Internally displaced person

An **internally displaced person** (**IDP**) is someone who is forced to flee his or her home but who remains within his or her country's borders. They are often referred to as refugees, although they do not fall within the current legal definition of a refugee. At the end of 2006 it was estimated there were 24.5 million IDPs in some 52 countries. The region with the largest IDP population is Africa with some 11.8 million in 21 countries.^[1]

Definition

There is no legal definition as there is for a refugee. However, a United Nations report, *Guiding Principles on Internal Displacement* uses the definition:

internally displaced persons (also known as DPRE in many civil and military organizations which assist) are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.^[2]



Villagers fleeing gunfire in a camp for internally displaced persons during the 2008 Nord-Kivu war



Tailor in Labuje IDP camp in Uganda.

While the above stresses two important elements of internal displacement (coercion and the domestic/internal movement) it is important to note that rather than a strict definition, the Guiding Principles offer "a descriptive identification of the category of persons whose needs are the concern of the Guiding Principles".^[3] In this way, the document "intentionally steers toward flexibility rather than legal precision"^[4] as the words "in particular" indicate that the list of reasons for displacement is not exhaustive. However, as Erin Mooney has pointed out, "global statistics on internal displacement generally count only IDPs uprooted by conflict and human rights violations. Moreover, a recent study has recommended that the IDP concept should be defined even more narrowly, to be limited to persons displaced by violence."^[5] Thus, despite the non-exhaustive reasons of internal displacement, many consider IDPs as those who would be defined as refugees if they were to cross an international border hence the term refugees in all but name is often applied to IDPs.

IDP populations

It is very difficult to get accurate figures for IDPs because populations are constantly fluctuating: some IDPs may be returning home while others are fleeing, others may periodically return to IDP camps to take advantage of humanitarian aid. While the case of IDPs in large camps such as those in Darfur, western Sudan, are relatively well-reported, it is very difficult to assess those IDPs who flee to larger towns and cities. It is necessary in many instances to supplement official figures with additional information obtained from operational humanitarian organizations on the ground. Thus, the 24.5 million figure must be treated as an estimate.^[6] Additionally, most official figures only include those displaced by conflict or natural disasters. Development-induced IDPs often are not included in assessments.

IDP Statistics

The largest IDP populations can be found in Colombia, the DRC, Iraq, Sudan and Azerbaijan each with IDP populations of over one million.^[7] An updated country by country breakdown can be found at: IDMC Global Statistics ^[8] It has been estimated that between 70 and 80% of all IDPs are women and children.^[9]

Countries with significant IDP populations

- Azerbaijan has 1,000,000 IDPs as a result of the Nagorno-Karabakh War.^[10] (Refugees and internally displaced persons in Azerbaijan)
- Afghanistan has 132,000 200,000 IDPs, mostly in the south and west parts of the country, due to fighting between NATO and Taliban-allied fighters.
- Burma (Myanmar) has about 503,000 IDPs due to decades of a long Internal conflict in Myanmar and government repression of ethnic minorities as well as Cyclone Nargis.
- The Central African Republic has about 197,000 IDPs due to the 2003 coup d'état and the subsequent civil war.
- Chad has about 178,000 IDPs due to the proximity to Darfur and the civil war in eastern Chad.
- Colombia has over 2 (possibly 3) million IDPs according to the UNHCR, due to the war between the government, the FARC, the AUC and other armed groups. But, the numbers could be higher due this numbers correspond to statistics since 1997. COHDES determined that the IDP amount is higher, surpassing 5 million people.
- The Democratic Republic of Congo has almost 1,5 million IDPs due to the Second Congo War, mostly in the eastern provinces.
- Cote d'Ivoire has about 709,000 IDPs due to the civil war, mostly in the western regions.
- Cyprus has about 210,000 IDPs due to the intercommunal troubles of 1964 and the 1974 Turkish invasion and their aftermaths.
- Ethiopia has about 200,000 IDPs due to natural disasters, the Ethiopian-Eritrean War and the Ogaden conflict.
- Georgia has 220,000 300,000 IDPs due to displacement of the ethnic Georgian population who have fled Abkhazia and South Ossetia.
- Iraq has over 2.5 million IDPs due to forced displacement during Saddam Hussein's regime, and fighting between the Multi-National Force and Iraqi insurgent groups.
- India About 150,000, Kashmiri Pandits from the entire state of Jammu and Kashmir have been internally displaced due to the aggressive and violent separatist movement. Many adivasis(tribals) in the states(especially in Central India that fall in the Red Corridor) where the violence between the Naxals and the Indian State has been rising are forced by circumstances to move to the neighboring relatively peaceful states both for saving their lives and for employment.
- Indonesia has 200,000 350,000 IDPs due to fighting between the government and secessionist rebel movements.
- Israel has about 10,000 displaced Bedouins, most of whom are Arab citizens of Israel.
- Kenya has 250,000 400,000 IDPs due to the violence that rocked the country after the 2007 elections.
- Palestinian territories have 150,000 420,000 Internally Displaced Palestinians
- Pakistan has more than 400,000 IDPs at the end of 2008 due to ongoing conflicts in three regions of Pakistan. Currently one million people have displaced in NWFP province due to military operation.
- The Philippines have about 300,000 IDPs due to fighting between the government and communist and Islamic rebels.
- Serbia has over 220,000 IDPs from Kosovo after the arrival of NATO forces.
- Somalia has over a million IDPs due to the civil war.
- Sri Lanka has 250,000 300,000 IDPs, mostly in the Northern parts of the country especially in Vavuniya, due to the fighting between LTTE and Sri Lanka Army.
- Sudan has 5 6 million IDPs due to decades of civil war in the south and the Darfur conflict in the west.
- Uganda has about 869,000 IDPs due to the insurgency of the Lord's Resistance Army.
- United States has about 700,000 IDPs from inner city gang violence in various major cities in America.

• Zimbabwe has 560,000 - 960,000 IDPs due to political violence, major land reform and an economic collapse of the country.

[11]

Protection and Assistance

The problem of protecting and assisting IDPs is not a new issue. In international law it is the responsibility of the government concerned to provide assistance and protection for the IDPs in their country. However, as many of the displaced are a result of civil conflict and violence or where the authority of the central state is in doubt, there is no local authority willing to provide assistance and protection.^[12] It has been estimated that some 5 million IDPs in 11 countries are "without any significant humanitarian assistance from their governments."^[9]

Unlike the case of refugees, there is no international humanitarian institution which has the overall responsibility of protecting and assisting the refugees as well as the internally displaced. A number of organizations have stepped into the breach in specific circumstances.

UNHCR

The UNHCR was mandated by General Assembly Resolution 428 (V) of 14 December 1950 to "lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems....guided by the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol."^[13] The UNHCR has traditionally argued that it does not have a "general competence for IDPs" even though at least since 1972 it had relief and rehabillatation programs for those displaced within a country. However, in cases where there is a specific request by the UN Secretary General and with the consent of the State concerned it has been willing to respond by assisting IDPs in a given instance.^[14] In 2005 it was helping some 5.6 million IDPs (out of over 25 million), but only about 1.1 million in Africa.^{[15][16]} In 2005, the UNHCR signed an agreement with other humanitarian agencies. "Under this agreement, UNHCR will assume the lead responsibility for protection, emergency shelter and camp management for internally displaced people."^[17]

ICRC

The ICRC has a mandate of ensuring the application of International Humanitarian Law as it affects civilians in the midst of armed conflict. They have traditionally not distinguished between civilians who are internally displaced and those who remain in their homes. In a 2006 policy statement, the ICRC stated:

The ICRC's overall objective is to alleviate the suffering of people who are caught up in armed conflict and other situations of violence. To that end, the organization strives to provide effective and efficient assistance and protection for such persons, be they displaced or not, while taking into consideration the action of other humanitarian organizations. On the basis of its long experience in different parts of the world, the ICRC has defined an operational approach towards the civilian population as a whole that is designed to meet the most urgent humanitarian needs of both displaced persons and local and host communities.^[18]

However, its Director of Operations has earlier recognized that IDPs "deprived of shelter and their habitual sources of food, water, medicine and money, they have different, and often more urgent, material needs."^[19]

Collaborative Approach

The previous system set up internationally to address the needs of IDPs was referred to as the collaborative approach as the responsibility for protecting and assisting IDPs was shared among the UN agencies, i.e. UNHCR, Unicef, WFP, UNDP, Office of the High Commissioner for Human Rights, the inter-governmental organization IOM, the ICRC and International NGOs. Coordination is the responsibility of the UN Emergency Relief Coordinator and the Humanitarian Coordinator in the country concerned.^[20] They are assisted by the Inter-Agency Displacement Division which was created in 2004 and is housed in the UN Office for the Coordination of Humanitarian Affairs(OCHA).^[21]

The original collaborative approach has come under increasing criticism. Roberta Cohen reports:

Nearly every UN and independent evaluation has found the collaborative approach deficient when it comes to IDPs. To begin with, there is no real locus of responsibility in the field for assisting and protecting...There is also no predictability of action, as the different agencies are free to pick and choose the situations in which they wish to become involved on the basis of their respective mandates, resources, and interests. In every new emergency, no one knows for sure which agency or combination thereof will become involved.^[22]

In 2005 there was an attempt to fix the problem by giving sectoral responsibilities to different humanitarian agencies, most notably with the UNHCR taking on the responsibility for protection and the management of camps and emergency shelters.^[22]

The Cluster Approach

As some have pointed out, one of the most flagrant problems of the collaborative response was that "abnegation of responsibility is possible because there is no formal responsibility apportioned to agencies under the Collaborative Response, and thus no accountability when agencies renege on their promises."^[23] The cluster approach – the successor to the collaborative approach - tried to do away with this problem by designating individual agencies as 'sector leaders' to coordinate operations in specific areas to try to plug those newly identified gaps. The cluster approach was conceived amid concerns about coordination and capacity that arose from the weak operational response to the crisis in Darfur in 2004 and 2005, and the critical findings of the Humanitarian Response Review (HRR) commissioned by the then ERC, Jan Egeland. Egeland called for strengthening leadership of the sectors, and introduced the concept of "clusters" at different levels (headquarters, regional, country and operational)'.

The cluster approach operates on two levels: the global and local. At the global level, the approach is meant to build up capacity in eleven key 'gap' areas by developing better surge capacity, ensuring consistent access to appropriately trained technical expertise and enhanced material stockpiles, and securing the increased engagement of all relevant humanitarian partners. At the field level, the cluster approach strengthens the coordination and response capacity by mobilizing clusters of humanitarian agencies (UN/Red Cross-Red Crescent/IOs/NGOs) to respond in particular sectors or areas of activity, each cluster having a clearly designated and accountable lead, as agreed by the HC and the Country Team. Designated lead agencies at the global level both participate directly in operations, but also coordinate with and oversee other organizations within their specific spheres, reporting the results up through a designated chain of command to the ERC at the summit. However, lead agencies are responsible as 'providers of last response in their respective areas of responsibility. The cluster approach was part of a package of reforms accepted by the IASC in December 2005 and subsequently applied in eight chronic humanitarian crises and six sudden-onset emergencies. However, the reform was originally rolled out and evaluated in four countries: DRC, Liberia, Somalia and Uganda.

The clusters were originally concentrated on nine areas:

1. Logistics (WFP)

- emergency telecommunications (OCHA-Process owner, UNICEF Common Data Services, WFP Common Security Telecommunications Services)
- 3. camp coordination and management (UNHCR for conflict-generated IDPs and IOM for natural disaster-generated IDPs)
- 4. emergency shelter (IFRC)
- 5. health (WHO)
- 6. nutrition (UNICEF)
- 7. water, sanitation, and hygiene (UNICEF)
- 8. early recovery (UNDP); and
- 9. protection (UNHCR for conflict-generated IDPs, UNHCR, UNICEF, and OHCHR for natural disaster generated IDPs.

IASC Principles deemed it unnecessary to apply the cluster approach to four sectors where no significant gaps were detected: a) food, led by WFP; b) refugees, led by UNHCR; c) education, led by UNICEF; and d) agriculture, led by FAO.

The original nine clusters were later expanded to include agriculture and education.

International Law

Unlike the case of refugees, there is no international treaty which applies specifically to IDPs. Recognizing the gap, the UN Secretary-General, Boutros-Ghali appointed Francis Deng in 1992 as his representative for internally displaced persons. Besides acting as an advocate for IDPs, Deng set out in 1994, at the request of the UN General Assembly to examine and bring together existing international laws which relating to the protection of IDPs.^[24] The result of this work was the document, *Guiding Principles on Internal Displacement*.^[2]

The Guiding Principles lay out the responsibilities of states before displacement – that is, to prevent displacement – during and after displacement. They have been endorsed by the UN General Assembly, the African Commission on Human and People's Rights (ACHPR) and by the signatories to the 2006 Pact on Security, Stability and Development in the Great Lakes Region, which include Sudan, DRC and Uganda.

The Guiding Principles, however, are non-binding. As Bahame Tom Nyanduga, Special Rapporteur on Refugees, IDPs and Asylum Seekers in Africa for the ACHPR has stated, "the absence of a binding international legal regime on internal displacement is a grave lacuna in international law."^[25]

In September 2004 the Secretary-General of the UN showed the continuing concern of his office by appointing Walter Kälin as his Representative on the Human Rights of Internally Displaced Persons. Part of his mandate includes the promoting of the Guiding Principles.^[26]

Right of Return

In so-called "post-conflict" situations, there has traditionally been an emphasis in the international community to seek to return to the pre-war status-quo.^[27] However, opinions are gradually changing, because violent conflict destroys political, economic and social structures and new structures develop as a result, quite often irreversibly.^[27] Furthermore, returning to the pre-war status-quo may actually be undesirable if pre-war structures led to the conflict in the first place, or prevented its early resolution. IDPs' and refugees' right of return can represent one of the most complex aspects of this issue.^[27]

Normally, pressure is applied by the international community and humanitarian organization to ensure displaced people are able to return to their areas of origin and the same property.^[27] The UN Principles for Housing and Property Restitution for Refugees and IDPs, otherwise known as the Pinheiro Principles, provides guidance on the management of the technical and legal aspects of housing, land and property (HLP) restitution.^[27] Restitution rights are of key importance to IDPs and refugees around the world, and important to try preventing aggressors benefiting

from conflict.^[27] However, without a clear understanding of each local context, full restitution rights can be unworkable and fail to protect the people it is designed to protect for the following reasons, refugees and IDPs^[27]:

- may never have had property (e.g. in Afghanistan);
- cannot access what property they have (Colombia, Guatemala, South Africa and Sudan);
- ownership is unclear as families have expanded or split and division of the land becomes an issue;
- death of owner may leave dependents without clear claim to the land;
- people settled on the land know it is not theirs but have nowhere else to go (as in Colombia, Rwanda and Timor-Leste); and
- have completing claims with others, including the state and its foreign or local business partners (as in Aceh, Angola, Colombia, Liberia and Sudan)

Researchers at the Overseas Development Institute stress the need for humanitarian organization to develop a greater expertise in these issues, using experts who have a knowledge in both humanitarian and land and property issues and so provide better advice to state actors seeking to resolve these issues.^[27] The ODI calls on humanitarian agencies to develop an awareness of sustainable reintegration as part of their emphasis on returning IDPs and refugees home.^[27] Legal advice needs to be provided to all parties involved even if a framework is created in which to resolve these issues.^[27]

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External links

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- Website of the UN Representative of the Secretary-General on internally displaced persons (http://www.ohchr. org/english/issues/idp/index.htm)
- Brookings-Bern Project on Internal Displacement (http://www.brookings.edu/idp)
- Forced Migration Online (http://www.forcedmigration.org/) provides access to information resources, including a searchable digital library consisting of full-text documents
- IDP Voices (http://www.idpvoices.org) IDPs tell their life stories in their own words
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- "the CCCM Haiti Cluster website" (http://www.cccmhaiti.info) Natural Disaster IDP situation and updates from Haiti

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