

Major Issues in Contemporary Politics (CIA – Assignment)

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Topic : Internally Displaced Persons (IDPs)

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Internally Displaced Persons (IDPs)

(I) Introduction:

The Treaty of Westphalia established the nation-state system. This system has since then ruled the roost when it comes to matters of international politics. But what is the primary objective of a nation-state? “Nation” derived from a Latin term “Natio” means “a people.” This set of people who form the nation can be ethnically homogenous or linguistically homogeneous or homogeneous in some other way. They are glued together by cultural traditions or historical experiences. Whatever the reason behind a set of people forming a nation, once formed, the primary objective of a nation-state is protection of its people. Population is one of the cardinal elements required for the formation of a state. **Thus, people or citizens of a nation are of utmost importance.** However, protection of all in a nation is utopia. Since the dawn of human civilization conflict among men has been an integral part of mankind’s sorry state of existence. Conflicts (including wars, civil wars, riots, mass carnage and the like) have “displaced” people from their original homes. “Displaced”, the term in this context implies that people, due to conflict like circumstances, have been forced to leave – against their will – their original homes or original ways of existence. It must be borne in mind that apart from conflicts, even natural catastrophes have induced the displacement of people. **The term “displaced persons” is an umbrella term** covering all those who have been forced to move out from their homes. This term can be broadly divided into “refugees” and “internally displaced persons.” The focus of this assignment is on “internally displaced persons (IDPs).

(II) Who are Internally Displaced Persons (IDPs)?

A person who has left his original home on the pretext of actual or perceived danger but has not left the territory of his/ her country is referred to as an “internally displaced person.” An IDP remains within the boundaries of his nation despite being displaced i.e. he continues to enjoy the status of a citizen within the nation.¹

It must be noted that **an IDP is different from a refugee.**² Often IDPs are referred to as refugees. However, there is a great difference between the two seemingly similar terms. To

¹ See <http://www.unhcr.org/pages/49c3646c146.html>

² See <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx#3>

comprehend this distinction it is crucial to deal with the term “refugee” and understand what exactly it conveys.

According to the 1951 Refugee Convention “a refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”³

Thus, a refugee is one who crosses the national boundary and seeks asylum outside the nation.

The Cartagena Declaration goes a step forward and declares those persons refugees who have “fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights...”⁴ Refugees under several international covenants are entitled to legal and international assistance and protection. Once, a person manages to cross an international border he/ she are eligible for protection under international law dealing with safety of refugees. However, if the similar individual fails to cross the national boundary he/ she are not entitled to similar protection from the state or the international community of states or from other international aid organizations. As the term denotes, such people are “internally displaced.” IDPs are known as “internal refugees.”

If one analyses the above mentioned definitions one can easily infer that **the first and foremost criteria, to be recognized as a refugee, is crossing of international borders.** It is interesting to decipher as to why this border-crossing criteria is imperative in deciding the refugee status of a displaced person? The answer lies in one of the elements of nation state system i.e. **state sovereignty.** Each nation-state in the international comity of states has a sovereign authority over its population. Sovereignty basically implies supreme control of the state over its internal affairs and full freedom to decide its foreign policy. Those who are internally displaced are yet within the territory of the state or within the jurisdiction of the state. The state has supreme control (sovereignty) over such persons. Thus, international organizations cannot intervene to provide assistance or protect the basic rights of the internally displaced persons (IDPs).

³ See <http://www.unhcr.org/pages/49da0e466.html>

⁴ See https://www.oas.org/dil/1984_Cartagena_Declaration_on_Refugees.pdf

Refugees are the ones who are able to escape state sovereignty and seek international assistance. Historically, the 1951 Refugee Convention tried dealing with “internal refugees.” But several member states including USA and France were opposed to it dealing with the rights of internally displaced. To quote Mrs Roosevelt, “internal refugee situations...were separate problems of a different character, in which no question of protection of the persons concerned was involved.”⁵

It is clear that IDPs are worse off than refugees simply because refugees are within the reach of international agencies such as UN whereas to reach out to an internally displaced person the same international agency will have to override the sovereignty of the nation in which the IDP lives. Such overriding of sovereignty by an international agency is in violation with the international law. International law is guided by the cardinal principles of sovereignty of a state along with respect for its territorial integrity. Thus, there is a contradiction. **Whether humanitarian intervention is ground enough to violate a state’s sovereignty?** It is important to put this question in the context of protection of IDPs. Of course in other circumstances the UN Security Council provides for humanitarian intervention in a state if the situation demands it. IDPs, therefore find themselves on a sticky wicket. Kofi Annan, the former General Secretary of UN, opines that human rights transcend all claims of human sovereignty.

Refugees and IDPs, despite belonging to the “displaced persons” category are very different from each other. A Cambridge study drives the point home – “However similar their plight may be refugees and IDPs cannot be given the same legal status, because they require protection that is different in nature. **Internally displaced persons remain within the jurisdiction of their own state and responsibility to protect and assist them should not be shifted entirely to the international community.**”⁶ So the million dollar question is whether international human rights can be ensured within a state internally in the context of IDPs? The rights of IDPs can be guaranteed provided that the Government of the day understands that state sovereignty implies protection of one’s own people within the boundaries of the state. What is even worse if the state is the oppressor or the cause that forces these persons to leave their homes? In such a scenario IDPs are a product of state sponsored genocide or mass carnage.

⁵ Phuong, C. (2004). “The International Protection of IDPs.” Cambridge University Press, page 23

⁶ Ibid, page 25

For instance, since its independence in 1948 Myanmar Government has indulged in suppression of its ethnic minorities. Due to this and other reasons the number of IDPs in Myanmar is about 5, 03,000. The persecution of Burmese Indians five decades ago as well as the current plight of Rohingya Muslims highlights the situation of IDPs in Myanmar.⁷

To conclude this section it is crucial to look into **UNHRC's stand on IDPs**. "Unlike refugees, IDPs have not crossed an international border to find sanctuary but have remained inside their home countries. IDPs legally remain under the protection of their own government – even though that government might be the cause of their flight. As citizens, they retain all of their rights and protection under both human rights and international humanitarian law."⁸

(III) Why are IDPs displaced?

a) Persons may be displaced due to natural disasters such as earthquakes, Tsunamis, cyclones and other such catastrophes. For instance, the Tsunami in Indian Ocean in 2004 ravaged parts of Indonesia leading to a set of 514,100 internally displaced persons (IDPs).⁹ Recently the 2010 Haiti earthquake displaced 1.5 million persons internally. Furthermore, international estimates suggest that up to 2014 about **20 million people have been internally displaced in about 100 countries due to natural catastrophes**.¹⁰

b) Development induced displacement. According to a World Bank report since 1990 around a crore people are displaced internally every year on account of development projects such as construction of dams and urban transportation projects. Construction of nuclear plants and demarcating of reserve forests too has caused internal displacement of people.

For instance, the Three Gorges Dam on Yangtze River has caused the displacement of 1.2 million people. The construction of Sardar Sarovar dam in India has already displaced about 0.3 million people.¹¹

⁷ See <http://www.irinnews.org/report/96801/briefing-myanmar-s-rohingya-crisis>

⁸ See <http://www.unhcr.org/pages/49c3646c146.html>

⁹ See <http://www.globalurban.org/GUDMag06Vol2Iss1/Wegelin.htm>

¹⁰ See <http://www.internal-displacement.org/global-figures>

¹¹ Mehta, P. "IDPs and the Sardar Sarovar Project: A Case for Rehabilitative Reform in Rural Media." *American University International Law Review* 20, no. 3 (2005), page 613-647.

It is intriguing to note that in development induced displacement the persons face disproportionate levels of displacement i.e. the displaced are not given enough monetary compensation and the resettlement options are either dissatisfactory or nonexistent. One more point to be noted about such displacement is that it is a **conscious decision taken by the Government of the day**. Such decisions are nothing but state repression masquerading as development. It is against the will of the persons displaced. But it is a common perception that all sells in the name of development.¹²

c) *Man-made disaster* is also the cause of increasing population of IDPs in the world. The Fukushima Nuclear accident (2011) in Japan led to internal displacement of about 1.5 million persons. Most of the persons were mandatorily moved from the disaster hit regions to secure locations. Even after four years the displaced haven't returned to their original homes.¹³

d) *Conflict leads to internal displacement of persons*. Conflict in the form of civil war, armed conflict between different militant groups in a state or communal riots that target minority groups particularly ethnic or religious minorities. Moreover cultural differences have also been responsible for internal displacement of people. For instance, in Kashmir, India the separatist movement has led to internal displacement of about 0.35 million persons, prominent among these is the deplorable condition of Kashmiri Pandits.¹⁴ Moreover the ongoing civil war in Syria has led to the internal displacement of more than 6.5 million persons. The civil war in Syria started in 2011. Even after four and a half years the situation remains same. Half of the Syrian population has already left the nation which has become a proxy battleground for world heavyweights such as USA and Russia as well as non-state actors such as ISIS, al-Qaeda and Jabrat-al Nusra.¹⁵

(IV) IDPs across the Globe – In Numbers: According to the Internal Displacement Monitoring Centre (IDMC) today more than 35 million have been displaced due to conflict-induced displacement whereas about 20 million persons were internally displaced due to natural disasters. Thus, in total the number of IDPs across the globe is more than 55 million.

¹² See Mehta, P. "IDPs and the Sardar Sarovar Project: A Case for Rehabilitative Reform in Rural Media." American University International Law Review 20, no. 3 (2005), page 613-647.

¹³ See <http://reliefweb.int/report/japan/returning-home-after-fukushima-displacement-nuclear-disaster-and-international>

¹⁴ <http://www.internal-displacement.org/assets/library/Asia/India/pdf/IDMC-CESCR-submission-India-Apr-2008.pdf>

¹⁵ <http://www.bbc.com/news/world-middle-east-34189117>

It is crucial to provide a **region-wise break up** of these numbers in order to better understand the spread of IDPs across the globe.

1) IDPs in North and South America: American countries of Mexico, Guatemala, Honduras, Peru and Colombia together have led to **about 6 million of IDPs** in this region. **Around five million IDPs are concentrated in Colombia only.** The number is high in Colombia due to the ongoing armed conflict since past the past fifty years which includes several militant groups including pro-Government militant groups, guerrilla groups and organizations indulging in crime-related activities. It is interesting to note that of those displaced internally, in Colombia, more than 50% are women. Thus, it shows that even within the IDPs women are the most vulnerable. About 30% belonged to an African ethnic community in Colombia.¹⁶

2) IDPs in Middle East and North Africa (MENA) region reached about 10 million by the end of 2014. Major countries with high IDP numbers in this region included **Iraq, Syria, Libya, Israel, Palestine, Lebanon, Yemen and Algeria.** The increasing number of IDPs in Iraq and Syria can be linked to the rise in prominence of non-state actors such as ISIS. In Israel those belonging to the Palestinian population or to the ethnic minority of Bedouins have been internally displaced. In Yemen and Libya, the 2011 Arab Spring has been responsible for internal displacement of several persons. Moreover, in Yemen the recent Houthi movement combined with Saudi airstrikes has led to increasing population of IDPs. Lebanon is suffering from internal conflict which is aggravated by activities of terrorist groups such as Hezbollah.¹⁷

3) IDP numbers in South Asia and South-East Asia amount up to 3.5 million. Majority of those displaced internally belong to **India, Bangladesh, Afghanistan or Pakistan.**¹⁸ In India about 0.6 million persons are internally displaced. India's IDP experience can be attributed to armed insurgencies in states of Jammu and Kashmir, Assam, Nagaland and Meghalaya. Moreover communal riots in states of U.P. and Gujarat also have been responsible for this IDP figure of India. About 1.5 million people are internally displaced in Pakistan. Mostly due to armed conflict and counter insurgencies in Khyber Pakhtunkhwa or Federally Administered Tribal Areas (FATA) of Pakistan. Afghanistan has about 1 million internally displaced.

¹⁶ See <http://www.internal-displacement.org/americas/>

¹⁷ See <http://www.internal-displacement.org/middle-east-and-north-africa/>

¹⁸ See <http://www.internal-displacement.org/south-and-south-east-asia/>

The stand-off between Afghan National Security Forces and non-state armed groups is the main reason for high IDP numbers in the Afghan region. In Bangladesh, there are two main groups that constitute the IDPs i.e. the Bengali speaking group and the Urdu speaking group. Apart from these states the numbers of IDPs is high in Indonesia, Myanmar and Sri Lanka too.

4) Sub-Saharan Africa consists of about 13 million IDPs in about 20 countries. In this cluster of nations, **Sudan, Congo and Nigeria have the highest numbers of IDP**. Sudan has a whopping 3.1 million of IDPs. This is mostly due to the partition of the country in 2011, as a result the movement of South Sudanese to South Sudan created a large number of IDPs in the region. In Nigeria the population of IDP has reached to 1.5 million on account of communal clashes and increasing atrocities committed by non-state actors such as Boko-Haram. In Congo about 3.5 million persons stand internally displaced mainly due to the African World War of 1998. Somalia, a failed state, consists of 1.1 million IDPs. Apart from these states even Burundi, Chad, Ethiopia and Niger have high IDP numbers among others.¹⁹

5) European region along with Central Asia consists of 2.5 million IDPs. In Europe IDPs can be found mainly in **Armenia, Azerbaijan, Kosovo and Chechnya**. In Central Asia, Turkey has the highest IDP numbers about 1 million mainly due to the ongoing armed struggle between the Government of Turkey and the ethnic minority group of Kurds. The Kurds in Turkey have been demanding a Kurdistan state. Moreover the Kurds have their own army known as the Peshmerga. Currently the conflict between the state of Turkey and Kurdish people isn't as intense as it used to be as both the parties are busy defending themselves from ISIS attacks. Interestingly about **1.5 million IDPs exist in Ukraine**. The wave of internal displacement began in Ukraine with Russia's annexation of Crimea in 2014 affecting the ethnic group of Crimean Tatars the most.²⁰

(V) Hardships faced by the Internally Displaced Persons:

1) IDPs suffer from physical dislocation. Consequently, they break away from their daily lives and are pulled in the survival rut where securing temporary shelter, basic needs of food and clothing becomes pretty important.

¹⁹ See <http://www.internal-displacement.org/sub-saharan-africa/>

²⁰ See <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/>

In seek of temporary shelter IDPs may come across crowded settlements such as refugee camps where they run the risk of falling prey to diseases or being treated as outsiders in their own country.

2) IDPs do not have any livelihood or work per se which results in them suffering from poverty and marginalization. Thus, **a regular and permanent source of income is missing.**²¹

3) IDPs do not have access to public goods such as clean drinking water, quality education and affordable healthcare. Moreover, **access to basic public services is denied.** All of this may culminate into high illiteracy levels and increasing rate of malnutrition among IDPs.²²

4) **Social security of IDPs is threatened.** Once IDPs are displaced they may have lost contact with their family or with the community they live in. Separation from family may not bode well for children as they may be forced into child labour or may be drafted to fight as militants in the armed conflict. Moreover, children and women (without any family) may be physically or sexually abused.²³

5) IDPs basically leave their original homes with a sense of emergency. As a result **they do not have important documents**, which identify them as nationals of the particular country they belong to, on them. In absence of these crucial documents IDPs may be mistreated or abused by their own fellow citizens as well as by the Government of the day.²⁴ Once displaced where do IDPs go? Wherever they go **IDPs may face discrimination and social boycott.** They may find it difficult to adjust with the culture and social structure of their current place of living. Thus, syncing in with normal lifestyle may become a distant dream for the internally displaced.

6) **Once displaced IDPs may be affected mentally.** They may sink into depression or may be incited by circumstances to take revenge from those who have wronged them. One can take the example of Kashmiri Pandits who have been displaced from Kashmir, India. Many of them are unable to separate themselves mentally from their native homeland even years after physical displacement. Kurds of Turkey have initiated an armed conflict to revenge the state.

²¹ See <http://www.unhcr.org/50f955599.pdf>

²² See <http://www.unhcr.org/50f94dcc9.html>, page 9

²³ See <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx>

²⁴ See <http://www.unhcr.org/50f94dcc9.html>, page 9

(VI) Legal Protection for the Internally Displaced:

The **Guiding Principles on Internal Displacement** defines internally displaced persons 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 generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border.”²⁵ Thus, there is a common definition in the first place to agree upon who exactly are the internally displaced persons. It must be borne in mind that displacement is different from migration. Displacement is temporary marked by physical dislocation whereas migration is voluntary. **Displacement is thus sometimes known as forced migration.**

A) General analysis of “Guiding Principles” on Internal Displacement: Guiding Principles are considered very crucial for extending legal protection the IDPs. These guiding principles are thirty in number and provide a framework to deal with all types of situations not just violence-induced displacement. Guiding principles is described by many as an “ambitious document.” Several drafts (formulated before Guiding Principles), that wished to protect IDPs looked only at the effects of internal displacement. Guiding Principles was the first document of its kind to go a step ahead and delineate the causes of displacement. The edifice of Guiding Principles is built on the foundation of international humanitarian law, human rights law and refugee law.²⁶

B) Guiding Principles on Internal Displacement in a nutshell²⁷:

Section I deals with general principles. **Principle I** states that IDPs enjoy similar rights backed by international law or domestic law as enjoyed by any other citizen of their nation. It denounces any kind of discrimination in enjoying these rights. **Principle II** is very penetrative in the sense it puts the onus of protection of IDPs on authorities, groups of people and individuals. Moreover it clarifies that “Guiding Principles” as a whole acts as an enhancer of rather than restricting the rights promulgated by international humanitarian or domestic law. **Principle III** puts the onus on the state to protect the IDP population within its boundaries.

²⁵ See http://www.law.georgetown.edu/idp/english/id_faq.html

²⁶ See Phuong, C. (2004). “The International Protection of IDPs.” Cambridge University Press, page 56 – 58

²⁷ See <http://www.unhcr.org/43ce1cff2.html> , page 2 - 15

Principle IV calls for no discrimination on the grounds of colour, caste, creed or gender in application of the “Guiding Principles.” Moreover, it lays emphasis on the special needs of vulnerable individuals such as children, women and old people.

Section II provides for principles ensuring protection from displacement. **Principle V** calls on international actors to pay heed to the rights of internally displaced asking them to avoid circumstances that might lead to internal displacement. **Principle VI** guarantees rights to IDPs in the face of arbitrary displacement which may include ethnic cleansing or armed conflicts. This principle also protects displacement of people on account of development project or natural catastrophes. **Principle VII** is exhaustive in the sense it highlights the need for “feasible alternatives” in case of displacement of people. It addresses the state to reduce the extent and degree of displacement if it is unavoidable. In a situation of displacement it places the onus on the state to provide for basic needs of food, clothing and shelter to the IDPs. **Principle VIII** upholds right to life and liberty. **Principle IX** says that those persons who are dependent on their lands (such as farmers, pastoralists, minorities etc) must be protected against any kind of displacement.

Section III provides for principles ensuring protection during displacement. **Principle X** upholds right to life and calls for protection of IDPs from genocide, murder, military combat or attack on their settlements. It prohibits any kind of attack against IDPs. **Principle XI** upholds right to dignity and liberty. It protects the IDPs against atrocities such as rape, mutilation, slavery or any kind of act of terror or violence. **Principle XII** provides protection to IDPs from arbitrary arrest and hostage situation where they may be internally confined. **Principle XIII** protects IDPs, particularly children, from being recruited into armed forces. **Principle XIV** provides the right to move freely to IDPs. **Principle XV** deals with the rights of IDPs to seek asylum in any other country and prevents further forced migration of IDPs. **Principle XVI** works towards reuniting IDPs with family members who are lost or missing. It summons international agencies working in this field to extend full cooperation to IDPs. **Principle XVII** lays stress on family life of IDPs and their right to remain together with their family. **Principle XVIII** deals with providing respectable standard of living to IDPs which includes basic needs of food, clothing and shelter as well as clean water along with access to sound sanitation and medical services. **Principle XIX** lays stress on curing the unhealthy IDPs with special emphasis on health of women and those suffering from incurable diseases.

Principle XX calls on the authorities concerned to recognize the IDPs and provide them with necessary documentation in order to enjoy their legal rights. **Principle XXI** provides for protection of property of IDPs against any kind of destruction. **Principle XXII** vouches for right to vote and right to seek employment of IDPs apart from the freedom of thought, expression and religion. **Principle XXIII** deals with right to education of IDPs with special emphasis on education of girls.

Section IV deals with principles connected to humanitarian assistance. **Principle XXIV** talks about humanitarian assistance to IDPs which shouldn't be stalled for any particular reason. **Principle XXV** lays the onus on the state to provide humanitarian relief to IDPs. Moreover it clarifies that the act of the international agencies to provide humanitarian relief shall not be considered as an act to violate the sovereignty of the concerned state. **Principle XXVI** protects persons engaged in provision of humanitarian relief to IDPs. **Principle XXVII** lays stress on international code of conduct when it comes to dealing with protection needs of the internally displaced.

Section V deals with principles relating to return, resettlement and reintegration of IDPs. **Principle XXVIII** asserts that concerned authorities must ensure existence of a safe and secure environment to allow IDPs to return to or resettle in their native homeland. A safe passage should be provided for this purpose. Moreover it calls for inclusion of IDPs in the decision making process. **Principle XXIX** provides for the political rights of resettled IDPs. It also calls for provision of public services to these IDPs without any discrimination. The concerned authorities may assist the IDPs in recovering their lost possessions or property. In case of loss of such property, the concerned authorities are obligated to compensate these IDPs. **Principle XXX** provides for international agencies to assist in return, resettlement and reintegration of IDPs.

C) Shortcomings of the Guiding Principles: Though these principles are exhaustive and provide for a protective framework to secure rights of IDPs and provide them with a more meaningful life. However, these principles are fraught with certain weaknesses.

1) During the time of displacement, history corroborates, minority groups are most vulnerable to be displaced. They stand to lose a lot. However, the "Guiding Principles" do not provide a systematic framework to protect the minorities from displacement-induced atrocities.

In the whole document “minorities” is mentioned just once in principle IX where it is clubbed along with farmers and pastoralists. **Minority rights should be clearly asserted.**²⁸

2) According to critics the **“Guiding Principles” may be too ambitious.** Of course, it a comprehensive document covering varied aspects of IDPs’ rights. To quote Phoung – “Indeed it covers such a broad range of issues that coherence maybe elusive in a document that canvasses variety of different concerns which pose distinct challenges.”²⁹

3) Lastly, one may logically argue that **“Guiding Principles” as a document isn’t legally binding** on the concerned state authorities or on international organizations. Thus, even if these stakeholders fail to carry out their duties with respect to IDPs they cannot be held accountable for the same. In such a scenario, it becomes difficult to ensure proper implementation of these principles. However, according to Lavoyer, though this document has certain shortcomings, **one must interpret it in the right spirit.** To quote Lavoyer, “Guiding Principles form part of treaty law and that are therefore legally binding.”³⁰

D) India’s position on the Guiding Principles: India’s stand on the Guiding Principles was quite appalling. India explicitly stated that the principles didn’t enjoy Government approval thus they weren’t legally binding on India. Moreover, India felt that the language of the document was out of context and in some parts it was quite imposing. India which is home to around six lakh IDPs could have benefitted by recognizing the “Guiding Principles” as a legit document in its handling of IDPs. But as Lavoyer mentioned – it must be interpreted in the right spirit.³¹

(VII) Institutional Framework for Protection of IDPs:

A) UNHCR and IDPs: Initially the United Nations High Commissioner for Refugees (UNHCR) did not provide any protection for the IDPs. However, in 1972 the General Assembly passed its resolution 2956. This resolution provided a breakthrough for UNHCR to deal with the rights of internally displaced in Sudan. Many see the 1991 intervention in Iraq by UNHCR as the turning point in its dealing with IDPs. Since then UNHCR has been actively involved with the IDPs. One notable case was its assistance in Colombia in 1998.

²⁸ See Phoung, C. (2004). “The International Protection of IDPs.” Cambridge University Press, page 65

²⁹ Ibid, pg 65

³⁰ Ibid, pg 66

³¹ Ibid, pg 71 – 72

Currently, UNHCR is proactive in extending protection and humanitarian assistance to IDPs. However, UNHCR is not present in countries such as Myanmar and Turkey which too have high numbers of IDPs.³²

B) International Committee of the Red Cross (ICRC) and IDPs:

ICRC has time and again provided humanitarian relief to IDPs across the globe caught in armed conflict or counter insurgency. It undertakes activities such as providing humanitarian relief, evacuating civilians, propagating international law and securing peace in areas affected by civil unrest. However, according to Phuong, “ICRC seeks to strike a balance between the 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.”³³ Moreover global security analysts are of the opinion that ICRC staff is better prepared to tackle conflict situations as compared to the staff of UN or any other NGO.

C) Analysis of Role of UNHCR and ICRC with respect to IDPs:

The fundamental difference between both the international agencies with respect to their dealings with IDPs is that ICRC makes use of legally binding treaties in order to promote the cause of IDPs and assist them in time of conflict whereas UNHCR makes use of non-binding legal documents such as Guiding Principles. One more important argument to be considered is that **UNHCR is bound by Refugee Convention, 1951** to extend protection and support to refugees. Thus, its efforts to provide similar treatment to IDPs take a backseat.

On the other hand **ICRC, under international humanitarian law, is required to deal with displaced persons in conflict situations.** As stated in the introduction, displaced persons include both IDPs and refugees, thus ICRC is inclined to protect IDPs. ICRC is ahead of UNHCR in one more dimension i.e. **it is not influenced by states to contain displaced population** in a particular way. It is an independent agency. Thus, **ICRC’s institutional freedom and vast experience** in the sphere of on field operations makes it a more reliable agency of the two when it comes to protecting the plight and rights of IDPs.

³² See Phuong, C. (2004). “The International Protection of IDPs.” Cambridge University Press, page 81 – 82

³³ Ibid, page 94

D) International Agencies dealing with Specific Issues of IDPs:

1) Under World Food Programme the basic hunger needs of IDPs have been met. By the year 2000, **WFP** is believed to have fed around 20 million IDPs. WFP's primary aim is to alleviate hunger and thus it has played a crucial role in extending "food protection" to IDPs.³⁴

2) **International Organization for Migration (IOM)** regulates human flows i.e. migration. Its concern is migration of persons from point A to point B must be carried out in order and complete safety. In its constitution, IOM clearly mentions the need to protect the internally displaced. Its efforts include providing temporary shelter to IDPs as well as arranging for their transportation to their native lands. In Mozambique and Angola IOM has succeeded in reintegrating IDPs such as injured military personnel. Thus, IOM takes care of shelter and transportation needs of IDPs.

3) **World Health Organization (WHO)** looks after specific health needs of the IDPs. It ensures that IDPs are living on adequate nutrition levels. However, WHO hasn't been as active in extending support to IDPs as other organizations involved in the field.

Apart from above mentioned organizations even **UNICEF and UNDP** have played an integral role in providing protection to IDPs. UNICEF has recognized the rights of children and has done extensive work in Sri Lanka and Colombia to prevent the participation of children in the ongoing armed conflict in those regions. By 1990s, UNICEF was the most active UN agency when it came to dealing with IDPs. UNDP's role can be gauged from the following quote – "Together with UNHCR, it has launched a joint programme in Somalia to promote the reintegration of IDPs by providing basic social and economic opportunities for the returnees and their communities."³⁵

UN Office for Coordination of Humanitarian Affairs (**OCHA**) – **Internal Displacement Unit** is also a crucial agency working on the field to extend humanitarian assistance to IDPs. OCHA declares that the main function of the IDU is "to identify and highlight gaps in the humanitarian response to displacement situations."³⁶

³⁴ See Phuong, C. (2004). "The International Protection of IDPs." Cambridge University Press, page 97

³⁵ Ibid, page 101

³⁶ See <http://www.fmreview.org/FMRpdfs/FMR20/FMR2021.pdf>

(VIII) Case Study: Experience of IDPs in Colombia:

A) Historical Background: Colombia has been suffering from an internal conflict since the past fifty years. The UNHCR has branded this conflict as “an invisible crisis” which has internally displaced around sixty lakh or six million persons within Colombia’s national boundaries. The major bone of contention in this internal conflict has been control over areas rich in natural resources and drug production.³⁷

B) Nature of Internal Conflict in Colombia: The Government has incomplete control over the happenings in the state. Armed groups of guerrillas, drug-peddlers and militant organizations are wrestling it out to gain control “of land for large-scale agriculture and ranching, the drug trade, illegal mining and, at the Venezuelan border, the movement of gasoline. As the war has become de-ideologized, all armed groups rely on the strategic use of terror to control communities and silence opposition.” The main feature of this internal conflict is that it has caused individual displacement as compared to group displacement (as evident in Rwanda).³⁸

C) Key Players: Paramilitary forces along with Government forces are involved in a tussle with Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army. Apart from these the powerful drug cartel in Colombia is also involved in the civil war. Moreover, the armed conflict also involves insurgent leftist groups. Each player is involved in acquiring and consolidating political and economic clout over resource rich and drug producing areas in Colombia. Various MNCs operating in fruit business and oil business have too delegated the function of expanding their business to militants. Consequently, the deep vested interests of these business groups have resulted in systematic and massive internal displacement of Colombians.³⁹

D) The actual victims of this civil war that has been going on for five decades now are the civilians of Colombia. **African-Colombians are the worst off local community.** They are most affected. Apart from African-Colombians even other indigenous Colombians have been affected.

³⁷ See http://www.coha.org/colombias-invisible-crisis-internally-displaced-persons/#_edn33

³⁸ See <http://www.theguardian.com/global-development/2013/aug/12/colombia-internally-displaced-people-instability>

³⁹ See https://en.wikipedia.org/wiki/Colombian_conflict

The gangs responsible for massive internal displacement of local population are Urabenos and Rastrojos. The socio-economic condition of the internally displaced has degraded to deplorable levels. Displacement pattern is from rural to urban areas. Urban areas are highly unsafe and risky areas. Despite this IDPs prefer living in dangerous neighbourhoods due to the access to existing public services in urban areas. However, gory gang conflicts have also resulted in “intra urban displacement.”⁴⁰

The IDP population in Colombia is second only to Syria. Colombia has about 6 million IDPs compared to 6.5 million in Syria. The reason its IDP population is compared to Syria is due to the fact that civil war in Syria has completed four and a half years. However in Colombia the civil war has consistently continued for half a century now. Global analysts are positive about the Syrian civil war reaching a solution in five to ten years of time. There are chances of the Syrian IDPs being reintegrated and resettled in distant future. Of course it can be counter argued that the civil war which has already displaced 6.5 million persons within 5 years has great potential to further displace people. But as facts suggest that the Colombian civil war is ten times older than the Syrian civil war and has consistently managed to keep a large section of population internally displaced. Thus it becomes crucial to analyse the IDP scenario in Colombia.

E) *The economic growth paradox:* Colombia has a much higher economic growth rate as compared to other Latin American countries. But studies indicate that it is this high growth rate that is responsible for high number of IDPs in Colombia. **The main factor of Colombia’s high growth rate is its ever progressive drug industry.** But the drug industries run by illegal drug cartels is one of the prime reasons of high IDP numbers. According to World Food Programme Report, “the average monthly income of an internally displaced family represents a little over 41 percent of the official minimum wage, equivalent to US\$63 dollars which demonstrates that the distribution of wealth within Colombia is highly unequal and that a seemingly prosperous economy is not sufficiently benefiting IDPs.”⁴¹

F) *Condition of IDPs in Colombia:* Those internally displaced within Colombia do not have access to basic public services such as education and health care. Moreover access to these services is possible only on the basis of proper identification documents which the IDPs lack.

⁴⁰ See <http://www.theguardian.com/global-development/2013/aug/12/colombia-internally-displaced-people-instability>

⁴¹ See <https://www.wfp.org/countries/colombia/overview>

Women and children are the most vulnerable groups. Women are subjected to sexual abuse and exploitation. Many studies indicate that young girls in Colombia find themselves dragged into prostitution. Moreover the issue of child labour has gained greater magnitude in Colombia since in 2014. 1.1 million of those internally displaced, children find themselves working as child labours. Moreover certain rough estimates indicate that IDPs have dispossessed approximately 7 million hectares of land due to the ongoing civil war. A stated earlier, displacement patterns suggest that IDPs move from rural areas to big cities. Such a shift affects the IDPs psychologically as they are unable to adjust to life in mega cities. According to a WFP report “**Colombia’s grave IDPs situation hampers economic growth, threatens vital infrastructure, displaces population, erodes social and cultural cohesion and generates economic fiscal costs.**”⁴²

G) State Response to the IDP crisis: According to Internal Displacement Monitoring Centre (IDMC), “Colombia has the world’s oldest and most developed legal frameworks to deal with internal displacement.” However, response of the state to the IDP crisis is lax. The nature of state response can be gauged from:

1) Colombia’s **Law 387 (1997)**⁴³ is known for protecting the IDPs from problems of internal displacement as well as securing their assets. The law hasn’t yielded expected outcomes due to several loopholes. Moreover, its implementation hasn’t been up to the mark. Lastly this law did not ensure the freedom of IDPs from displacement or hold the state accountable for ensuring protection to IDPs.⁴⁴

2) **The Law of Peace and Justice (2005)** dealt with demobilization of armed groups to tone down the magnitude of the internal conflict. It called for compensating the victims by laying emphasis on “victim’s reparations.” However, the legal procedure of seeking reparations or compensation was quite cumbersome and time-consuming. As a result only about 30 IDPs had received damage payments by 2010.⁴⁵

3) **Victims and Land Restitution Law was passed in 2011.** It deals with the rights of those who have been internally displaced.

⁴² See <https://www.wfp.org/countries/colombia/overview>

⁴³ See http://www.brookings.edu/~media/Projects/idp/Colombia_Law387_1997_Eng.pdf?la=en

⁴⁴ See Summers, N. (2012). “Colombia’s Victims’ Law: Transitional Justice in a Time of Violent Conflict?” Harvard Human Rights Journal (Volume 25), page 223

⁴⁵ Ibid, page 224

This law is very meticulous and particular in dealing with land rights of IDPs and guarantees the IDPs restitution rights. According to a Harvard report the effectiveness of this law is bound to face serious obstacles as the state isn't equipped well enough to protect the victims from the armed groups. Inadequate reparations will be the only outcome of this ambitious law. Thus, there are serious doubts about its protective nature in order to secure justice for the IDPs.⁴⁶

State response to the IDP crisis in Colombia has been quite poor and ineffective. A “The Guardian” report titled “Colombia’s Internally Displaced People caught in corridor of instability” beautifully captures the situation in Colombia. “**The shortfalls of the system** also include a crisis of protection, where IDPs pushing for rights to land restitution have been attacked, especially by paramilitaries in league with the new landowners; bureaucratic under capacity worsened by the tangle of the various programmes; and the basic problem of implementing care and support in the middle of a conflict where the government has incomplete control of the country.”⁴⁷

H) Analysis: It can be said that Colombia’s laws to deal with the so called invisible crisis are forward looking and modern. These laws are further backed by executive decisions and court rulings. The IDP laws in Colombia broadly lay down the rights related to immediate relief, social support and adequate compensation. Despite a sound legal framework in place the state has made little or no progress in ensuring reintegration and resettlement of IDPs. Proper and timely implementation of these laws has been a major constraint. ***With about 6 million persons being internally displaced under the authority of state it is intriguing to ask oneself if the current civil war crisis in Colombia is truly invisible?***

(IX) Conclusion:

The menace of internal displacement has plagued scores of countries on the planet. Internal displacement due to natural disasters is uncontrollable and misfortunate. In such a scenario, only post-disaster management and mitigation strategies can work.

⁴⁶ See <http://www.worldbank.org/en/results/2015/08/13/colombia-protects-land-and-patrimony-of-internally-displaced-persons>

⁴⁷ See <http://www.theguardian.com/global-development/2013/aug/12/colombia-internally-displaced-people-instability>

