

**INTER-AGENCY STANDING COMMITTEE WORKING GROUP
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UNHCR' s INVOLVEMENT WITH INTERNALLY DISPLACED PERSONS

INTRODUCTION

UNHCR's primary function under the Statute of the Office is to extend international protection to and promote permanent solutions for refugees. While the factors which compel refugees and internally displaced persons to leave their homes are similar, if not identical, it is clear that UNHCR does not have a general competence for the latter group.

There have, however, been a number of instances throughout the history of UNHCR in which it has been called upon to concern itself with internally displaced persons. The first type of situation in which such involvement has taken place is where repatriated refugees, or returnees, are intermixed with internally displaced persons in the areas of return. When implementing programmes in favour of returnees, UNHCR has frequently extended its assistance to persons who were, or had been, displaced within their own countries. In certain instances, UNHCR's role of monitoring the security situation of repatriated refugees has enabled the Office to promote conditions of safety for internally displaced persons as well. The involvement of UNHCR with the Kurds in Northern Iraq after 1990 is a recent example of this type of situation.

In other places and times, UNHCR has been requested to undertake special operations, not related to returnees programmes for the benefit of persons displaced within their own countries. UNHCR's involvement in Yugoslavia, upon a request formulated by the Secretary-General in November 1991, illustrates this second type of situation. In this particular instance, UNHCR was requested to extend its humanitarian expertise to assist internally displaced persons and help prevent further displacement of the population.

The third type of situation in which UNHCR has had a role to play with internally displaced persons has occurred through participation in arrangements for the provision of development and humanitarian assistance to refugees, returnees and internally displaced persons in a particular region. Such comprehensive approaches to solving problems resulting from coerced displacement have been typified, in recent years, by SAARED in Southern Africa and by CIREFCA in Central America.

Against this backdrop, the purpose of this paper is to set out both the legal and practical parameters of UNHCR's involvement with internally displaced persons.

cc. Members of the SMC: HC, DHC, MM/MS. Baquerot, Blatter, Bwakira, Chefeke, Chipman, Demmer. Foa, Franco, Jessen-Petersen, I. Khan, Mitamura, Morjane, Timberlake, Waltzer

LEGAL BACKGROUND

The statute of the Office of the United Nations High Commissioner for Refugees, annexed to General Assembly Resolution 428(V) of 1950, directs the High Commissioner to “engage in such activities (..) as the General Assembly may determine within, the limits of the resources placed at (her) disposal”.

Various resolutions of the Economic and Social Council and the General Assembly provided a basis for UNHCR to become involved, throughout the two decades following the adoption of its Statute, in humanitarian actions undertaken by the United Nations. In its Resolution 2956 (XXVII) of 1972, the General Assembly requested the, High Commissioner to continue to participate, at the invitation of the Secretary-General, in such U.N. endeavors for which UNHCR had particular experience and expertise.

A first specific reference to activities in favour of internally displaced persons appeared in General Assembly Resolution 47/105 of 1992, which welcomed "efforts by the High Commissioner, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, to undertake activities in favour of internally displaced persons, taking into account the complementarities of the mandates and expertise of other relevant organizations".

The main requirements derived from the above mentioned references can be summarized as follows:

- (a) there must be a specific request for involvement or a need to undertake additional activities as a natural extension of the mandate given by the General Assembly.. Where applicable, the specific request may emanate from the General Assembly, the Secretary-General or another competent principal organ of the UN such as the Security Council or ECOSOC;
- (b) UNHCR has relevant expertise and experience;
 - © the concerned State must consent to UNHCR's involvement;
- (d) UNHCR's activities must remain within the limits of the resources placed at its disposal for the activities in question.

II. CRITERIA FOR INVOLVEMENT

Positive criteria can be developed to identify the specific situations of internal displacement which call for or point to the usefulness of UNHCR's involvement. A distinction must be made between two sets of situations:

(I) some situations of internal displacement present a clear link with activities which UNHCR undertakes in fulfillment of its mandate. This will be the case where:

- internally displaced populations are mixed with returnee populations, or are to be found in potential areas of return of refugees; or.

- the same causes have produced both internal displacement and a refugee flow, or there is a risk of cross-border spilling of the internal displacement. The aspect of prevention, or at least containment of refugee outflows is here predominant.

In all such situations, UNHCR should give favourable consideration to an involvement, weighing in each case the additional benefits of its involvement in terms of protection and solutions.

(ii) in situations where the link with mandated activities is not present, UNHCR may consider getting involved to ameliorate the causes of the internal displacement and contribute to conflict resolution through humanitarian action.

In this type of situations, UNHCR's activities would normally be supplementary to UN efforts aimed at peace-making, peace-keeping or stabilization/reconstruction.

III NATURE OF UNHCR ACTIVITIES

The nature of UNHCR activities in favour of internally displaced persons will depend on the circumstances of each situation, and may range from the channeling of relief items to protection activities.

It is important to recall, however, that both UNHCR's mandate and its expertise are in the areas of protection and solutions. Wherever UNHCR is asked or allowed to assist in a specific situation, irrespective of whether there is a link with mandated activities, it should be expected to act in pursuit of these basic objectives.

IV PRINCIPLES OF OPERATION

- UNHCR's involvement should not be, nor be interpreted as an absolute substitute to asylum. The option to seek asylum must remain open.

- UNHCR is given full access to the affected population, security and other conditions which allow it to operate.

- UNHCR's endeavors in favour of internally displaced persons will normally be part of a broad UN effort. Some form of operational coordination would therefore be required, under which UNHCR would retain its independence, as an organ established by and reporting to the General Assembly. The ability of the High Commissioner, through her own representative, to intervene directly with the Governments concerned is often of vital importance for the protection of persons of her concern. Immediate action is also frequently required, which emphasizes the need for smooth, efficient coordination mechanisms.