

FIFTH ANNUAL MEETING OF THE ASIA-PACIFIC FORUM OF NATIONAL HUMAN
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REGIONAL CONFERENCE ON INTERNAL DISPLACEMENT IN ASIA

Bangkok, Thailand
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REPORT OF MISSION BY PROFESSOR ARJUNA ALUWIHARE

BACKGROUND

Internal displacement has come to the fore in recent years as one of the most pressing humanitarian, human rights, political and security issues facing the global community. There are an estimated 20 to 25 million persons worldwide forcibly displaced within the borders of their own countries by conflict and human rights violations. Many additional millions have been forcibly displaced worldwide by natural disasters and also by development projects.

Although primary responsibility for the internally displaced rests with their governments, too often the internally displaced find themselves within a vacuum of responsibility within the state, with their governments unable or unwilling to provide protection and assistance.

REGIONAL CONFERENCE

To promote more effective solutions to the plight of those internally displaced in Asia, a Regional Conference on Internal Displacement was held in Bangkok, February 22-24, at the invitation of the Representative of the United Nations Secretary-General on Internally Displaced Persons, Dr. Francis M. Deng. It was one of a series of regional conferences being held on the subject of internal displacement. Participants in the Bangkok meeting came from 16 Asian as well as other countries and included representatives of national human rights commissions (NHRIs) from Indonesia, Philippines and Sri Lanka, academic and research institutions, local, regional and international NGOs, media, and international organizations. The Asia Pacific Forum of National Human Rights Institutions was represented by Professor Arjuna Aluwihare, then Commissioner of the Sri Lankan Human Rights Commission.

One of the main purposes of the conference was to promote the dissemination and application of the Guiding Principles on Internal Displacement, the first international standards on internally displaced persons, presented to the United Nations in 1998 by the Representative of the Secretary-General. The conference also sought to share information on the problem of internal displacement within the Asian region, identify effective practices for addressing it, and promote more regular networking among organizations involved with IDPs with a view to developing monitoring and documentation systems.

The Guiding Principles on Internal Displacement apply to both conflict-induced and development-induced displacement, of critical concern in Asia. The conference summary report welcomed the Guiding Principles, noted the positive contribution they could make in promoting protection and assistance, and urged their observance by all concerned parties - governments, insurgent groups, humanitarian and development organizations, international financial institutions, multinational corporations, and NGOs.

Based on and consistent with international humanitarian and human rights law, the Guiding Principles offer protection against arbitrary displacement, promote protection and assistance during displacement, and provide support in the return and reintegration phase. In a relatively short period of time, they have been acknowledged by UN bodies, in particular the UN General Assembly and Commission on Human Rights, and widely disseminated by UN

agencies. Indeed, in his report to the Security Council in 1999, the Secretary-General called upon the Council to encourage member states to be guided by the Principles in situations of mass displacement. International organizations have welcomed the Principles, in particular the Inter-Agency Standing Committee composed of the heads of all the major international humanitarian and development organizations (eg. UNHCR, UNICEF, World Food Programme, UN Development Program, International Committee of the Red Cross, etc), which in addition called upon their staff to apply the Principles in the field. Regional organizations have also acknowledged the Principles and are broadly disseminating them, in particular the Organization for Security and Cooperation in Europe (OSCE), the Organization of African Unity (OAU) and the Inter-American Commission on Human Rights of the Organization of American States (OAS). Many NGOs, including in Asia, have also begun to use the Principles to monitor conditions on the ground and as an advocacy tool.

National human rights commissions also have a role to play. Indeed, the Bangkok conference summary report proposes a greater focus by national human rights commissions on the rights of internally displaced persons and points out that NHRIs could work to prevent situations of forced displacement, press for observance of the Guiding Principles during displacement, and promote equitable solutions. To these ends, they could undertake monitoring and reporting, provide legal advice, offer community assistance, engage in advocacy and public information campaigns, and coordinate their efforts closely with both government officials and NGOs.

The Bangkok conference also proposed the introduction of the Guiding Principles on Internal Displacement into the Asia Pacific Forum for National Human Rights Institutions to ensure that each NHRI becomes aware of the Principles. Further, it was suggested that internal displacement become the major theme of ASPAC at its 2001 meeting.

To assist NHRIs in increasing their understanding of the causes and impact of displacement, the conference report called for the assumption of a greater role by academic institutions in Asia in support of the work of NHRIs.

Both the Guiding Principles on Internal Displacement and the Summary Report of the Regional Conference on Internal Displacement in Asia are attached.

RECOMMENDATIONS

It is recommended that the Asia Pacific Forum:

- Endorse the Guiding Principles on Internal Displacement and promote their use in the Asia Pacific region
- Note the outcomes of the Regional Conference on Internal Displacement in Asia
- Hold a workshop on the role of national human rights institutions in protecting the rights of internally displaced peoples.

**SUMMARY REPORT
REGIONAL CONFERENCE ON INTERNAL DISPLACEMENT IN ASIA**

**February 22-24, 2000
Bangkok, Thailand**

A regional conference on internal displacement in Asia was held in Bangkok, February 22-24, at the invitation of the Representative of the United Nations Secretary-General on Internally Displaced Persons, Francis M. Deng. Participants came from 16 Asian and other countries and included representatives of national human rights commissions, academic and research institutions, local, regional and international NGOs, media, and international organizations.

The purposes of the conference were: 1) to promote the dissemination and application in Asia of the Guiding Principles on Internal Displacement (first presented to the UN by the Representative of the Secretary-General in 1998, they have been welcomed and disseminated by UN bodies, regional organizations, and NGOs); 2) to share information on the problem of internal displacement within the Asian region and identify effective practices for addressing it; and 3) to promote more regular networking among organizations involved with internally displaced persons, more systematic documentation of the problems facing the displaced, and the development of monitoring systems.

Conference hosts were the University of Chulalongkorn and the Asian Forum for Human Rights and Development (Forum Asia). Sponsors were the UN High Commissioner for Refugees (UNHCR), the Brookings Institution Project on Internal Displacement, Forum Asia, the Norwegian Refugee Council (NRC) and the U.S. Committee for Refugees (USCR). The Deputy Permanent Secretary of the Ministry of Foreign Affairs of Thailand, Chuchai Kasemsarn, opened the meeting.

Conference participants heard a global overview of the problem by the Representative of the Secretary-General, reports on regional patterns and trends as well as country case studies on Afghanistan, Cambodia, China, East Timor, India, Indonesia, Myanmar (Burma), North Korea, Pakistan, the Philippines, Sri Lanka and Thailand.

The following is a summary of some of the main findings and conclusions:

- Internal displacement is one of the more pressing humanitarian, human rights, political, economic and security issues facing the global community. In Asia alone, millions have become forcibly displaced within their own countries but unlike refugees have no established or predictable source of support.
- The two forms of internal displacement of critical concern in Asia are conflict-induced displacement and development-induced displacement. Indeed, the two are often linked. Forced displacement caused by development policies and development projects often produces internal conflicts and violence within societies, especially over land and resources, directly leading to conflict-induced displacement. Violations of human rights, whether civil, political, economic, social or cultural, often accompany both kinds of displacement.
- Although displacement caused by armed conflict, ethnic and religious strife, and deliberate government campaigns to uproot populations have generally commanded most international attention to date, international strategies are also needed for addressing development-induced displacement. This is particularly necessary where projects do not meet the standard of overriding public interest and where poor, indigenous and marginalized groups are forcibly displaced without consultation, respect for their human rights or the provision of adequate resettlement or compensation. In such cases, international strategies must be developed that engage international financial institutions and corporations; human rights impact assessments of development projects were also proposed.

- The Guiding Principles on Internal Displacement were considered applicable to both kinds of displacement and to have clear validity in the Asian context. They are based on and consistent with international humanitarian and human rights law, offering protection against arbitrary displacement, promoting protection and assistance during displacement, and providing support in the return and reintegration phase.
- Conference participants welcomed the Guiding Principles, noted the positive contribution they could make in promoting protection and assistance, and urged their observance by all concerned parties - governments, insurgent groups, humanitarian and development organizations, international financial institutions, multinational corporations, and NGOs. In future, additional guidelines might be needed with greater specificity to land issues and compensation. Since international law was not specific on these points, the Guiding Principles did not cover them in depth, but the Principles constituted a valuable point of departure for the further development of the law in this regard.
- At the national level, steps toward increased democratization and stronger civil society were urged since it was more likely that displacement could be avoided in such societies. Greater democratization would also help reduce the power of the military, whose role in conflict-induced and development-induced displacement was often pronounced.
- The need to better integrate protection concerns into the provision of material assistance to internally displaced persons was emphasized. Too often, food, medicine and shelter are provided with less attention paid to protecting the personal security and human rights of the displaced. To increase protection, greater presence needs to be negotiated with both governments and insurgent groups, "humanitarian space" created, close working relationships established with local NGOs and displaced populations, and stronger dialogue and advocacy undertaken with both governments and insurgent groups. Gender concerns and the special needs of internally displaced women and children would have to be integrated into the process. At the same time, it was recognized that in certain situations it might prove difficult to gain access and to integrate protection with assistance.
- In cases where governments and insurgent forces blocked or created obstacles to the provision of humanitarian assistance and protection to internally displaced populations, a range of options was discussed: quiet diplomacy, public exposure, diplomatic pressure, cross border efforts, continued provision of food relief despite the inability to integrate protection with assistance or even monitor food distribution because of its hoped for trickle-down effect, and economic sanctions, although the negative impact of such sanctions was in particular highlighted. Military intervention was considered a last resort.
- For situations hidden from public view, increased information collection, an expansion of monitoring capacities, sustained requests for access and independent international assessments of situations were recommended.
- The important role of the media in bringing hidden situations into view was emphasized as well as the need to enhance safety for journalists and other media.
- The need for better protection of humanitarian aid workers was underscored. Persons working with the displaced, or reporting on and exposing their plight, were often the target of harassment, violence and persecution.
- The importance of land reform in facilitating the returns of refugees and internally displaced persons was emphasized. "Land for land" compensation, "land for employment" policies and more equitable distribution of land were proposed. So too were microcredit programs for the poor and the landless, in particular to create sustainable income for women heads of household.

- To promote greater attention to dealing with internal displacement in Asia, conference participants proposed:
 - (a) A greater focus by national human rights commissions (NHRIs) on the rights of internally displaced persons. NHRIs could work to prevent situations of forced displacement, press for observance of the Guiding Principles during displacement, and promote equitable solutions. To these ends, they could undertake monitoring and reporting, provide legal advice, offer community assistance, engage in advocacy and public information campaigns, and coordinate their efforts closely with both government officials and NGOs.
 - (b) The introduction of the Guiding Principles into the Asia Pacific Forum for National Human Rights Institutions to ensure that each NHRI becomes aware of the Principles. Internal displacement could also become the major theme of ASPAC at its 2001 gathering.
 - (c) The formation of an Asian regional network of NGOs to work together on the problem of internal displacement. This could improve NGO capacities, increase coordination, help standardize NGO methods, and facilitate their undertaking joint efforts to promote observance of the Guiding Principles.
 - (d) The introduction of the issue of internal displacement into the agendas of regional inter-governmental bodies, such as the South Asian Association for Regional Cooperation (SAARC) and the Association of Southeast Asian Nations (ASEAN).
 - (e) The assumption of a greater role by academic institutions in Asia in promoting attention to internal displacement. This could be accomplished through coursework, the convening of conferences, the issuance of publications, and the development of regional collaboration. It was suggested that a few lead institutions be identified in Asia to promote regional cooperation in research. Academic programs could also assist national human rights commissions by increasing their understanding of the causes and impact of displacement.
 - (f) The development and strengthening of regional information networks on internal displacement, and the linking of these networks to the Global IDP Database recently set up by the Norwegian Refugee Council.
 - (g) The translation of the Guiding Principles into local languages, the holding of training programs on the Principles, the enlisting of media for mass education in the Principles, and the wide dissemination of the Principles among displaced communities and those working with them.
 - (h) Programs that increase the engagement of internally displaced populations in promoting their own rights were strongly endorsed by conference participants.

In conclusion, this conference in Asia showed a genuine willingness to address the problem of internal displacement in the region. Its participants balanced sensitivities and concerns about sovereignty with support for the responsibility of states to respect international standards of human rights and humanitarian law as set forth in the Guiding Principles on Internal Displacement. The recommendations of the conference reflect a commitment to develop and strengthen national and regional institutions in the Asian region to deal with both conflict-induced and development-induced displacement.