MASSACHUSETTS INSTITUTE OF TECHNOLOGY

MIT CENTER FOR INTERNATIONAL STUDIES

Audit of the Conventional Wisdom

May 2007
07-09

Internally Displaced Populations: the Paradox of National Responsibility

Francis M. Deng

MIT Center for International Studies

The general assumption of the international system is that those who have been forced to flee from their countries of origin due to conflict, human rights abuse and persecution, and have crossed international borders and become refugees, have lost the protection of their own governments and are therefore the legitimate concern of the international community.[1] In contrast, those who have been uprooted from their homes or areas of normal residence by the same causes as refugees, but have remained within their state borders are supposed to be under the protection and assistance of their own governments and are outside the purview of the international community. In countries that are acutely divided by racial, ethnic, and religious cleavages and torn apart further by violent conflict, the assumption of national protection and assistance is largely a myth.

In reality, the internally displaced, or "internal refugees," and other civilian victims of internal conflicts are a dispossessed population in a vacuum of state responsibility. Far from being protected and assisted by their governments, they are often identified with the enemy and persecuted for that reason. Under these circumstances, citizenship becomes only of paper value, without the enjoyment of the rights normally associated with the dignity of being a citizen. Marginalization becomes tantamount to statelessness. [2] To whom can they turn for protection and assistance, but to the international community? But when they do, the same governments that displace, neglect and per-

Center for International Studies
Massachusetts Institute of Technology
Building E38-200
292 Main Street
Cambridge, MA 02139

T: 617.253.8093
F: 617.253.9330
cis-info@mit.edu

web.mit.edu/cis/
web.mit.edu/cis/acw.html

secute them invoke national sovereignty, narrowly conceived as a barricade against international involvement. What is the way out of this predicament?

The Internally Displaced and Their Plight

The United Nations Guiding Principles on Internal Displacement describe internally displaced populations (IDPs) as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized state border."[3] Some 25 million persons in around 50 countries are included in this definition.[4] While the crisis is global, some regions of the world are more affected than others. By far the worst hit is Africa, with more than half the world's internally displaced.

As a consequence, those affected are deprived of such essentials as shelter, food, medicine, education, community, and a resource base for a self-sustaining livelihood. Worse, they remain within the borders of a country at war with itself, and even when they move to safer areas, they are viewed as strangers, discriminated against, and often harassed. Those who are uprooted from their homes have been shown to be especially vulnerable to physical attack, sexual assault, abduction, disease, and deprivation of basic necessities. They suffer higher rates of mortality than the general population, sometimes as much as fifty times greater.[5]

> *"...[IDPs) remain within the borders of a country at war with itself, and even when they move to safer areas, they are viewed as strangers, discriminated against, and often harassed."*

Findings from my UN missions as representative of the secretary-general on IDPs (1992-2004) underscore the degree to which the expectation of internal protection by states is, for the most part, fictitious. During my travels, I would meet and dialogue with the authorities, visit the internally displaced for an on-site assessment of their conditions and needs, and then return to brief the authorities and offer preliminary conclusions and recommendations. This typically included asking the displaced persons what message they wanted me to take back to their leaders. In one Latin American country, the response was: "Those are not our leaders. In fact, to them, we are criminals, not citizens, and our only crime is that we are poor." In a Central-Asian country, the response was: "We have no leaders there. None of our people is in that government." In an African country, a senior UN official explained to the prime minister who had complained of inadequate support for refugees in his country that UN capacity to assist refugees in the country was constrained by the need to assist "your people," the internally displaced and other war-affected communities. The prime minister's response was, "Those are not my people. In fact, the food you give those people is killing my soldiers."

Genesis of International Response

The plight of the internally displaced emerged into international consciousness in the late 1980s and the early 1990s for reasons connected to the end of the Cold War. Foremost among these reasons is the steady rise in the number of internally displaced persons associated with the increase in internal conflicts. In 1982, it was estimated that there were 1.2 million internally displaced persons. By 1992, the number had increased to 24 million.[6] Concomitantly, as superpower rivalry came to an end, Western governments' geopoliti-

Francis M. Deng a longtime Sudanese diplomat, was from 1992 to 2004 the U.N. secretary-general's representative for Internally Displaced Persons. He is now a Robert E. Wilhelm fellow at the MIT Center for International Studies, and directs the Sudan Peace Support Project.

citation
Francis Deng. "Internally Displaced Populations: the Paradox of National Responsibility," MIT Center for International Studies Audit of the Conventional Wisdom, 07-09 (May 2007).

cal advantage in accepting refugees was diminished and their willingness to do so began to wane. This led to a desire to find a way to protect and assist displaced persons in their own countries so as to discourage them from seeking asylum abroad.[7] The end of the Cold War also marked a shift in the international attitude toward intervention in domestic affairs, particularly where states caused, or failed to react to, massive humanitarian crises within their own borders.[8]

During the Cold War, most domestic and regional conflicts were in one way or another perceived as part of the proxy confrontation of the superpowers. Similarly, internal or regional crises and their humanitarian consequences used to be managed through the bipolar control mechanisms of the superpowers who offered effective support to their less capable ideological allies. The outcome of this was that such domestic crises as internal displacement were not visible to the outside world.

With the end of the Cold War, and the withdrawal of the strategic interests of the superpowers, these conflicts began to be seen in their proper national or regional contexts. Lack of support from major powers also left former allies with significantly reduced capacity for suppressing or managing conflicts and responding to their humanitarian consequences. Consequently, the post-Cold War era witnessed the proliferation of internal conflicts, which have tended to target civilians, including women, children and the elderly. Without external support, governments were confronted with mounting crises they could hardly manage.

Human rights and humanitarian concerns began to replace strategic national interest as the driving force in international politics. By the same token, human rights, humanitarian, and development organizations became more active as the watchdogs of universal standards and whether these standards were being adhered to or violated within national borders. To reinforce their capacities, non-governmental organizations (NGOs) began to receive increased support from the donor community, which saw them as more transparent and credible than governments in meeting the humanitarian needs of the affected populations. With these new developments, the narrow view of sovereignty became increasingly challenged as the media and NGOs exposed the plight of millions who fell victim to the new types of wars that were fought internally, with devastating loss of lives, egregious violations of human rights, and dehumanization of the civilian populations.

The issue of the reintegration of internally displaced persons figured prominently in two major international conferences at the end of the decade: the 1988 Conference on the Plight of Refugees, Returnees, and Displaced Persons in Southern Africa, and the 1989 International Conference on Central American Refugees.[9] Likewise, in 1989, the UN General Assembly called upon the secretary-general to consider mechanisms for coordination of relief programs for internally displaced persons.[10] In 1990, the UN Economic and Social Council requested the secretary-general to initiate a system-wide review of UN entities with regard to relief and protection of refugees and the internally displaced.[11]

Importantly, however, "the major impetus behind international recognition of the problem of internal displacement lay with a group of NGOs, mobilized as a result of problems encountered in gaining access in the field to large numbers of 'internal refugees' who were in need of assistance and protection."[12] They set in motion a process that eventually resulted in the United Nations becoming actively seized with the issue of internal displacement. During the 1991 session of the commission, Austria introduced a draft resolution on internally displaced persons that called upon the secretary-general to prepare "an analytic report on internally displaced persons."[13] The resulting report concluded that there was "no clear statement of the human rights of internally displaced persons, or those at risk of becoming displaced" and recommended the elaboration of guidelines that "would consist, at least in part, of clarifying the implications of existing human rights law for persons who are internally displaced and fashioning from existing standards one comprehensive, universally applicable body of principles which addressed the main needs and problems of such persons."[14] The report further recommended the creation of a "focal point within the human rights system" to facilitate the coordination of the UN response to internal displacement.[15] In response, Austria called for a comprehensive study "identifying existing laws and mechanisms for the protection of internally displaced persons, possible additional new measures to strengthen implementation of these laws and mechanisms and alternatives for addressing protection needs not adequately covered by existing instruments."[16] As noted in the report, various parties had recommended mechanisms ranging from a working group to a "world court" on the rights of the internally displaced.[17] However, many states' concerns for encroachment upon their sovereignty rendered such options unacceptable. The initial draft of the resolution asked for the designation of an "independent expert," but in response to India's preference that the mandate remain with the secretary-general, the final version of the resolution was changed to call upon the secretary-general to "designate a representative" to seek the views of governments, United Nations agencies, regional and non-governmental organizations, and experts to perform the requested task.[18] In July 1992, then Secretary-General Boutrous Boutrous-Ghali designated me as the representative.

Stipulating Sovereignty as Responsibility

The fundamental norm that guided my work was to recast sovereignty as responsibility. In significant part, this was related to post-Cold War developments. It was necessary to speculate on the implications of the emerging new order for perceptions of national and regional conflicts. It was obvious that these conflicts would no longer be viewed in the context of the proxy confrontation between the superpowers. But what new conceptual framework would influence response to these conflicts in the era? Two initiatives helped shape my perspective on the emerging challenge. One was the development of an African Studies Project in the Foreign Policy Studies Program at the Brookings Institution. The other was participating in the initiative of then former head of state of Nigeria and subsequently twice-elected president Olusegun Obasanjo, toward a Helsinki-like Conference on Security, Stability, Development, and Cooperation in Africa (CSSDCA).

Our Brookings Africa Project made an initial assessment of conflicts in Africa and the challenges of the post-Cold War era.[19] Next, we undertook national and regional case studies to deepen our understanding of the issues involved.[20] A synthesis of these case studies led to the main conclusion that as conflicts were now being properly perceived as internal, they also primarily became the responsibility of governments to prevent, manage, and resolve. Governance became perceived primarily as conflict management. Within the framework of regional and international cooperation, state sovereignty was then postulated as entailing the responsibility of conflict management. The envisaged responsibility involved managing diversity, ensuring equitable distribution of wealth, services, and development opportunities, and participating effectively in regional and international arrangements for peace, security, and stability. In subsequent work, we tried to put more flesh on the skeleton of the responsibilities of sovereignty, building largely on human rights and humanitarian norms and international accountability.[21] Since internal conflicts often spill over across international borders, their consequences also spill across borders, threatening regional security and stability. In the "apportionment" of responsibilities in the post-Cold War era, regional organizations provide the second layer of the needed response. And yet, the international community remains the residual guarantor of universal human rights and humanitarian standards in the quest for global peace and security. Hence, the stipulation of sovereignty as responsibility with implicit accountability to the regional and international layers of cooperation.

"...often the fact is that governments of affected countries, even if willing to discharge the responsibility of assisting and protecting their needy populations, lack resources and the capacity to do so."

The development of the Helsinki-process for Africa was motivated by the concern that the post-Cold War global order was likely to result in the withdrawal of the major powers and the marginalization of Africa. It was, therefore, imperative for Africa to take charge of its destiny and observe principles that would appeal to the West and thereby provide a sound foundation for a mutually agreeable partnership. This was found in the Helsinki framework of the Economic and Security Cooperation in Europe (ESCE), which became the Organization for Security and Cooperation in Europe (OSCE). A series of meetings culminated in the 1991 Conference in Kampala, Uganda, which was attended by some 500 people, including several heads of state and representatives from all walks of life. The conference produced the Kampala Document, which elaborated the four "calabashes," so termed to distinguish them from the OSCE "baskets," and give them an African orientation. The calabashes are: security, stability, development, and cooperation. The adoption of the CSSDCA by the Organization of African Unity was initially blocked by a few governments that felt threatened by its normative principles. When Obasanjo returned to power as the elected president of Nigeria, he was able to push successfully for the incorporation of CSSDCA into the OAU mechanism for conflict prevention, management, and resolution.[21]

In connection with these initiatives, I began to focus attention on promoting the need to balance conventional notions of sovereignty with the responsibility of the state to provide protection and general welfare to citizens and all those under state jurisdiction.[22] Given the sensitivity of the mandate, the only way to bridge between the need for international protection and assistance for the internally displaced and the barricades of the negative approach to sovereignty was to build on the fundamental norm of sovereignty as a positive concept of state responsibility toward its citizens and those under its jurisdiction. Most states discharged this responsibility under normal circumstances, but in the exceptional cases where states failed to do so, the international community could assume that responsibility, if necessary, by overriding state sovereignty. This approach was quite effective in the dialogue with governments.

The principle of sovereignty as responsibility has been strengthened and mainstreamed by the Canadian sponsored Commission on Intervention and State Sovereignty and has continued to gain wide support from the international community.[23] As the UN prepared for its 60th anniversary celebration, the secretary-general pleaded that "we must embrace the responsibility to protect."[24] The World Summit of Heads of State and Government which convened in New York in September 2005 "stressed the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."[25]

Accountability and Responsibility

The challenge that postulating sovereignty as responsibility poses for the international community is that it implies accountability. Obviously, the internally displaced themselves and other victims of internal conflicts trapped within international borders, marginalized, excluded, often persecuted, have little capacity to hold their national authorities accountable. Only the international community, including sub-regional, regional, and international organizations, has the leverage and clout to persuade governments and other concerned actors to discharge their responsibility or otherwise fill the vacuum of irresponsible or irresponsive sovereignty. A soft, but credible threat of consequences in case of failure to discharge the responsibility of sovereignty, combined with the promise of the benefits of international cooperation could be an effective inducement.

The Audit of Conventional Wisdom

In this series of essays, MIT's Center for International Studies tours the horizon of conventional wisdoms that define U.S. foreign policy, and put them to the test of data and history. By subjecting particularly well-accepted ideas to close scrutiny, our aim is to re-engage policy and opinion leaders on topics that are too easily passing such scrutiny. We hope that this will lead to further debate and inquiries, with a result we can all agree on: better foreign policies that lead to a more peaceful and prosperous world. Authors in this series are available to the press and policy community. Contact: Michelle Nhuch (NHUCH@mit.edu, 617.253.1965)

Center for International Studies
Massachusetts Institute of Technology
Building E38-200
292 Main Street
Cambridge, MA 02139

T: 617.253.8093
F: 617.253.9330
cis-info@mit.edu

web.mit.edu/cis/
web.mit.edu/cis/acw.html

However, often the fact is that governments of affected countries, even if willing to discharge the responsibility of assisting and protecting their needy populations, lack resources and the capacity to do so. Offering them support in a way that links humanitarian assistance with protection in a holistic, integrated approach to human rights should make the case more compelling and persuasive. No government deserving any legitimacy can request material assistance from the outside world and reject concern with the human rights of the people on whose behalf it requests assistance. Doing so would be like asking the international community to feed them without ensuring their safety and dignity, an implausible logic. Now that the standard of sovereignty as responsibility has been set, the focus of the international community should shift to the need for implementation and persuading the states to honor it as an essential ingredient of their legitimacy, both domestically and internationally.

article footnotes

1 The 1951 Refugee Convention and its 1967 Protocol provide the legal basis for their protection with the Office of the United Nations High Commissioner for Refugees as the specialized agency to assist and protect them.

2 See Francis M. Deng, "Ethnic Marginalization as Statelessness: Le*ssons* from the Great Lakes Region of Africa" in *Citizenship Today: Global Perspecitives and Practices*, eds T. Aleinikoff and Douglas Klusmeyer (Washinton DC: The Carnegie Endowment for International Peace, 2001), 183-208.

3 *Guiding Priniciples on Internal Displacement,* UN Doc. E/CN/1998/53/Add. Also published by the Office of the Coordination of Humanitarian Affairs, 1998.

4 *The State of the World's Refugees 2006,* Report published by the Office of the UNHCR, published by UNHCR, 2006.

5 See Roberta Cohen and Francis Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington DC: The Brooking Institution, 1998) 23-29, United Nations High Commissioner for Refugees, *The State of the World's Refugees* (UNHCR, 1998) 112-115; and WHO, "Internally Displaced Persons: Health and WHO", paper presented at the humanitarian affairs segment of the substantive session of the ECOSOC, New York, 5 April 2000, 5.

6 Report of the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, Submitted Pursuant to Commission on Human Rights Resolution 2002/56, E/CN.4/2003/86, 21 January 2003, para. 4. Today, the figure is higher than ever, with an estimated 25 million internally displaced persons displaced in 50 countries worldwide.

7 Cohen and Deng, *Masses In Flight,* 3-4.

8 Ibid

9 Cohen and Deng, *Masses In Flight,* 3-4.

10 GA res. 43/116 (1998)

11 ECOSOC res. 1990/78. A report on this study was prepared by a consultant, Jaques Cuenod, and presented to ECOSOC in 1991. See UN Doc. E/1991/109/Add.1.

12 Simon Bagshaw, *Developing the Guiding Principles on Internal Displacement: The Role of a Global Public Policy Network,* available at www.golbalpublicpolicy.net

13 UN Doc E/CN.4/1991/25 (1991)

14 UN Doc. E/CN.4/1991/23 (1992)

15 Ibid

16 UN Doc. E/CN.4/1992/73 (1992)

17 UN Doc. E/CN.4/1992/23 (1992)

18 See Bagshaw, supra note 100, at 9; U.N. Doc. E/CN.4/1992/73 (1992).

19 Francis M. Deng and I. William Zartman, eds., *Conflict Resolution in Africa* (Washington DC: Brookings Institution Press, 1991).

20 Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, eds., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington DC: Brokings Institution Press, 1996).

21 Francis M. Deng and Terrence Lyons, eds., *African Reckoning: A Quest for Good* (Washington DC: Brookings Institution Press, 1998)

22 Francis M. Deng, and I. William Zartman, *A Strategic Vision for Africa: The Kampala Movement* (Washington DC: Brookings Institution Press, 2002).

23 For my various contributions to the normative theme of the responsibility of sovereignty, see the following books, chapters and articles: Terrence Lyons and Francis M. Deng, eds., *African Reckoning: A Quest for Good Governence* (Washington DC: Brookings Institution Press, 1998); Francis M. Deng, "Sovereignty and Humanitarian Responsibility: A Challenge for NGOs in Africa and the Sudan", in *Vigilance and Vengence,* ed. Robert I. Rotberg (Washington DC: Brookings Institution Press and The World Peace Foundation, 1996); Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, eds., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington DC: Brookings Institution Press, 1996); "Reconciling Sovereignty with Responsibility: A Basis for International humanitarian Action," in *Africa in World Politics,* eds., John Harbeson and Donald Rothchild (Boulder, CO, Westview Press, 1995); ibid, "Frontiers of Sovereignty: A Framework of Protection, Assistance and Development for the Internally Displaced," Leiden Journal of International Law 8, no.2 (1995).

24 United Nations Report of the High Level Panel on Threats, Challenges, and Changes, *A More Secure World: Our Shared Responsibility,* New York, UN 2004, paras 199-203; and Kofi Annan, In Larger Freedoms: Toward Development, Security and Human Rights for All, UN Doc. A/59/2005, 21 March 2005, para 135,

25 General Assembly 2005, World Summit Outcome, UN Doc. A/60/L1, 15 September 2005, para 139.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

MIT CENTER FOR INTERNATIONAL STUDIES

Audit of the Conventional Wisdom

May 2007

Internally Displaced Populations: the Paradox of National Responsibility

Francis M. Deng

MIT Center for International Studies

PSB 07-04-0335

Massachusetts Institute of Technology
Building E38-200
292 Main Street
Cambridge, MA 02139

MIT CENTER FOR INTERNATIONAL STUDIES

MASSACHUSETTS INSTITUTE OF TECHNOLOGY