



A CRITICAL STUDY ON STATE RESPONSIBILITY IN PROTECTING INTERNALLY DISPLACED PERSONS

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Abstract--Between twenty and twenty-five million persons have been forced to leave their homes or places of habitual residence in the last few years, because of armed conflicts, internal strife or systematic violations of human rights. Unlike refugees, Internally Displaced Persons (IDPs) have not crossed an internationally recognized State border, but rather seek refuge in another part of their country, which renders their situation intrinsically complicated. Typically, this movement is characterized by the occurrence of large-scale violations of human rights, but IDPs benefit from no clearly defined institutional responsibility or protection. This article aims to highlight some aspects of the situations of internally displaced persons, having regard to their legal and institutional protection under international human rights and humanitarian law, and also search for an appropriate definition and examines the general framework of protection. Finally, the article refers to some possible solutions and aims to contribute to an overdue legal and political debate on one of the most challenging contemporary humanitarian problems.

INTRODUCTION

In more than 50 countries around the world, some 26 million individuals are uprooted from their homes and displaced in their own countries as a result of conflict or human rights violations. In addition, natural disasters caused the displacement of 36 million persons worldwide. Internally displaced persons, or "IDPs," are part of the broader civilian population that needs protection and assistance because of conflict and human rights abuses or due to natural disasters. The focus on IDPs is not intended to encourage preferential treatment of IDPs to the exclusion of other populations at risk but, rather, to improve the quality of the response developed for IDPs whose needs have been, until recently, inadequately addressed by the international humanitarian response. Forced from their homes, IDPs also experience specific forms of deprivation, such as loss of shelter, and often face heightened or particular protection risks. These risks may include armed attack and abuse while fleeing in search of safety, family separation, including an increase in the number of separated and unaccompanied children, heightened risk of sexual and gender-based violence, particularly affecting women and children. Arbitrary deprivation of land, homes and other property, and displacement into inhospitable environments, where they suffer stigmas, marginalization, discrimination or harassment. In the face of such risks, internally displaced women, men, girls and boys have to demonstrate a remarkable degree of resilience and strength, drawing on their own capacities to develop basic support mechanisms and seek protection. The prevention of displacement and the protection of IDPs and other affected populations within their own country are the responsibility of national authorities. Particularly in situations of armed conflict, IDPs may find themselves in territories over which State authority is absent or difficult to enforce. In such situations, the prevention of displacement and the protection of IDPs are also the responsibility of non-State actors.

In those situations where States require support or where national protection is not ensured, a critical protection role falls to the international community. It has been difficult to address this "protection gap" not only because of the sensitivity of the subject within the country concerned, but also because of various gaps within the international framework. Concerted efforts are also being made to address institutional gaps in humanitarian response, including in situations of internal displacement. The reform of the humanitarian system initiated in 2005 identified protection as a persistent gap and created institutional mechanisms to ensure that protection is a core component, and cross-cutting element of humanitarian response. The key mechanism introduced to help fill the gap is known as the "cluster" approach. Although the critical test for any humanitarian response is what happens on the ground, until now there has been no comprehensive, practical guidance on how to operationalize protection in situations of internal displacement.



DEFINITION OF IDPs

There is no unanimity among the scholars about the definition of IDPs. Every scholar or an institution has its own way of perception of the definition of IDPs, and accordingly, the concept of IDPs has been discussed along the following lines. According to Janie Hampton, Editor of Internally Displaced People: A Global survey: “Unlike refugees who cross international borders, those who stay within their own country must rely upon their own governments to uphold their civil and human rights. If the state chooses not to invite external assistance, then the international community has limited options to protect these people. In many countries it is the government or its military forces that have caused the displacement or prevent access to their citizens”.

The Definition for IDPs used by the United Nations follows: “Persons or groups of persons who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, in particular the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized state border”.

Although it is a very vague definition, it attempts to include all aspects of internal displacement. It assumes that the international aid community will become concerned, particularly where violations of human rights occur. Ironically in practice as per IDP: Global Survey (1997), sometimes the governments concerned exaggerates a problem in order to secure more international aid. Thus it is very difficult to define who are IDPs, because people are forced to flee from their homes because of either civil or international war (Afghanistan, Sri Lanka , Israel, Palestine, Iran, Iraq and Africa as well as in Eastern Europe), natural or manmade disaster, (China, Japan, Korea, Australia and some of the South East Asian countries); development like construction of dams or urban clearances (India, Bangladesh) and Changes in the economy due to either industrialization or famine (Philippines, Malaysia, Cambodia, Thailand, Hong Kong Taiwan, and Fiji).

THE EMERGENCE OF A IDPS NORMS

Throughout the Cold War, IDPs were effectively ignored. Governments were expected to care for their own populations. When they failed to do so or deliberately subject their population to abuses, governments “managed to keep the international community at bay by invoking their sovereignty and insisting on non-interference in the internal affairs of states”. The end of the cold war altered this dynamic considerably.

As UNHCR has noted: “The emergence of new forms of warfare entailing the destruction of whole social, economic and political systems, the spread of light weapons and land-mines, available at prices which enable populations including their youngest members to be armed and perhaps most significantly the use of mass evictions as weapon of war and as a means of establishing culturally or ethnically homogenous societies”. Coupled with many countries unwillingness to accept massive numbers of new refugees, who created a preoccupation with preventing refugee flows entirely was a major growth in the number of IDPs. The telecommunications revolution also dramatically increased the ability of the media to report on many of these situations and to focus international attention of the plight of the displaced, whether starring Ethiopians, fleeing Sudanese, or displaced Kurds. Therefore, by the early 1990s, a number of elements necessary for normative change existed with respect to how to deal with problems of population displacement. The old norm, embodied by the Refugee Convention was increasingly challenged by its members. The internal displacement situation was expanding dramatically and more importantly in full view of the world. The situation, however, was complicated by the fact that any IDP regime would directly challenge the principles of sovereignty, which, while under attack from the growing international human rights movement, was still very formidable. Any solution therefore needed to either dismantle the sovereignty norm, or find a way around it.

RESPONSIBLE SOVEREIGNTY

Francis Deng, expanding upon Max Weber, introduced the idea that in order to be legitimate, a government must demonstrate responsible sovereignty. Sovereignty must demonstrate responsibility, which means ensuring a certain level of protection for people. Most governments, under normal circumstances do in fact discharge that



responsibility. When they are unable to do so, they call upon the international community to assist. Under exceptional circumstance when governments fail to discharge this responsibility and masses of their citizens become threatened with severe suffering and death, the international community should step in to provide the needed protection and assistance even if the government of a state has not requested aid.

Therefore, “Sovereignty cannot be used as a justification for the mistreatment of populations”. Further, sovereignty in order to be meaningful must include accountability not only to the domestic constituency but also to the international community. This assumption, Deng argues, ‘is in fact inherent in sovereignty, for the concept implies an international system that imposes responsibilities on the state. Moreover, since the domestic constituency may lack the political power to hold the government accountable, ultimate responsibility falls upon the international community’.

IDPs ARE AMONG THE WORLD'S MOST VULNERABLE POPULATION GROUPS

At least 25 million people are uprooted within the borders of their own countries by armed conflict, generalized violence, persecution and natural and human caused disasters. The plight of these IDPs in some 52 countries is a pressing humanitarian, human rights development, and political challenge for the global community.

IDPs are among the world's most vulnerable population groups because of from the following reason:

Legal status: IDPs have no special legal status under International Law because they remain inside their own countries. No single international legal instrument or international organization is exclusively devoted to addressing their needs. This distinguishes IDPs from refugees, who have crossed an international border refugee's benefit from clear international responsibilities for their protection and the international organization mandated legal status and rarely receives the assistance and protection afforded the world's 13 million refugees.

National Sovereignty: IDPs who have fled, state sponsored or state endorsed violence is often unable to depend on their government for assistance. In fact, some governments invoke sovereignty to block or restrict international humanitarian assistance and long-term development aid to IDPs within their borders.

Difficult Humanitarian Access: ongoing conflict or generalized insecurity frequently impedes humanitarian and development aid to IDPs.

Protracted Displacement: Protracted violence forces some populations to remain uprooted for years or decades, separating IDPs of all ages from their homes, lands livelihoods, schools and traditional social structures. Many families are uprooted multiple times deprived of opportunities to support themselves many IDPs depend on external assistance for the most basic necessities and struggle to cope with serious psychosocial ills associated with prolonged displacement.

Prolonged vulnerability to Danger: IDP populations typically encounter serious security problems even after fleeing their homes. Many IDPs are deprived of a true safe haven since violence or abuse follows them as they flee. Death rates among IDPs are among the highest of all groups in humanitarian emergencies. Displaced women and children are particularly vulnerable to abuse long after the initial emergency subsides.

Difficult Reintegration and Resettlement: when circumstances allow them to return home safely, many IDPs remain vulnerable. They return to destroyed homes and towns, disputes over land tenure, absent or distrustful local official, and other obstacles to reintegration. Some IDPs never return home and must resettle permanently in new communities.

Long term Development Reversed: Prolonged displacement typically disrupts or reverses progress made in schooling, healthcare, food production, sanitation systems, infrastructure improvements, local governance, and other sectors fundamental to economic and social development. Failure to address the long-term development needs of previously uprooted population's risks new cycles of national instability and population displacement.

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

The primary responsibility for protecting and assisting IDPs rests with their national authorities. The Guiding



Principles on Internal Displacement, which set forth the rights of IDPs and the obligations of governments towards them. Developed at the request of governments as expressed in resolutions of the General Assembly and Commission on Human Rights the 30 principles provide a normative framework for understanding what national responsibility should entail. Indeed, the Guiding Principles have been recognized by government worldwide as an important tool and standard for addressing situations for internal displacement, and which states have been encouraged to widely disseminate and use 45 promoting and disseminating the Guiding Principles is an important way to give recognition to the rights and special needs of IDPs and the reinforce government obligations toward these populations.

To begin with the Guiding Principles should be translated into local languages and widely distributed to local and national officials, non-state actors, and Non Governmental Organizations (NGO'S). So too should the annotations, which spell out the international legal standards on which the Guiding Principles are based, as well as the handbook for applying the Guiding Principles, which contains practical steps for making the principles operational. Convening national seminars on internal displacement is another helpful way of raising awareness of the Guiding Principles. Such seminars should seek to bring together local, regional and national government officials, local NGOs and other civil society groups, international organizations and certainly representatives of IDPs communities to discuss the different aspects of internal displacement in terms of the principles and promote joint strategies for addressing the problem. The principles have in addition served as an important framework for monitoring conditions in different countries they also provide guidance for developing national laws and policies to address internal displacement. Indeed United Nations resolutions have encouraged governments to develop national laws and policies for the protection and assistance of their internally displaced populations taking into account the Guiding Principles. Overall, the Guiding Principles provide a normative framework that should be the basis for national as well as international responses of internal displacement.

FUNDAMENTAL CHARACTERISTICS OF A NATIONAL RESPONSE

A national response by definition needs to be inclusive, covering all situations of internal displacement and groups of IDPs without discrimination. Specifically, this means that national responsibility for internal displacement needs to be comprehensive in several different respects.

a) All causes: National responsibility for internal displacement applies to persons internally displaced in situations of conflict, communal strife and serious violations of human rights as well as IDPs uprooted as a result of natural and human made disasters, development projects and other causes. In other words, national responsibility for addressing internal displacement needs to be carried out for the benefit of all persons fitting the definition of IDPs found in the Guiding Principles which is defined earlier in definition for IDPs used by the United Nations. Though the needs of IDPs may vary, depending on the cause of their displacement, it is important to underline that all IDPs are entitled to the protection and assistance of their government. National responsibility therefore means ensuring that IDPs receive comparable help and treatment without discrimination and regardless of the reason for their displacement.

b) All groups: The overwhelming majority of displaced populations are women and children. They experience particular protection, assistance and reintegration needs, which routinely are overlooked or not addressed with priority. Moreover, women and children, in particular girls, frequently face discrimination in obtaining assistance, having documents in their own names, accessing educations and income generating opportunities and having their voices heard. National authorities have a responsibility to ensure that the special protection and assistance concerns of particular groups within IDP populations, including women heads of household, unaccompanied minors, persons with disabilities, and the elderly, are taken into account and addressed. Internal displacement is also a phenomenon that disproportionately affects minority ethnic groups, indigenous populations and the rural poor. Once displaced, these already marginalized groups after face discrimination in accessing protection and assistance because of ethnic, racial or ideological stigmas, which further heighten their vulnerability. Because of language barriers, they may even have difficult in communicating with government authorities and knowing their rights. Indeed, a national response should seek to remedy the social, economic, and political cleavages that give rise to the exclusion of certain groups



from the political and economic life of the nation and cause injustices and social divides that tear societies apart and fuel displacement.

c) All needs: National responsibility for international displacement requires addressing the problem in all its aspects. Attending to IDPs needs for food, clean water, shelter, medical care and other basic humanitarian assistance of course is critically important. However, a national response also requires, and its effectiveness depends on, an integrated approach that addresses protection as well as assistance concerns. This is true even in situations of natural disaster when, although the material relief may be the most visible need, serious protection issues nonetheless can arise. Protection, moreover, denotes the range of political and civil rights as well as social, economic and cultural rights.

d) All phases: National responsibility extends across all phases of displacement. It includes preventing arbitrary displacement, ensuring the security and well being of persons once they are displaced, and well being of persons once they are displaced, and creating the conditions for durable solutions to their plight, namely through voluntary and safe return or resettlement and reintegration. Decisions as to “when internal displacement ends” must be taken on the basis of objective criteria ensuring respect for the human rights of the internally displaced.

e) All relevant levels and branches of Government: To be truly national, a Government’s response to internal displacement must be reflected at all levels of government. Certainly, officials in the capital are likely to play a strong role in shaping a government’s response to internal displacement. However, authorities at the regional and local levels, who are likely to be more directly in contact with displaced populations, also have a critically important role to play in ensuring that national responsibility is effectively discharged on the ground. Moreover, a national response requires the collective contributions of all relevant branches of government, including the humanitarian, human rights, health, housing, education, development and political sectors. Special mention must be made of the military and police, who have particular responsibilities for ensuring IDPs physical safety.

f) All affected areas: Especially in situations of internal armed conflict, governments may not have effective control over all parts of the country. Around the world, millions of IDPs are found in areas under the control of non-state actors and out of reach of government assistance and protection. The effective exercise of national responsibility requires undertaking or at least facilitating efforts to access, assist and protect these IDPs. Opening humanitarian space in these areas provides an opportunity also to remind non-state actors of their responsibilities. Under international humanitarian law and the Guiding Principles, they too have responsibilities to provide protection and assistance to the internally displaced. Governments may therefore find it valuable to enlist the support of NGOs, Church groups, donors or the United Nations to help open humanitarian space to ensure the protection and assistance of IDPs in areas under the control of non-state actors and ultimately, also to resolve the conflicts in which these IDPs are caught.

INADEQUATE GOVERNMENT RESPONSES

(a) Lacking Humanitarian Assistance: With some exceptions, IDPs did not receive sufficient humanitarian assistance from their governments. In fact, three in four IDPs, more than 18 million people, could not count on their national authorities for the provision of adequate assistance. They got government aid only occasionally, or not at all in at least nine countries, hosting some five million IDPs, the displaced were faced with hostile or indifferent governments not willing to assume their humanitarian responsibilities vis-a- vis the displaced population on their territories. In at least 14 countries, governments deliberately tried to prevent international organizations from accessing IDP populations in need. On the other hand, in about half of the countries affected by internal displacement the governments did make a genuine effort to address the humanitarian needs of IDPs at a level adequate to the resources at their disposal. But since most of these countries had relatively small displaced populations, only about a quarter of the World’s IDPs benefited from such efforts.

b) Ignored Protection Responsibility: Many governments also ignored their responsibility to protect the IDPs under their authority from violence and human rights abuses. In 14 countries, with a total of over 12 million IDPs, the



displaced were faced with authorities that reacted with hostility or, at best, indifference to their protection needs. Clearly, the protection situation was worst in those countries where the government itself was a main agent of displacement, as was the case for example in Sudan, Burma and Nepal. Fifteen governments at least provided protection occasionally or in parts of the country. In the remaining 20 countries, most of them in Europe and the Middle East, IDPs were not in danger or governments tried to effectively ensure the safety of the displaced population.

A NORMATIVE FRAMEWORK FOR ADDRESSING THE SPECIFIC NEED OF IDPs

No Specific international convention (treaty) protects the rights of persons displaced within their own national borders by natural disasters or other causes. Nevertheless, as individuals who have not left their own country, they remain entitled to the full range of human rights that are applicable to the citizens of that country. The challenge is to identify those guarantees and concepts implicit in existing international law that respond to the special needs of IDPs. In 1992 the UN Commission on Human Rights appointed Dr. Francis Deng, of Sudan, as the first Representative of the UN Secretary General on IDPs. A few years later, he was asked to prepare an appropriate normative framework. Dr. Deng then developed the Guiding Principles on internal Displacement and submitted them to the Commission in 1998. This document details, in 30 principles, the specific meaning of IDPs of the general human rights and humanitarian law guarantees found in International Law. It covers all three phases of internal displacement: the pre-displacement phase, the situation during displacement, and the phase of return or resettlement and reintegration. As Dr. Deng stressed at that time, the purpose of these principles was “to address the specific needs of IDPs worldwide by identifying rights and guarantees relevant to their protection” and thus to provide guidance not only to the representative in carrying out his mandate, but also to governments, intergovernmental and nongovernmental organizations, and others, when they are faced with the phenomenon of internal displacement.

Dr. Deng underlined that the principles “reflect and are consistent with international human rights law and international humanitarian law” and restate the relevant principles applicable to the internally displaced which were then widely dispersed in existing instruments. Further he said, the Guiding Principles would clarify any gray areas and address gaps that may exist. They were elaborated on the basis of a thorough compilation and analysis of norms applicable to situations of internal displacement as contained in relevant human right law, international law and refugee law instruments.

THE THREE PHASES OF DISPLACEMENT

As has been mentioned above, the Guiding Principles cover all three phases of displacement, namely protection against displacement, protection during displacement, and post-displacement phase. In accordance with general international law, the principles stress that during all three phases, the primary duty and responsibility for protecting and assisting the displaced lies not with the international community, but with national authorities (principle.3). Although principle 3 refers to national authorities, under the international law of state responsibility the national state would be responsible at the international level for the conduct of a constituent state or local authority as well.

(1) Protection against displacement: Natural disasters present particular challenges for the fulfillment of the national responsibility to protect persons from displacement. Earthquakes, floods, tornados, tsunamis and other natural disasters are beyond the capacity of any state to prevent. However, as affirmed in the “Hyogo Declaration” adopted at the world conference on Disaster Reduction, held in Kobe, Japan, in January 2005, “states have the primary responsibility to protect the people and property on their territory from hazards and give high priority to disaster risk reduction in national policy, consistent with their capacities and resource available to them.”

In this regard, International Human Right Law, in particular the right to life plays an important role. A state’s obligations with respect to the right to life include not only the negative obligation to refrain from arbitrary deprivation of life by its own agents, but also the obligation to take positive measures to protect persons within its jurisdiction from



foreseeable threats to life from other sources, whether emanating from third parties or from natural disasters. This approach has been taken by both regional and global human rights monitoring mechanisms. At the global level the Human Rights Committee has said that states have a duty to take positive measures to protect the right to life expressed in Article 6 of the International Covenant on Civil and Political Rights. Guiding Principle 5 similarly calls on authorities to prevent and avoid conditions that might lead to displacement of persons.

Guiding Principle 6(2) (d) contemplates forced evaluation in cases of disasters, to the extent that the safety and health of those affected so requires. This is based on and is in line with Article 12(3) of the Covenant on Civil and Political Rights, which recognizes that freedom of movement may be restricted of provided by law and necessary to protect such things as public health. However, even in this situation Principles 7 and 8 continue to apply. These principles call for the examination of all possible alternatives to displacement, and for provision of proper accommodation in satisfactory conditions of safety, nutrition, health and hygiene. In addition, the evacuation is to be carried out in a manner respecting rights to life, dignity, liberty and security of those affected. Principle 4(1) says that the principles are to be applied without discrimination of any kind, such as race, sex, and ethnic or social origin, age or disability.

(2) *Protection during displacement:* The Covenant on Civil and Political Rights sets forth basic human rights, including the right to life, the right to security of person and liberty of movement. These rights are detailed with greater specificity in the Guiding Principles. Under Principles 10, 11 and 12, the rights to life, physical integrity and personal security of all individuals affected by displacement are protected. Under Principles 14 and 15, rights to freedom of movement, including in or out of camps, and choice of residence, as well as the right to seek safety in another part of the country, are provided for. Under Principle 18, all IDPs, without discrimination, have the right to an adequate standard of living, including, at a minimum, equal access to food, shelter, water, housing, clothing and health care. Principle 20 says that individuals have the right of recognition as persons before the law, such that state authorities are obligated to provide the necessary documentation, including that lost in the course of displacement, without unreasonable restrictions. Guiding Principle 21 focuses on property rights. It provides that no one shall be arbitrarily deprived of property, and that possessions left behind should be protected against destruction and illegal appropriation, occupation or use.

(3) *Protection after displacement:* Rights of the displaced do not cease once the initial displacement comes to an end. The Covenant on Civil and Political Rights again provides a basis for the principles on return, resettlement and reintegration. Article 12(1) of the Covenant supplies a basic right to liberty of movement and freedom to choose a residence. Guiding principle 28(1) calls on states authorities to establish the conditions and means for IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. An important corollary set forth in Principle 29(2), is that assistance is to be extendedly the competent authorities to IDPs seeking to recover, to the extent possible, lost or dispossessed property and possessions. Under Principle 28(2), special efforts should be made to ensure the full participation of the displaced persons in the planning and management of their return or resettlement and reintegration.

RECOMMENDATIONS

Now a days the authorities at the national, international, regional and local levels have failed to address the problems affecting the IDPs in various parts of the World especially the government authorities. In particular, they have been failed to acknowledge the existence of the problem of displacement in their own territories which has resulted to violation of human rights of such persons. So it is the duty of all states to protect the rights of IDPs. Therefore the following Recommendations should be taken seriously into consideration in solving the problems of displacement in the near future.

1. To bridge the gap between the positive statements of the government and the conditions on the ground, enhanced formulation, articulation and wider dissemination of a comprehensive and integrated national policy on internal displacement is needed. This should serve to clarify strategies for addressing the problem of internal displacement, including protection and assistance needs, and to facilitate the search for durable solutions.



2. Building upon mechanisms already in place, appropriate institutional structures for addressing displacement issues should be established within the government at all levels, (central, regional and local), including the appointment of focal points to facilitate co-ordination within the government and with United Nations agencies and other partners in the international community on issues of internal displacement.
3. The collection of disaggregated data is necessary to obtain more accurate information on the internally displaced and their needs, and therefore to target responses more effectively. In this connection, it is also crucial to develop a system to identify the numbers and nature of displacement which reportedly has resulted from the anti-terrorism operations currently under way in the country.
4. Although a significant levels of assistance is being provided to the internally displaced by governmental bodies, such as the Department of Social Welfare and Development, as well as United Nations agencies, the donor community and NGOs, there is a continuing need for better protection of displaced persons, returnees and host communities.
5. Providing assistance for return, resettlement or local integration because most of them has lack basic services. Moreover, most of the returnees have lost assets essential to their subsistence, such as animals or land in the course of the displacement. As part of its response to internal displacement, the government should determine how to ensure the restitution of, or compensation for lost property. In addition, the government should also support the resettlement and reintegration of those displaced who do not wish to return.
6. Attention must also be given to addressing the new displacement resulting from the anti-terrorism measures. Notwithstanding the sensitivity of the terrorism issue, both the government and the international community need to take measures to ensure protection against arbitrary displacement and providing protection and assistance to newly displaced persons.
7. Training in international humanitarian law and human rights law, including the Guiding Principles, for the security forces, regional administrators and other pertinent officials whose mandates and scope of activities encompass displaced communities should serve to reinforce and enhance the effectiveness of the government's efforts to address internal displacement. Moreover, the Guiding Principles can be a useful tool for the government in developing policies, legislation and strategies for dealing with displacement, including providing protection against arbitrary displacement and protection and assistance to displaced persons.
8. Although internal displacement is a domestic problem, there must be some important linkages with similar patterns in other countries in the region. In this connection, it is worth recalling that the government, while acknowledging the problem of internal displacement and the need to strengthen its protection role, also recognizes the link between the problem in its own state and the situation in neighboring countries and the need to draw lessons from their experiences. Also the states must host regional conferences on internal displacement and migration issues and it must be prepared to cooperate with the authorities on this initiatives.
9. The United Nations agencies must establish several working groups to serve as valuable mechanisms for channeling their respective concerns with regard to assistance and protection to IDPs and discussing appropriate responses. However, these initiatives need stronger institutional support to be more effective.
10. Seeking durable solutions to the displacement problems in various states across the world.
11. Finally, while responding to the immediate protection and assistance needs of the internally displaced is pressing, it must be underscored that, in many instances, the root causes of the conflicts resulting in internal displacement are the acute disparities associated with diversities, the marginalization, underdevelopment and lack of capacity for local governance in the disadvantaged region. These deep-seated causes must also be addressed. The ultimate objective should be to create a national frame work which accommodates all groups in the country and ensures the dignity of all peoples irrespective of race, ethnicity or religion.

CONCLUSION

The problem of protecting and assisting IDPs is not a new issue. In international law it is the responsibility of the



government concerned to provide assistance and protection for the IDPs in their country. However, as many of the displaced are a result of civil conflict and violence or where the authority of the central state is in doubt, there is no local authority willing to provide assistance and protection. It has been estimated that some 5 million IDPs in 11 countries are without any significant humanitarian assistance from their governments. Unlike the case of refugees, there is no international humanitarian institution which has the overall responsibility of protecting and assisting the refugees as well as the internally displaced. A number of organizations have stepped into the breach in specific circumstances. In many contemporary conflicts, whether or not a displaced person crossed an internationally recognized state border is simply no longer an adequate determinant of their humanitarian protection and assistance needs. Whereas states will remain primarily responsible for the protection of their populations, the international community has a responsibility to assist states in fulfilling this responsibility towards internally displaced persons, e.g. through awareness raising, diffusion of human rights and humanitarian norms, institutional capacity building at the national and local levels, and the development of sustainable solutions to protracted displacement, including through return, reintegration, resettlement or restitution. And as internally displaced persons continue to face challenges that are the result of their state's inability or unwillingness to provide sufficient protection and humanitarian assistance, there is indeed an international responsibility to protect IDPs. However, it remains to be seen how this international responsibility can be best fulfilled.

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