced. Some organisations focus on assistance, others on protection and assistance, still others on reintegration and development support, while one has special expertise in transport.

REPRESENTATIVE OF THE SECRETARY GENERAL ON INTERNALLY DISPLACED PERSONS:

The representative of the secretary-general is the only position within the UN system with a mandate from the Commission on Human Rights and the Secretary-General to focus exclusively on the problem of internal displacement and to address both protection and assistance. Francis M. Deng, a former Sudanese diplomat, was designated the representative in 1992 and given a broad mandate by the commission that encompassed both human rights and humanitarian concerns. The representative was authorized to monitor displacement worldwide, undertake fact-finding missions, establish dialogues with governments, coordinate with humanitarian and human rights bodies, make proposals for increased legal and institutional protection, and publish reports for action by the commission, the General Assembly, International Organizations and NGO's. In 1993 the commission extended Deng's mandate for two

years and in 1995 for another three years, with the request be continue to identify ways and means for improved protection for and assistance to internally displaced persons.¹

Since his appointment, the representative has visited twelve countries experiencing serious problems of internal displacement.² He has published reports on the country situations and made recommendations to governments and international agencies for improving the treatment of the displaced. He has raised national and international awareness of the plight of the displaced and in a number of instances has stimulated improvements in their condition.

In addition, he has promoted the development of a legal framework for the internally displaced. Working with a group of international legal experts, he has developed guiding principles for the internally displaced that include protection against arbitrary displacement, protection for those already displaced, and protection for returning displaced persons.³

To a great extent, the position of the representative has evolved into one of catalyst within the UN system, raising awareness of the human rights and protection problems of the internally displaced and stimulating improvements at the institutional level, in the area of the

¹ "Internal Conflict & Displacement", *The State of the World's Refugees 1997-98, A Humanitarian Agenda*. Oxford Unix Press, New York, 1997, p. 109.

² Commission on Human Rights, *Internally Displaced Person, Resolution 1993/95/United Nations, March 11, 1993, and Resolution 1995/57/United Nations, March 3, 1995.*

³ General Assembly, *Note by the Secretary General, Internally Displaced Persons, A/51/483/Add.1 /United Nations, October 24, 1996.*

legal protection, and on the ground. Until his appointment, there was no systematic UN effort to report of internally displaced persons. No international official was charged with raising their protection problems with government, other than on an ad hoc basis nor was any official charged with raising the problems of the displaced with international humanitarian and development agencies.

However, the representative's role is limited. The position is a voluntary one, expected to be carried out on a part-time basis. The office has no operational authority and limited staff support. The resources placed at the representative's disposal do not enable him to undertake systematic monitoring of situations of internal displacement or frequent visits to countries with serious problems of internal displacement. In his reports, the representative has pointed that "no established procedure or mechanism exists.... to monitor situations in the countries visited and to ensure that the points agreed upon are carried out; nor are there resources for follow-up visits.⁴ Unless "institutional responsibility is established, he has warned: the faith of displaced populations in the United Nations system will be undermined. It clearly could become counterproductive for the representative to pay visits to the displaced, hear moving accounts of their needs intercede with government and

⁴ Commission on Human Rights, *Compilation and Analysis of Legal Norms*, Report of the Representative of the Secretary General on Internally Displaced Persons, E/CN.4/1996/52/Add.2, United Nations, December 5, 1995.

international agencies, only not to be heard from again. Continued monitoring of these situations is essential to sustain the momentum of the visits and to ensure active collaboration between the government and United Nations agencies on the ground .⁵

However, here as the work is concerned with internally displaced persons and the role of UNHCR, the focus would be UNHCR.

United Nations High Commissioner for Refugees:

Of all the UN agencies, UNHCR plays the broadest role in addressing the problems of the internally displaced: it offers protection, assistance and initial support for reintegration. Although UNHCR's statute does not include internally displaced persons, the organization has increasingly become involved in the situations they face at the request of the secretary-general or the General Assembly, and with the consent of the state concerned. In such cases UNHCR must act within the limits of its resources, since activities for the internally displaced are not financed by UNHCR's general program but from special trust funds.

In 1993 the General Assembly recognized the UNHCR's activities could be extended to internally displaced persons when both refugees and internally displaced persons are so intertwined that it would be practically impossible or inappropriate to assist one group and not the

⁵ Deng, Francis M, *Internally Displaced Persons : An Interim Report to the United Nations Secretary Report to the United Nations Secretary-General on Protection and Assistance*, UN Department of Humanitarian Affairs and Refugee Policy Group, December 1994, p.16.

other.⁶ This can happen when refugees and the internally displaced are returning to the same area, or when external and internal displacement stems from the same causes and advantages come into force in having one operation deal with both the groups. Helping internally displaced persons remain in safety in their own country could prevent a refugee flow. This is one reason for the increase in the numbers of those displaced in proportion to those of refugees.

Application of these criteria has been largely at the organisation's discretion, with the result that UNHCR has played a prominent role in assisting and protecting internally displaced populations in some countries, for example, former Yugoslavia and Tajikistan but not in others. In some cases it has been involved only if the displaced are mixed with returning refugees (as in Guatemala, Sierra Leone, and Angola), and in several cases it has played no role at all. At the end of 1996 UNHCR identified 4.85 million internally displaced persons to be of 'concern' to the organization. This figure amounts to less than 25 percent of the total number world wide.⁷

Owing to the similarity between the needs of refugees and internally displaced persons UNHCR has been able to apply its expertise to the internally displaced. Often, however, there are differences which require new approaches. When UNHCR provides

⁶ Deng, Francis M. *Internally Displaced Persons: An Interim Report : An Interim Report*, p.19, 1993.

international protection to refugees, it defends refugees' legal right to asylum and non-refoulement and seeks to give refugees who lawfully reside on the territory of a foreign state a status as close as possible to that its citizens. Such international protection is achieved when governments accede to international treaties on refugees. No specific legal instrument of this nature applies to the internally displaced. Protecting the internally displaced has meant trying to defend their physical safety and human rights under international humanitarian and human rights law. Again it is found that the UNHCR staff are generally not familiar with the legal instruments to.⁸

Both the groups also differ in the conditions surrounding their return. This may involve monitoring their return to their final destination in their country of origin and providing initial assistance with reintegration. In the case of internally displaced persons, UNHCR has no statutory responsibility. It has nevertheless helped substantial numbers return and reintegrate in accordance with specific mandates given to the high commissioner, For example, UNHCR, has helped returning refugees and internally displaced persons to reintegrate in countries such as Nicaragua, Somalia, Tajikistan, and Afghanistan. In Rwanda, it has registered internally displaced persons for return, provided transport and relief. It has also drawn up draft

⁷ General Assembly, *Office of the United Nations High Commissioner for the Refugees*. Resolution 48/116, United Nations, December 20, 1993.

⁸ UNHRC, *Refugees and others of concern to UNHRC : 1996 Statistical Overview*, Geneva, 1997.

principles to promote safe and secure returns in accordance with UNHCR principles for refugees.

One reason for the UNHCR's hesitation in assuming greater responsibility towards internally displaced persons is that involvement in countries of origin would mean a change in the character of the agency and detract from its primary responsibility of protection and assisting refugees. For example, when UNHCR assumed responsibility for internally displaced persons and war victims in the former Yugoslavia it had to do away with more than half of its US \$ 1.5 billion budget. It is often argued that, if UNHCR were to take on greater responsibility with regard to internally displaced persons it could become overstretched and far exceed its capabilities. Other points of concerns relate to the difficulty of protecting and assisting persons in situations of internal conflicts and the huge risk to its staff. Another problem is the tensions that arise between protecting people in their countries of origin and simultaneously defending their right to leave their country and seek asylum from persecution.

Although UNHCR has repeatedly stated that protection of internally displaced persons cannot be at the expense of the organization's basic commitment to asylum, leading NGOs have pointed to a conflict of interests in UNHCR's speaking for both. Governments reluctant to receive refugees also have used UNHCR's in-country protection activities as a pretext for refusing to grant asylum.

UNHCR has got itself directly involved in very few cases of internal displacement. The details of which are mentioned in the following paragraphs.

In Mozambique, UNHCR emerged as the main UN operating agency only in 1993, largely because of its responsibilities towards the 1.7 million refugees who gradually repatriated during 1993-95. Using food supplied by World Food Programme, UNHCR distributions to returning refugees at times targetted IDPs going home. During the worst years of Mozambique's war, however, internally displaced populations outside Maputo received minimal UN assistance, partly because of the security concerns because no single UN agency had primary responsibility for assisting the internally displaced. Similar was the status of internally displaced populations of Sierra Leone who were provided with limited assistance by the UNHCR when they were mixed with returning refugees.

The role of the United Nations, particularly that of UNHCR, on behalf of internally displaced persons in Europe has been complex, varied and controversial. Although the UN presence has made humanitarian assistance available to internally displaced persons, it has not had a demonstrated impact in preventing the displacement of civilians from their homes in the midst of ethnic conflict. Nor has it shown itself able to provide effective protection for the displaced at critical periods. Moreover, its presence has unintentionally given

neighbouring states a pretext to deny would be refugees avenues of escape, causing them to remain internally displaced. This can be explained by taking the example of Bosnia.

In Bosnia, the mandate and role of UNHCR underwent a dramatic transformation, from that of an agency whose sole purpose was to secure asylum from refugees and prevent their involuntary return to persecution into an organization that also provided humanitarian assistance during conflict to internally displaced persons and other at risk populations.⁹

In Bosnia and Herzegovina UNHCR is the lead organization on asylum and asylum related issues, and it coordinates with other agencies on migration in general. In early 2000, UNHCR also established a Working Group on Immigration and Asylum with the OHR, the MHRR, and the EU PHARE project. The Working Group currently has its primary objective the elaboration of the legal framework and the establishment of procedures as provided for in current legislation. UNHCR at present is also undertaking refugee status determination on behalf of Bosnia and Herzegovina, pending establishment of a national capacity and appropriate procedures.

In spite of it being designated the lead UN humanitarian agency in Bosnia and Herzegovina. It was less than successful in negotiating political solutions to the "problems confronting displaced persons.

⁹ Division of International Protection, UNHCR, *UNHCR's Operational Experience with Internally Displaced Person*, Geneva, September 1994, pp.78-82.

Infact the displaced persons who congregated in many of the UN-protected "safe areas" in Bosnia found their food and medicine shipments blocked and their members subjected to direct attack. The most tragic and well-published event occurred in July 1995 when the Serbrenica "safe area" fell and more than 5,000 Muslim men and boys, separated from their families by Bosnian Serb Forces, "disappeared" , with only about 4000 out of 12,000 to 15,000 reaching

government lines. But again it did play a key role in sustaining beseiged populations and maintained a useful coordinating role not only for UN agencies but also for its NGO implementing partners.

In Georgia, the United Nations was instrumental in forging the April 1994, Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons to Abkhazia and in subsequent negotiations to implement its return provisions, which affected 280,000 internally displaced persons. UNHCR's work was closely coordinated with that of the UN observer Mission in Georgia (UNOMIG), a presence intended to reduce conditions causing persons to flee and to ameliorate conditions preventing their return.

Unfortunately, the mediating role of the United Nations could be no more effective than willingness of the parties to the conflict to resolve their differences. In Georgia, Abkhazia authorities interfered

with the return of internally displaced persons, rendering the Quadripartite Agreement an empty promise.¹⁰

As indicated earlier, in Latin America internal displacement persist in only three countries - Guatemala, Colombia and Peru. Which when all the three taken together account for one to two million displaced. Civil war being the predominant cause of displacement in all the three cases. UNHCR got involved only in the Colombian situation. Although the representative of the UN secretary-general on internally displaced persons visited Colombia in 1994 and Peru in 1995, UN agencies and other international humanitarian organizations have extended only minimal assistance for internal displacement problems in these two countries.

The problem of internal displacement in Colombia remains largely unaddressed at both national and international levels. In recent years, the Colombian government has adopted a series of measures and mechanisms to address the country's human rights problem.

Despite, the presence of many UN and international agencies in Colombia, very few of them are directly involved in assisting the internally displaced. The International Committee of the Red Cross is

¹⁰ Barutiski , Mikhael, "The Reinforcement of Non-Admission Policies and the Subversion of UNHCR : Displacement and Internal Assistance in Bosnia-Herzegovina (1992-1994)", *International Journal of Refugee Law*, Vol.8, No.12, 1996, p.80.

one of the few. The UN High Commissioner for Human Rights has also established an office in the country.

Until recently UNHCR did not have a field presence in Colombia, and was not directly involved in providing assistance or protection to the victims of internal displacement. The deteriorating situation in the country, however, has led to the organization to reconsider its position both in Colombia itself and in neighbouring countries of asylum. At the end of May 1997, UNHCR established an 'antenna' in Bogota to monitor developments in Columbia. UNHCR staff have also been present in Panama since the first Colombian asylum seekers started to arrive at the end of 1996. Finally UNHCR continues to play an active role taking various regional initiatives to address the problem of internal displacement, such as the inter-agency consultative Group on internally Displaced in the Americas.

The United Nations has taken a far more active role in Central America, in large part because the conflicts in this region produced refugees. Hence UNHCR became involved in protection, assistance, and the return process. In 1989, in response to peace initiatives in Central America, UNHCR, together with the governments of Central America, covered the International Conference on Central American Refugees. The Plan of action agreed to by the conference committed these governments to far-reaching humanitarian and development programs for displaced persons and refugees and committed

international donors to channel funds in support of programs for the displaced and exited.¹¹

The Permanent Consultation on Internal Displacement in the Americas, which was created in 1992, has brought together both NGOs and UN agencies to seek solutions to internal displacement in the Americas. It is one of the most innovative regional bodies established for this purpose.

Despite its guidelines on behalf of the internally displaced people, the UNHCR activities have attracted a degree of criticism. On one hand it is criticized that organisation's criteria allow it to pick and choose the situation of internal displacement in which it wants to become involved, thereby perpetuating the lack of predictability in the international response. For example, several non-governmental organisations have suggested that UNHCR was too slow to extend its services to local Zaireans who had been displaced by the fighting at the end of 1996. Again some have questioned UNHCR's reluctance to become involved in assisting the internally displaced in Columbia and Peru, although the Secretary-General has now designated UNDP as the lead agency in the latter state.

On the other hand, it has been suggested that by working with displaced populations in their own country, UNHCR encourages neighbouring and nearby states to close their borders to potential

¹¹ Hunt, Kathleen, *Forced Migration Review*, Vol. 2, August, 1996, pp.19-21.

refugees, thereby undermining the institution of asylum. Such comments have been made in relation to the Organisation's operation in Bosnia, where UNHCR initially believed that its presence might mitigate the level human rights abuse and thereby enable people to remain in their homes.

A number of states subsequently used the organization's presence in the conflict zone as a pretext for the closure of their border to Bosnian asylum seekers.

Another argument is that, that UNHCR's activities with internally displaced people in countries which are also hosting large numbers of refugees may undermine the protection of the latter group. If UNHCR advocates strongly on behalf of the internally displaced, it has been suggested, then the states willingness to cooperate with the organization on refugee related matters may be weakened. Others, suggest that there is no contradiction between the organization two protection functions. They suggest that both entails the promotion of the same human rights principles.

Chapter VI

CONCLUSION

Countries with histories of arbitrary rule, underdevelopment, mistreatment of ethnic, class, tribal groups or with serious rivalries among these groups, have been fertile ground for conflict and mass displacement. The Cold War has also contributed substantially to the problem of internal displacement. In some cases, displacement is not just a result but the objective of the conflict. "Ethnic cleansing" has not just been confined to the former Yugoslavia; it has been practiced widely in the former Soviet Union, West Asia, and in parts of Africa. In most cases internal displacement was manipulated by political leaders to achieve political and military ends.

Although displacements may occur differently in different countries and regions, most displaced populations find themselves marginalized within the society and without responsible authorities to turn to. Often, they become the most disadvantaged members of the population and find themselves destitute, vulnerable, and subject to severe protection problems, whether in Africa, Asia, Europe, or Latin America. While large numbers can be found in unofficial camps or settlements, or crowded in with relatives, the majority seem to flee towards urban centers whose infrastructure quickly become overwhelmed by the needs of the in flowing population.

Government responses to crises of internal displacement have been notoriously weak, and there are few national institutions to deal with the problem. In many cases, the government themselves are a part of the problem and have even caused it. In other cases, they simply do not have the resources to meet the needs of those displaced. In still others, governments have set up offices and implemented assistance programs, but only to help those displaced who belong to the same ethnic group as the one in power. Nonetheless, some governments have moved to establish agencies for the displaced and to set up relief centers to protect and assist all their needy displaced populations, without discrimination.

There are more promising signs when it comes to efforts by indigenous non-governmental organizations to help internally displaced. But some regions have little or no tradition of NGOs, and there are many instances where governments have persecuted NGO staff for their work with those displaced. Regional organisations, although often weak, have nonetheless begun to recognise the existence of the problem. They are also seeking ways and means of addressing it; some have even undertaken field operations on behalf of the displaced. One stresses more on both national and regional efforts because of the ad hoc nature of international assistance.

One important fact to bear in mind is that the problem of internal displacement is here to stay for a long time, which would

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