

Internally displaced persons

The mandate and role of the International Committee of the Red Cross

I. Introduction

The increased occurrence of internal displacement in recent years, along with a better knowledge of the severe plight of the millions of people affected, has resulted in a growing concern within the international community. The concern is amply justified: all too often, the internally displaced suffer extreme deprivation, threatening their very possibility of survival, and all too often they are exposed to considerable danger, both during flight and while in displacement. Accordingly, the death toll among internally displaced persons has often reached extreme proportions, particularly among physically weaker persons such as children, the elderly or pregnant women. Hardships experienced by those left behind or by host communities compound the problem.

Several initiatives have been taken to address the plight of internally displaced persons more efficiently. In the quest for a more effective response, the international community has concentrated its efforts along two main lines, that of identifying an appropriate normative framework and that of developing effective institutional arrangements. The Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, has been catalytic to these initiatives, and more generally, to stimulating a better understanding of the numerous complex issues associated with internal displacement.

As a major humanitarian organization, the ICRC is strongly committed to promoting an improved response to the plight of the internally displaced. To this end, it has actively participated in the analysis of the issues at stake, the elaboration of strategies aimed at improving the operational response, and the formulation of adequate standards.

The purpose of the present paper is to present the nature and degree of ICRC involvement with internally displaced persons, so as to convey when and how the ICRC may be counted upon to respond to their plight.

II. Internally displaced persons of primary concern to the ICRC

The definition most commonly referred to within the international community was developed by the Representative of the Secretary-General, and is provided in the document entitled “Guiding Principles on Internal Displacement” (hereinafter: Guiding Principles). The definition is broad, covering *inter alia* “persons ... who have been forced to flee or to leave their homes ... 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 ...”.

In the opinion of the ICRC, this definition is fully suited for the purposes of the Guiding Principles, insofar as these articulate standards which “reflect and are consistent with international human rights law and international humanitarian law” (quoted from the introductory part of the Guiding Principles). As such, they simply restate rights which may be relevant for any human being affected by displacement. However, the UN definition does not seem as readily applicable for operational purposes, as it covers a group that is so wide and whose needs are so varied that it exceeds the capacities and expertise of any single organization. Accordingly, several humanitarian organizations depart from this definition when seeking to identify persons falling within the scope of their activities and mandate. Some employ criteria which narrow down the category of persons of concern, for instance by concentrating on those who are victims of persecution. Others seem to go beyond the definition by also including returning refugees or demobilized soldiers.

The ICRC's criterion for involvement is that of being present and active primarily in specific situations. As a neutral intermediary in the event of armed conflict or unrest, the ICRC seeks to bring protection and assistance to the victims of international and non-international armed conflict and internal disturbances and tension. In these situations, it seeks to give priority to those in most urgent need, in accordance with the principle of impartiality. In this respect, the ICRC considers an internally displaced person to be first and foremost a civilian, who as such is protected by international humanitarian law.

Given their precarious situation, internally displaced persons affected by armed conflict — who constitute one of the main categories of the displaced and who in many cases are also in the most life-threatening situation — would often constitute a primary target

group for ICRC activities. They are at the core of the ICRC's mandate, and represent a considerable part of its caseload. However, other categories of victims, such as besieged populations and elderly or sick persons left behind, may sometimes be in an equally or even more difficult situation. In such cases, it follows from the principle of impartiality which underlies the ICRC's activities that these persons would also be among the main beneficiaries of our work.

Conversely, there are numerous cases where the internally displaced have reached relative safety in large cities, and where their conditions are comparable to that of other large groups that make up the urban poor, such as people who have moved from the rural areas for economic reasons. In such contexts, which are the reality of daily life for tens, if not hundreds, of millions of people around the world, it would neither appear legitimate to provide assistance to only one segment of the population, nor would it be effective to provide emergency assistance where the problem is, in fact, rather a challenge of socio-economic development.

In every case, however, where internally displaced persons are exposed to violence related to conflict or disturbances, the ICRC would consider it as its duty to be actively involved, in accordance with its mandate and capacities, and to the extent that the relevant authorities or the security conditions allow. In geographical terms, this involvement may well go beyond the zones where active hostilities take place, so that the ICRC addresses protection problems affecting internally displaced persons, and indeed any other civilians, whatever part of the country they may be in. *Although for numerous reasons displacement statistics are bound to remain rough estimates, the ICRC considers that of the close to five million persons assisted by it in the course of 1999, the great majority were internally displaced. For the year 2000, programmes specifically aimed at protecting and assisting internally displaced persons have been developed in thirty-one countries throughout the world.*

III. The normative framework

Although internally displaced persons are entitled to the protection provided by international human rights law and humanitarian law, it has often been difficult for governments, humanitarian organi-

zations and the displaced themselves to identify applicable guarantees in specific situations. The Guiding Principles were intended to restate general principles of protection in more specific detail and to address grey areas and gaps in the law, thereby giving authoritative guidance to all those confronted with internal displacement. The ICRC contributed to the formulation of the Guiding Principles, and supports their dissemination and use at the operational level. For its part, the ICRC may utilize the Guiding Principles when they deal with a problem addressed only implicitly by international humanitarian law or to which it does not apply.

At the same time, the ICRC has repeatedly underlined that *international humanitarian law, which is legally binding on both State and non-state actors in situations of armed conflict, remains fully adequate to address most problems of internal displacement associated with such situations*. This is so in spite of the fact that the term “internally displaced persons” does not appear anywhere in that law. Indeed, the 1949 Geneva Conventions and their 1977 Additional Protocols give extensive protection to the civilian population, both against displacement and to those who have been displaced, by means of numerous and detailed clauses providing for civilian immunity from military attacks and various forms of abuse, as well as for material support for those in need. In addition international humanitarian law contains express prohibitions and limits on forced displacement.

As regards refugee law, the ICRC would like to add its voice to those who warn against drawing excessive parallels between internal displacement and the problems of refugees. Although the causes and consequences of displacement and the obstacles to their return may be similar for both internally displaced persons and refugees, the legal regimes applicable to the respective groups are different. While refugees are victims of persecution and as such are in need of a specific legal regime, the internally displaced are in their own country and accordingly remain fully entitled to the full range of protection provided by international human rights law, humanitarian law and domestic law. There can be no valid basis for assimilating the status of internally displaced persons with that of aliens, as is often done in the case of refugees.

IV. Parameters for ICRC's activities

Any protection and assistance strategy aimed at effectively addressing the needs of displaced persons must remain flexible, so as to take into account the great diversity of contexts in which displacements occur. Suffice it to mention recent crises of a sudden and large-scale nature such as Kosovo or East Timor, which called for an *urgent response and strengthened coordination* between the actors involved; long-standing conflicts, such as those affecting certain regions of Sudan, Angola or Afghanistan, which have left an already fragile population in utter destitution and where the *involvement of humanitarian organizations may be limited owing to the volatile security situation or denied access*; "frozen" conflicts, such as those in Rwanda, Georgia or Bosnia and Herzegovina, calling for a *sustained presence long after the peak of violence is past*; and situations where security risks are such that they prevent expatriate staff from being deployed, such as those prevailing in Somalia or in the northern Caucasus, so that humanitarian activities have to be largely *"remote-controlled"* from abroad and implemented by local employees.

Additional factors having an impact on the ICRC's strategy may arise from the conditions prevailing in specific situations. For instance, where the internally displaced are being accommodated in host communities, it will sometimes be necessary to support the whole of the population, for instance by means of food aid, since any available resources will often have already been shared and every person affected will thus be in a similar situation. Conversely, where the internally displaced are housed in camps, they may face specific security threats. Such threats may result from the danger of military attacks, or, within the camps, from abuses committed against vulnerable individuals, such as single women or unaccompanied children.

a) Current challenges

In general terms, the ICRC's humanitarian assistance programmes seek to strike a balance between cases where the internally displaced are best helped through *targeted activities* and those where they are assisted through *more general efforts aimed at broader segments of the population*. Overall, a major consideration underlying ICRC humanitarian assistance programmes is to promote the self-reliance of affected communities. One

strategy to reach this objective is to improve the capacity of host populations to absorb internally displaced persons. In parallel, care is taken to preserve existing coping mechanisms utilized by the victims of displacement, and to avoid aggravating the situation by increasing the disparities between various segments of the population, or to prevent corruption or the misappropriation of goods by the parties to the conflict.

Through its work to promote a better implementation of international humanitarian law, *the ICRC seeks to preserve conditions which may allow persons to remain in their homes, to protect those who are uprooted, and to promote a return whenever this is appropriate.* The high displacement figures testify to the current difficulties of ensuring an effective implementation of humanitarian law, which seriously affect not only the internally displaced, but the population at large.

In this respect, a serious challenge to the implementation of the law, and for humanitarian work in general, is the lack of access of humanitarian organizations to the victims. Sometimes this is due to deliberate obstruction by parties to the conflict. Another serious problem is the lack of security for humanitarian workers. At times these problems are related, for instance when the population is being displaced or forcibly relocated as part of a military strategy aimed at weakening the support base of the "enemy". Unfortunately, such illegal practices have become all too common. Where humanitarian workers provide assistance to the civilian victims of such strategies, they may in turn be perceived as promoting the goals of one of the parties, and as a result be specifically targeted by the other. Needless to say, without an environment providing minimal conditions of security, without an understanding and acceptance of the role of humanitarian actors by the parties to the conflict, no effective or sustained programme can be envisaged, be it on behalf of internally displaced persons or any other part of the civilian population.

The following can therefore only serve as an indication of the overall strategy adopted by the ICRC, and as an illustration of activities that are currently being carried out in various parts of the world.

b) Protection strategies and modes of action

The ICRC considers that problems resulting from internal displacement are *first and foremost the responsibility of national authorities*, who

bear the main obligation to ensure that the protection and assistance needs of internally displaced persons are being met. Against this background, *the ICRC has adopted a strategy based on sustained and in-depth dialogue with all parties to a conflict and/or other agents of violence*, whether States or other armed groups, with a view to inducing them to fulfil their obligations and ease the plight of the victims under their control. Where a dialogue and confidential intercessions fail to produce the desired result, the ICRC may, subject to certain conditions, also call on the support of the international community, whether through *discreet diplomacy or through public appeals*, in the hope that external involvement can help bring about an improvement of the situation.

Wherever possible, the ICRC seeks to establish a *permanent presence on the ground*, close to the victims of conflict and violence, so as to monitor their situation, to check that their rights are being respected and to *report its observations to the authorities concerned*, in order to prevent or put an end to possible violations of the law.

The ICRC carries out a wide range of activities to promote a better protection of civilians, including of course the internally displaced. In line with its mandate, the ICRC may remind the parties of their obligations under international humanitarian law, and intercede with arms carriers responsible for violations. Where appropriate the ICRC provides *support to the authorities, for example through technical cooperation, training or dissemination activities, so as to enable them to take the necessary measures to prevent violations*. It may also endeavour to act as a *neutral intermediary between the parties to the conflict, or between the victims and the authorities, to facilitate the conclusion of agreements aimed at resolving humanitarian problems*, such as the establishment of protected areas or the evacuation of persons at risk. Wherever the return of displaced persons is feasible, the ICRC also seeks to stimulate authorities to take necessary measures to ensure that their return can take place in safety and dignity, and that the necessary material conditions are in place.

Besides seeking to encourage better respect for international humanitarian law through its contacts with the various agents of violence, the ICRC also provides a *variety of services and material aid* aimed at improving the situation of the victims. Among protection activities of particular relevance to internally displaced persons, the ICRC seeks

to *preserve the family unit or to restore family links*, where these have been disrupted, through activities such as registration, enquiries into the fate and whereabouts of missing persons and searches for them, exchanges of Red Cross messages and the reunification of dispersed families, with *particular attention given to vulnerable persons such as unaccompanied minors, elderly and handicapped persons*. Another serious problem to which internally displaced persons may sometimes be exposed is that of landmines, which the ICRC seeks to address through *mine-awareness programmes, first aid, surgery and prosthetic/orthotic services*.

c) Assistance activities

Apart from the above-mentioned protection activities that the ICRC is currently carrying out in different parts of the world, the following programmes may also be highlighted:

In *Angola*, large parts of the territory are inaccessible to humanitarian organizations. In Huambo, nearly 300,000 displaced and resident persons are receiving intensive support (food, access to health services, water, seed and other items of prime necessity). Owing to security concerns, humanitarian workers have only limited access to major parts of *Somalia*. Some 200,000 people in various regions of that country are receiving food aid, or will do so in the following weeks, while a similar number will receive seed and other basic commodities. Similar problems are prevailing in the *Democratic Republic of the Congo*. In regions where the ICRC is present, it is providing various forms of assistance to some 200,000 people, and supporting some fifteen hospitals and thirty health clinics. In the eastern part of the country, it is helping to provide safe drinking water to some 2,000,000 people, many of whom are displaced.

Likewise, in *Afghanistan*, 23,000 families living in Kabul are receiving food aid and other basic commodities. They are all headed by widows or handicapped persons, and many have been displaced by the conflict. In addition, more than 150,000 people have received medical care through programmes in support of hospitals, while some 500,000 have benefited from agricultural assistance. In *Indonesia*, some 50,000 displaced people and local inhabitants are receiving humanitarian assistance in various parts of the archipelago (Kalimantan, Aceh, the Moluccan islands, and West Timor). In *East Timor*, some 120,000 for-

merly displaced persons are benefiting from food aid and the rehabilitation of medical facilities and drinking water systems.

In *Colombia*, close to 160,000 internally displaced persons are receiving food aid and basic commodities, while another 25,000 have received financial assistance as a means of facilitating their resettlement. Four mobile clinics have been sent into conflict zones to maintain access to health care for displaced persons and local inhabitants.

In the *Federal Republic of Yugoslavia*, more than 230,000 persons displaced from Kosovo are receiving food and hygiene items, while some 90,000 destitute inhabitants are being fed at soup kitchens. Within Kosovo itself, nearly 65,000 vulnerable persons, including many displaced, have received clothing, blankets and mattresses. Additional tens of thousands have better access to health and water services as a result of rehabilitation and reparation programmes. In the *Russian Federation*, more than 200,000 internally displaced from Chechnya have received food and basic commodities in the course of the last three months. Health facilities have also been given support.

V. Institutional cooperation

The scope and complexity of internal displacement call for a correspondingly multifaceted response and the active involvement of those who possess the necessary expertise and operational capacity within their field of activity. *As one of the major humanitarian agencies concerned with the internally displaced, the ICRC therefore remains fully committed to promoting effective institutional cooperation.*

At the same time, the ICRC is of the view that in order to carry out its mandate in an effective manner, it needs to *preserve the confidence of all the parties involved, for without that confidence access to the victims and the safety of its staff may be jeopardized.* To this end, it not only abstains from taking sides in hostilities or from engaging in controversies between the parties involved; equally important, the ICRC insists on its independence from all other players, so as to be able to act in accordance with humanitarian principles.

In this respect, the ICRC considers it important that its cooperation with other organizations takes place in a manner which does not put at risk the *perception of the ICRC as a neutral, impartial and indepen-*

dent organization, exclusively driven by humanitarian concerns. This risk is perhaps greatest when one and the same organization simultaneously engages in political, military and humanitarian efforts, but may also be present in other circumstances, for instance when the parties on the ground suspect that the humanitarian action taken is influenced by political considerations of States.

In order to preserve its independence, the ICRC has abstained from committing itself to respond in a predetermined manner, for instance by concluding memoranda of understanding with its major partner organizations. At the same time, it recognizes the need for its external interlocutors to have a clear idea of the involvement they can expect from it towards the internally displaced. To this end, the ICRC has maintained and developed its dialogue with key partners, at both the bilateral and the multilateral levels.

As for cooperation with *United Nations bodies*, the ICRC actively participates in the work of the Inter-Agency Standing Committee, where it has the status of “standing invitee”. It also enjoys a privileged relationship with several individual agencies, programmes and funds, with which it maintains a sustained dialogue through day-to-day contacts and also in a more structured framework, such as annual high-level meetings at the senior management level.

With regard to cooperation with the *natural partners of the ICRC, that is the National Red Cross and Red Crescent Societies and their International Federation*, it must be noted that all work on the basis of the same values and fundamental principles. Accordingly, an agreement has been concluded which provides clear and detailed guidance on the organization of international activities of the components of the Movement. This agreement seeks to provide the best possible response to humanitarian needs that may arise in different contexts, by drawing on the specific mandates and comparative advantages of each, and outlining responsibilities for the direction and cooperation of relief operations in different situations.