Internally Displaced Persons:

The Role of the United Nations High Commissioner for Refugees

UNHCR
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Internally Displaced Persons: the Role of the United Nations High Commissioner for Refugees

Summary of the Position Paper

Large numbers of internally displaced persons remain without effective protection or assistance, underlying not only the enormity and complexity of the problem but the selective, uneven and, in many cases, inadequate response of the international community. Notwithstanding significant initiatives, the United Nations must continue to explore more effective ways to address the problem of internal displacement.

As a contribution to that effort, UNHCR has reviewed and refined its policy on and role with the internally displaced. The Office is fully committed to cooperation and co-ordination with its sister agencies and other partners and believes that clarifying its interest in and involvement with the internally displaced will help to strengthen co-ordination by promoting a better understanding of respective roles and responsibilities.

The key points of UNHCR’s policy are:

- UNHCR has an interest in the protection and welfare of persons who have been displaced by persecution, situations of general violence, conflict or massive violations of human rights, because of their similarity to refugees in terms of the causes and consequences of their displacement and their humanitarian needs.

- This interest, arising from the Office’s humanitarian mandate and endorsed by successive General Assembly resolutions, places upon UNHCR a responsibility to:
  - advocate on behalf of the internally displaced;
  - mobilise support for them;
  - strengthen its capacity to respond to their problems; and
  - take the lead to protect and assist them in certain situations.

- In view of the growing linkages between refugee problems and internal displacement, UNHCR is committed to greater engagement with the internally displaced within the parameters of its principles and prerequisites for operational involvement. The pros and cons of involvement will be assessed carefully in light of the need for effective international humanitarian action and the relevance of UNHCR’s expertise, as well as the impact on UNHCR’s humanitarian mandate and responsibility towards refugees.
• The fundamental objective of UNHCR’s interest in and involvement with internally displaced persons is to promote their protection and pursue solutions, through operational activities as well as advocacy based on the Guiding Principles on Internal Displacement.

• UNHCR’s involvement in a specific operation will require:
  • a request or authorisation from the Secretary General or a competent principal organ of the UN;
  • consent of the state concerned, and where applicable, other entities in a conflict;
  • access to the affected population;
  • adequate security for staff of UNHCR and implementing partners;
  • clear lines of responsibility and accountability with the ability to intervene directly on protection matters; and
  • adequate resources and capacity.

• Where humanitarian action on behalf of the internally displaced is constrained by political or operational factors, UNHCR will work with other relevant actors to mobilise support to overcome the obstacles to its involvement and that of other organisations.

• The precise nature of UNHCR’s role in a specific operation will depend on an assessment of the needs of the internally displaced, the presence and activities of other organisations, and the political and operational environment.

• UNHCR will be ready to take the lead where its protection and solutions expertise is particularly relevant, or where involvement with the internally displaced is closely linked to the voluntary repatriation and reintegration of refugees.

• UNHCR will pursue a solutions-oriented strategy to avoid prolonged humanitarian engagement, and will give priority to involvement in situations where a political solution is underway or being contemplated.

• Recognising the fundamental importance of co-operation and collaboration based on complementarity of mandates, UNHCR will work closely with the ERC and relevant organisations and actors to promote a common understanding of the roles and responsibilities of the organisations concerned, and to improve the mechanism for allocating responsibilities.
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International concern for the plight of the internally displaced has gained new urgency in recent times, as ever greater numbers of people, uprooted by internal conflict and violence, are exposed to danger, extreme hardship and even death. The United Nations has taken a number of initiatives to address the problem, including, on the normative side, the adoption of the Guiding Principles on Internal Displacement, and on the institutional side, the establishment of a collaborative approach with the Emergency Relief Coordinator as the Focal Point on the issue at Headquarters level.

Notwithstanding these efforts, large numbers of internally displaced persons remain without humanitarian assistance or protection, underlining the selective, uneven and in many cases, inadequate response of the international community, and the need to examine more effective ways to address the problem of internal displacement.

With that objective in mind, UNHCR has reviewed and refined its policy and role with the internally displaced. A fundamental assumption of the policy is that humanitarian organisations must work together to address the needs of the internally displaced, and that a better understanding of what individual agencies are able and willing to do for the internally displaced can help to strengthen collaboration. By clarifying its own role and responsibilities on behalf of the internally displaced, UNHCR hopes to make a positive contribution to the efforts to improve the response of the United Nations system.

Rationale for UNHCR’s involvement

UNHCR has an interest in the protection and welfare of persons who have been displaced by persecution, situations of general violence, conflict or massive violations of human rights: in other words, all those, who, had they crossed an international frontier, would have had a claim to international protection. This interest arises from the similarity between such internally displaced persons and refugees, in terms of the causes and consequences of their displacement and their humanitarian needs. Like refugees, many internally displaced have been forced to leave their homes because of fear of persecution, war and violence. Again, like refugees, they are in need of protection and assistance, as well as a solution to their plight.

In some situations the link between refugee problems and internal displacement is direct and clear.
• When refugees and displaced persons are generated by the same causes and straddle the border, not only are the humanitarian needs similar, a solution to the refugee problem cannot usually be found without at the same time resolving the issue of internal displacement. UNHCR’s involvement in northern Iraq during the Kurdish crisis was one such example.

• In many situations, effective reintegration of returnees requires assistance to be extended also to the internally displaced in the same locality or community. In Mozambique, Sierra Leone, Afghanistan and Guatemala, it has been operationally and conceptually difficult for UNHCR to differentiate between returnees and internally displaced. In Sri Lanka refugees returned home only to become internally displaced, prompting UNHCR to re-focus its programme on internal displacement. In Ethiopia, UNHCR participated in a cross-mandate operation with other agencies to promote reintegration of returnees and also stabilise other kinds of population movements.

• Sometimes refugees have sought asylum across the border in areas where there are also internally displaced. For instance, refugees from Sierra Leone and the internally displaced in Liberia were found, not only living together, but also affected in the same manner by instability in the country of asylum. Not only is it operationally difficult and morally unacceptable to distinguish between people in such a situation, assistance targeting only refugees may aggravate their insecurity.

In other situations, the relationship between refugees and the internally displaced is more complex.

• Refugees may be a minor component of massive internal displacement. Colombia and Chechnya are two such operations in which UNHCR is involved. Tajikistan was another instance of such involvement when geography and history dictated the flight of some 600,000 persons to other parts of the country and only a tenth of that number to neighbouring Afghanistan. In such cases, it makes little sense to base international assistance on location alone.

• Internal conflicts of a secessionist nature have uprooted people within national boundaries, which have then become international borders. For instance in the former Yugoslavia and Timor, UNHCR decided to provided protection and assistance to the uprooted on the basis of humanitarian needs, rather than refugee status. Borders, which shift even as people move, cannot be the sole factor determining the legitimacy of international concern.

• Sometimes it has been difficult to predict whether territorial disputes or ethnic violence will lead to a break-up of a state and exodus of refugees, but it has been felt that early action to protect and assist internal displacement might check the proliferation and prolongation of human
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suffering and promote regional stability. This was the basis of UNHCR’s response, for instance, in the Caucasus.

The range of situations described above make it clear that UNHCR’s interest in the internally displaced is provoked, not only by the risk or reality of a refugee outflow, but also by the “refugee-like” nature of internal displacement calling for the Office’s particular expertise in protection and solutions. While UNHCR is most likely to become involved where the same situation produces both internal displacement and refugee flows, the occurrence of a significant refugee problem is not a pre-condition for UNHCR’s action, as the cases of Georgia, Azerbaijan, Chechnya and Colombia show.

Although UNHCR’s involvement with the internally displaced goes back to the early 1970s, in recent years the scale and scope of UNHCR’s activities on behalf of the internally displaced have dramatically increased in response to the changing nature of humanitarian crises. UNHCR is currently providing protection and assistance to some 5 million internally displaced persons, covering a range of operations from Colombia to Kosovo and the Caucasus.

Defining UNHCR’s responsibility

While UNHCR’s Statute makes no reference to internally displaced persons, it recognises in article 9 that the High Commissioner may, in addition to the work with refugees, “engage in such activities... as the General Assembly may determine, within the limits of the resources placed at (her) disposal.” Based on this article and over a period of several decades, a series of UN General Assembly resolutions have acknowledged UNHCR’s particular humanitarian expertise and encouraged its involvement in situations of internal displacement. In particular, UN General Assembly resolution 48/116 (1993) set out important criteria to guide UNHCR’s decision on when to intervene on behalf of internally displaced persons. These resolutions, together with article 9 of the Statute, provide the legal basis for UNHCR’s interest in and action for internally displaced persons.

This interest, arising from the Office’s humanitarian mandate, places upon UNHCR a responsibility to:

- advocate on behalf of the internally displaced;
- mobilise support for them;
- strengthen its capacity to respond to their problems; and
- take the lead to protect and assist them in certain situations.

In view of the growing linkages between refugee problems and internal displacement, UNHCR is committed to greater engagement with the internally displaced within the parameters of its principles and pre-requisites for operational involvement. In specific situations of internal displacement, the Office will analyse the needs, opportunities and constraints and assess the impact of its proposed involvement in the light of relevant considerations and conditions. The pros and cons of involvement will be assessed carefully in each case, keeping in mind the importance of promoting effective
humanitarian action to address the problem and the “value added” which UNHCR could bring to bear on it.

Notwithstanding the willingness to do more, political and operational constraints frequently limit international humanitarian action. The international community must continue to press those who have the authority and influence to overcome the obstacles, in particular the national authorities which bear the primary duty and responsibility to protect and assist internally displaced persons. UNHCR is ready to work, under the leadership of the UN Secretary General and in close co-operation with other relevant agencies, to mobilise support for operations where denial of access, insecurity, inadequate resources and other constraints hamper humanitarian action on behalf of the internally displaced. Even where UNHCR is unable to become involved itself, the Office can play a useful role in supporting and ensuring that others are able to provide assistance and protection to those in need.

**UNHCR’s protection role**

Whatever the nature and degree of UNHCR’s involvement, the fundamental objective must always be to improve the protection of the internally displaced and promote solutions to their plight. The *Guiding Principles on Internal Displacement*, which UNHCR has disseminated widely within and outside the organisation, provide a useful set of standards against which to measure the protection objectives and promote dialogue with state and non-state actors of violence.

Protection has been a major aspect of UNHCR’s involvement in several high-profile operations, such as Bosnia and Herzegovina and Kosovo. In conflict-induced displacement, there are two concurrent needs: physical security and protection, and life-sustaining assistance and basic services. Assistance without protection is unlikely to succeed in ameliorating the condition of the victims, and might even aggravate their plight. Conversely, properly designed assistance can be an important tool of protection. Indeed, it is important to stress that although UNHCR has undertaken protection activities without a major assistance component in some instances, the co-relationship between the two aspects of humanitarian action should not be under-estimated. While protection will be a predominant need in certain phases of displacement and may require little or minimal concurrent material assistance, in other situations it will be difficult to provide effective protection without some assistance role.

Protection of the internally displaced can be particularly difficult because the national authorities retain the primary duty and responsibility but are frequently unable or unwilling to extend effective protection. Prevailing conflict often makes security a major problem. UNHCR has sought to meet the immediate protection needs of the internally displaced persons through international presence, monitoring and interventions to reduce violations of human rights and international humanitarian law.

In developing its protection strategies for the internally displaced, UNHCR has drawn heavily on its experience with returnees – refugees who have returned
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to their country but are yet to be fully reintegrated. Returnees, like internally displaced persons, are nationals in their country. Often they return to situations where security and state and social structures are fragile. These are also the same situations affecting the internally displaced. Indeed, in some situations, such as Sri Lanka and Afghanistan, returnees have subsequently become internally displaced, blurring the distinction between the two categories. Reintegration of returnees poses a major challenge, both in terms of protection as well as economic and social rehabilitation and reconciliation of war-torn societies. Violent conflict, particularly when it has been prolonged and widespread, can affect the ability of the state to provide national protection. UNHCR has often played a critical role in promoting reconciliation and bridging the gap as national protection slowly reinstates itself.

Returnee operations clearly show that the protection role is not limited only to the stage of displacement but remains critical in the solutions phase. In a number of operations involving internal displacement or a mixed population of returnees and the internally displaced, for instance in Bosnia and Herzegovina and Tajikistan, UNHCR has worked with multilateral organisations and governmental and non-governmental actors to strengthen national protection, e.g. by building the capacity of national legal and judicial institutions, local NGOs and community groups.

Strengthening national protection is one important way of promoting a solution to internal displacement, and thereby curtailing human suffering and avoiding prolonged humanitarian engagement. UNHCR’s experience with the internally displaced as well as refugees who have returned to countries torn by conflict provide many useful lessons for solution-oriented strategies to address internal displacement. UNHCR is undertaking a systematic review of its operational involvement with the internally displaced to draw lessons and develop best practices in the area of protection and solutions.

**Parameters of operational involvement**

UNHCR’s decision to become involved in a specific operation will be based on a thorough assessment of the situation and the fulfilment of certain operational pre-requisites. The assessment will analyse the risks and the opportunities as well as the possible impact of the proposed involvement. It will consider:

- **Impact on the non-political and humanitarian nature of UNHCR’s mandate.** Internal displacement is usually most acute in situations of unresolved and prolonged conflict. These are also situations of gross and systematic violations of human rights and humanitarian law, of high security risk for humanitarian staff, and manipulation of humanitarian aid and actors for political purposes. In making its decision UNHCR will seek to ensure that its involvement does not compromise its humanitarian mandate.

- **Impact on refugee protection and the institution of asylum.** There can be both positive and negative fall-out of UNHCR’s involvement. Countries of asylum may be more inclined to maintain their asylum policies if something
is done to alleviate the suffering of the internally displaced, reduce their compulsion to seek asylum and create conditions conducive to return. On the other hand, UNHCR’s activities for the internally displaced may be (mis)interpreted as obviating the need for international protection and asylum. UNHCR’s involvement should seek to improve the situation of the internally displaced while upholding their right to seek asylum.

- Impact on internal displacement. To what extent will UNHCR’s involvement actually improve the protection situation and solutions possibilities of the internally displaced? This will depend not only on UNHCR’s skills and resources but also on the presence and support of other organisations, and most importantly, on concurrent political action to resolve the conflict. As an organisation committed to the pursuit of solutions, UNHCR will give preference to engagement in operations where political efforts to resolve displacement are underway or being clearly contemplated.

- Relevance of UNHCR’s experience and expertise. UNHCR’s “value added” lies in its protection and solutions skills. It will be necessary in any given situation to measure their relevance in relation to the needs of the victims and to consider how they would complement or compare with the mandates and expertise of other agencies present, or contemplating presence.

A positive decision to become involved will also require the following conditions:

- Specific request or authorisation from the UN Secretary General or other competent principal organ of the UN. (Such a request is not necessary where the work with the internally displaced is an indivisible part of mandated activities e.g. assisting the internally displaced in the context of returnee reintegration).

- Consent of the state concerned, and where relevant, other entities in a conflict.

- Access to the affected population and adequate security for UNHCR and implementing partners to operate effectively.

- Clear lines of responsibility and accountability with the ability to intervene directly with all parties concerned, particularly on protection matters.

- Adequate resources and capacity to carry out activities.

**Nature of operational involvement**

The nature and degree of UNHCR’s involvement will vary, depending upon circumstances and the skills and activities that are needed at different stages of the problem. UNHCR may take the lead in providing protection and assistance with the co-operation of other agencies, or it may play a subsidiary role, depending upon:
the phase of the displacement. In the early or pre-displacement phase, when tensions are heightened but there has been no significant displacement, the main focus will be on defusing tensions, promoting appropriate national laws and policies, building awareness, training, and preparedness measures. At this stage, UNHCR’s role may be only catalytic or supportive of other actors and organisations that have clear responsibility for conflict prevention and promotion of human rights. During displacement, UNHCR’s skills of providing protection and assistance will be most relevant, and in such situations UNHCR can be expected to take the lead. Once displacement has stopped or slowed down and solutions can be implemented, given its expertise in humanitarian solutions, UNHCR can again take the lead in promoting return or settlement elsewhere.

relationship to refugee solutions. By virtue of its mandate, UNHCR has the responsibility to promote solutions to refugee problems, including the voluntary repatriation and reintegration of refugees. In situations where the successful reintegration of returnees requires addressing the needs of the internally displaced, UNHCR will be ready to take the lead because a comprehensive strategy to address displacement on both sides of the border is often the best way of promoting a lasting solution. As in the case of refugee reintegration, UNHCR will seek to work closely with development organisations in an effort to close the gap between relief and rehabilitation.

the presence and activities of other organisations. At each phase of the displacement it will be important to assess whether the needs of the displaced are being adequately met by others, and whether it is necessary for UNHCR to address a gap relevant to its expertise. Colombia is an interesting example of how UNHCR developed a limited role for itself by taking into account the activities of other organisations, particularly ICRC and UNHCHR.

the political and operational environment, including security considerations which may limit UNHCR’s presence and activities.

UNHCR’s operational experience has shown that in certain situations it is difficult to draw a meaningful distinction between the internally displaced and other vulnerable war-affected population in the same area. In such cases it may be necessary, in addressing the needs of the internally displaced, to adopt a broader, more comprehensive approach towards all those affected in the community, for instance through co-operation and co-ordination with other agencies.

Co-ordination and co-operation

In defining its role with the internally displaced, UNHCR recognises the importance of acting in concert with all relevant actors and organisations, national and international, governmental and non-governmental. UN General
Assembly resolutions authorising UNHCR’s involvement with the internally displaced have also consistently stressed the need to respect complementary mandates and relevant expertise of other organisations. The Office is fully committed to strengthening co-operation and co-ordination with other humanitarian organisations within and outside the UN system, particularly OCHA, WFP, UNICEF, ICRC, IOM, and NGO partners, and with the Representative of the UN Secretary General on Internally Displaced Persons.

UNHCR will continue to participate actively in the consultations of the Inter-Agency Standing Committee (IASC) to establish policies and guidelines on internal displacement. Of particular importance will be the development of clear criteria and an effective mechanism to allocate responsibilities and identify a lead agency for operations involving the internally displaced. UNHCR is ready to work closely with the ERC and other relevant organisations to this end.

At the operational level, it is necessary to have a common understanding of complementary mandates and roles. UNHCR will engage in discussions with the ERC, sister UN agencies, the ICRC, IOM and other operational partners to explore ways and means of how best to clarify the respective responsibilities for the internally displaced. Memoranda of Understanding of the kind which UNHCR and its partners have signed for refugee operations could be helpful in this regard.

Last, but not the least, UNHCR will continue to work closely with the Representative of the UN Secretary General on Internally Displaced Persons to support and expand advocacy on behalf of the internally displaced. Disseminating, promoting and “operationalising” the Guidelines through staff training and application in the field provide a useful basis for strengthening an already fruitful relationship.