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Prevention of Conflict-Induced IDPs and Their Protection: The Challenges

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Abstract

Displacement due to war, protracted conflicts, mass violation of human rights, generalised violence, repression of minorities, natural and technological disasters has been a matter of concern. However, displacement due to the intensified armed conflicts and violence has become a common phenomena around the world and remains a critical factor of vulnerability for people across the world. Displacement also creates logistical and humanitarian nightmare, and threatens international security and risks the lives of displaced people, aid workers, and peacekeepers. In this context, the paper attempts to identify the reasons of initial neglect for the international community. Furthermore, the trends in conflict-induced displacement and the challenges confronting the international community in protection and prevention of conflict-induced IDPs is examined.

Keywords: Conflict, Displacement, UNHCR, Sri Lanka

1. Introduction

Since the end of the cold war, the flight of non-combatants in a conflict situation for life has intensified. The problem has affected many regions of the world. As a result, providing protection and assistance to these people has become a major concern for states, international organisations and non-governmental organisations (NGOs). The situation of distress maybe because of war, civil war,

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mass violation of human rights, generalised violence, repression of minorities, natural and technological disasters, and so on. Such people who are displaced within a country due to any of the above reasons are known as “internally displaced people” (IDPs) and those people who leave their homes to escape political violence are known as conflict-induced displacement. (Lischer, 2007; Birekland, 2009).

Initially, the international community considered the IDP crisis to be an internal problem of the concerned country. At that time, it was considered the responsibility of the national authorities to provide the IDPs with necessary assistance and protection. But the global crisis of IDPs finally caught the attention of the international community and the aid agencies. This has been mainly due to vital developments, such as: first, due to the sharp increase in the number of IDPs over the decades, according to United Nation High Commissioner for Refugees (UNHCR), at the end of 2009, there were around 27.1 million displaced persons worldwide, almost twice the number of refugees. Forced displacement including refugees, IDPs and asylum seekers was 59.5 million in 2014 and by the end of 2018, it reached around 70.8 million of which IDPs accounted for 41.3 million (UNHCR, 2019). At the same time, the displacement of a population due to the intensifying of armed conflicts in recent decades has become a common phenomenon around the world and remains a critical factor of vulnerability for people across the world. According to the *Global Report on Internal Displacement 2019*, in 2018 there were 10.8 million new displacements associated with conflict and violence in more than 50 countries. With Ethiopia, Democratic Republic of Congo (DRC) and Syria accounted for more than 50% of the displacements (IDMC, 2019). This figure, it may be noted, is more than the entire population of Tajikistan. Thus, the increasing number of IDPs has caught global attention.

Second, over the decades, the focus in addressing the problem of IDPs has also changed. For instance, initially the focus was on assistance, but now protection has also become a key component. Now, displacement is no more just a humanitarian and welfare issue but falls within the framework of rights and justice. As a result, the IDP issue has emerged as one of the most pressing

humanitarian, human rights, political and security issues facing the global community. Also, given that displacement creates a logistical and humanitarian nightmare and threatens international security and risks the lives of the displaced people themselves, aid workers, and peacekeepers, it has become a transnational issue.

Third, in the United Nations' *Guiding Principles on Internal Displacement* (hereafter cited as *Guiding Principles*), enunciated in 1998, the principle (3) states that the "national governments have the primary duty and responsibility to provide protection and humanitarian aid to displaced persons within their jurisdiction". But in a situation of protracted conflict and attendant chaotic conditions, nations themselves become vulnerable financially as well as in terms of internal stability like in the case of Afghanistan, Sri Lanka and most of the African countries. It may also happen that the State itself may have created these chaotic conditions for ethnic, religious or political reasons or in course of counter-insurgency operations. As a result, the States depend upon international donors, UN agencies and the International Committee of the Red Cross (ICRC) for assistance and protection of IDPs, giving an international angle.

Fourth, till the Cold War, the international community's attention to displacement had primarily focused on the plight of refugees, or persons seeking protection outside of their country of origin or habitual residence. As a result, the legal status of IDPs was poorly understood. However, with the Guiding principles things have improved. Despite the issue of IDPs being given the top priority in the international arena, it still remains a daunting humanitarian challenge and a long way before the problem is fully addressed.

Fifth, initially, the durable solution to displacement was seen as the end of mobility and a return to normality. But now a durable solution is not just seen as a settlement option, but the resolution of the immediate cause of displacement and also re-establishment of the normal situation or conducive environment is vital (IDMC, 2015). Even after the causes of conflict are resolved or the IDPs have returned, a durable solution is far from being achieved since there is the possibility of a second displacement such as on account of a natural disaster or impoverishment. Hence,

the solutions to displacement have expanded and have become more comprehensive over the decades.

2. Conflict-induced Displacement

Most of the conflict-induced displacement is caused by genocide government; discrimination against religious and ethnic minorities, state repression, demands for self-determination/by secessionist movements or autonomy movements, localised violence or prolonged violence as a result of civil war and international intervention/invasion. In addition, there is the violence perpetrated by non-state actors like armed groups/militants with political and economic goals, as a result of a weak government or failed state resulting in random violence and economic devastation, since there is no government to guarantee the safety of individuals and security of person (Lischer, 2007). Thus, conflict-induced displacement is a result of multiple problems, which are witnessing an intensification of displacement around the globe.

In 2015, West Asia accounted for more than half of all new internal displacements, due to protracted conflict in countries like Yemen, Syria, and Iraq. The conflict in Yemen displaced over 2.5 million – nearly 10 percent of the country's population – within one year (UNHCR, 2016). In Syria, the five years of armed conflict directly increased displacement. The number of IDPs declined from 7.6 million in 2014 to 6.6 million in 2015 but this was because one million displaced people crossed the international borders and became refugees. In Iraq, due to the civil war and rise of the Islamic State (ISIS or ISIL) and other non-state armed groups, displacement increased from 3.6 million in 2014 to 4.4 million in 2015.

Outside West Asia, the countries with the highest numbers of people fleeing in 2015 were Ukraine (942,000), the Democratic Republic of the Congo (637,900), Afghanistan (1,174,000), South Sudan (639,500), Nigeria, Colombia, Central African Republic, and so on (IDMC, 2016). All these countries combined accounted for more than 80 percent of all new IDPs in 2015. In South Asia, as of 2015, the conflict-induced displacement in India was 612,000, primarily due to the ongoing insurgency in Jammu and Kashmir (J&K), the north-eastern states and the Naxalite problem. In

Pakistan, it was 1,459,000, as a result of armed conflict and counter-insurgency operations in the Federally Administered Tribal Areas (FATA) region. In Bangladesh, it was 426,000, mainly on account of the conflict between Bengali and Urdu-speaking people. In Sri Lanka, the figure was 44,000 and in Nepal 50,000, due to the conflict between government armed forces and non-state actors (IDMC, 2016).

On account of the international community's intervention, around 2.3 million IDPs were able to return home during 2015, compared to 1.8 million during 2014. Of these, 1.4 million received UNHCR assistance (UNHCR, 2016). The total number of refugees and IDPs protected or assisted by UNHCR was 52.6 million, compared to 46.7 million at the end of 2014 (UNHCR, 2016). Despite these, ensuring a durable solution to the displaced persons continues to be challenging tasks for states and the international community.

3. The Challenges

There are many daunting challenges confronting the state and the international community in providing assistance and protection to IDPs such as the following:

3.1 Inadequate Data

Adequate data is vital for effectively addressing the problems of IDPs as data will be required for improving the protection of IDPs, develop responses and implement policies and programmes to the target group in an effective way. Hence, comprehensive data should be inclusive to address the problems of all stakeholders and it should be regularly updated through strong networks (Rasmusson, 2006). The significance of data is also highlighted in the *Guiding Principles* and there are several UN resolutions that emphasise that States have the primary responsibility in collecting, updating, segregation (on the basis of age and sex), sharing of data on displacements and also in providing durable solutions.

Ironically, many countries with high displacement such as Africa, Middle East, and South Asia do not have accurate data rather they have outdated data due to ongoing conflict and does not have the necessary resources and capacities to perform the data collection

task, as result of which protecting displaced persons becomes difficult (IDMC, 2016). The numbers of those displaced living in camps and are registered are known, but not those living outside, their numbers remain unknown or not accurate, this poses major challenge in addressing the problems of IDPs.

In this regard, India forms an ideal case, where it is very difficult to estimate the total number of IDPs since there is no central government agency responsible for monitoring the numbers of people displaced and returning; and humanitarian and human rights agencies have limited access to displaced persons. The vast population itself makes it a daunting task, compounded by the political sensitivity of the State in admitting the enormity of the problem (Lama, 2000). Moreover, the UN agencies also have no accurate information regarding the overall situation, as they depend on NGOs and civil society organisations that focus on specific displacement, instead of the overall situation.

Variation in the estimation of IDPs is also a problem as government and NGOs give different data further intensifying of problems of IDPs. For example, the Internal Displacement Monitoring Centre (IDMC) has estimated that there are 73,700 IDPs in Sri Lanka as of July 2015, based on statistics released by the Ministry of Resettlement, Reconstruction and Religious Hindu Affairs, with the majority of IDPs in Jaffna, Puttalam and Mannar districts. However, the ministry website admits to the existence of only 43,000 IDPs (Centre for Policy Alternatives, 2016). This kind of variation has vast implications for the prevention and protection of IDPs.

At the same time, inadequate or lack of information can be an important barrier both with regard to IDPs and aid providers. Where IDPs are not adequately informed about available assistance, they do not know how to seek it out. For aid providers, reliable data on the location, numbers, and needs of IDPs is also difficult to obtain. Likewise, baseline population data is inadequate or sorely outdated in many countries, greatly complicating the process of determining and planning for humanitarian needs for the displaced. In addition, the lack of documentation and identification also threatens the right to freedom of movement. It is

not uncommon for IDPs to lose their documents while fleeing (Kalin et al., 2010). Thus, adequate data will go a long way in effectively addressing the problems of IDPs.

3.2 Limitations of the Guiding Principles

Unlike the refugee laws and human rights law, the legal status addressing displacement took a long time. It was only in 1992 that the United Nations Human Rights Commission created the mandate of the Representative to the UN Secretary-General (RSG) on Internal Displacement. Secretary-General Kofi Annan appointed Dr Francis Deng as the first RSG mandate holder and the outcome was the *Guiding Principles* (1998), which gradually became a key point of reference for the development of normative frameworks for the protection of IDPs in domestic laws and policies (Guiding Principles, 1998). These principles reflect international law and recognise that the primary responsibility lies with the national government to prevent the phenomenon of IDPs and protect them if the unfortunate phenomenon occurs.

Apparently, many countries have incorporated the *Guiding Principles* into their legal systems, including some African countries and Colombia. In a significant move, Afghanistan adopted the national policy on displacement in February 2014, which recognises that IDPs should have all three settlement options – return, local integration, and settlement elsewhere in the country. On the other hand, all the South Asian states consider internal displacement to be their internal matter.

Many argue that such nations can at least incorporate in their national legislation that the displaced persons would not be discriminated against in enjoying their freedom and rights. Another interesting perspective would be the elaboration of additional protocols to regional human rights conventions that would focus on incorporating those principles into the regional human rights law that are not covered or are only implicitly covered by the African, Inter-American and European human rights charters and conventions. Such principles include, inter alia, Principle 1(1), stating that IDPs “shall not be discriminated against in the enjoyment of any rights or freedoms on the ground that they are internally displaced”; Principle 6 on the prohibition of arbitrary

displacement; Principle 7 on the modalities of (lawful) displacement; Principle 9 on the protection of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on or attachment to their lands; Principle 12(2) on confinement in camps; and Principle 16 on missing persons (Kalin, 2006).

Countries also lack a national policy on resettlement and rehabilitation or are not party to regional or international treaties or frameworks. Thus, they are involved only in reactive or ad hoc policies, which are useful for the short term but may not address long-term issues. Although the declared policies of various countries emphasise the welfare of IDPs, they do not recognise the rights set out in the *Guiding Principles* (Banerjee, 2006). In South Asia, Paula Banerjee argues, programmes for rehabilitation and care for IDPs must fall within the framework of rights and justice, and governments have to recognise that they cannot give aid to one group of IDPs and deny it to others. The bulk of conflict or development-induced IDPs are adivasi, lower caste, rural and urban poor and/or women (Banerjee, 2006). In India, denial of the reality of displacement has overshadowed the creation of domestic legislation for IDPs. National responsibility has been accepted only for those displaced by the Kashmir conflict, though these people are identified as “migrants” rather than IDPs. This is because the government wants to refute state weakness in protecting citizens and also wants to avoid providing assistance on humanitarian grounds.

It is generally argued that the *Guiding Principles* do not emphasise the participation of IDPs at all stages of planning and management of return or resettlement and reintegration. They argue that IDPs should get information at all stages to ensure their peaceful return and resettlement. Many times, they are sent back, but the situation is not conducive to survival. IDPs have particular vulnerabilities resulting from their displacement that distinguish them from other people affected by conflict or natural disasters and therefore may require specific responses by government, civil society or the international community. Only if IDPs are identified and quantified can the necessary responses be developed and implemented in a targeted and effective way (Rasmusson, 2006). Overall, the *Guiding*

Principles should be incorporated into national legislation so as to promote their implementation and improve accountability for the protection of IDPs.

3.3 Insecurity

Insecurity continues to be a major factor in prolonging displacement and it prevents IDPs from achieving durable solutions. According to D. Belend, insecurity means “the state of fear and anxiety stemming from a concrete or alleged lack of protection, it refers to lack or inadequate freedom from danger”(sic) (Adamu & Rasheed, 2016). IDPs are commonly confronted with danger, caused by manmade or natural disasters. Insecurity can be caused due to failure of government, perpetuating political violence or ethnic/religious violence. Iraq is a prime example, where society remains fragmented along sectarian lines, terrorism-induced threats, and insecurity from counter-insurgency operations, resulting in insecurity for IDPs for safe return.

Furthermore, like all civilians, IDPs are affected by escalating ground war and the increasing use of mortars, rockets, and grenades in populated areas. The presence of landmines and unexploded munitions prevents many from returning home and hampers the recovery of agricultural livelihoods. For example, in Afghanistan (a similar situation also prevails in Sri Lanka) the intensification of the conflict in Kunduz province since April 2015 has left the area particularly affected. The Afghan government measures have not fully ensured the IDPs’ right to adequate housing, including the identification of land that is available and suitable for relocation and the upgrading of informal settlements by providing basic services and infrastructure, as envisaged in Afghanistan’s national policy on displacement. Moreover, only around 20 percent of the country’s land is correctly titled. As a result, the IDPs’ hope of returning to normal life is yet to be realised (“Durable Solution for IDPs in Afghanistan”, 2015).

Armed conflict and other emergency situations may also result in checkpoints and other security measures such as “high-security zones”(HSZs) imposed on the nation in order to maintain law and order. In Sri Lanka, for example, certain areas may be cordoned off

by the military or law enforcement and residential searches may also be conducted. Despite the war having ended in May 2009, the army continues to occupy HSZs in the Northern and Eastern Provinces and continues to operate luxury resorts, golf courses and other non-military enterprises on land taken from IDPs. In 2014, at least 160,000 soldiers, almost entirely Sinhalese, were estimated to be stationed in the North, yielding a ratio of one army member for every six civilians (The Oakland Institute, 2016). These measures can negatively impact the IDPs' willingness or ability to exercise their right to freedom of movement as well as negatively infringe upon their right to liberty and security.

3.4 Addressing the Root Cause

IDPs need lasting peace which requires addressing the root cause of their displacement, rather than attempting to resolve the triggering factor for the conflict. Therefore, understanding and addressing the root cause and complex issues of IDPs will help in responding to the requirements of displaced persons. For example, displacement in Sudan is not just a result of violence other factors have also contributed, such as drought, environmental degradation, a food crisis, famine, government neglect, changing regional demographics, land grabbing, and impoverishment (IDMC, 2015). Governance failure can also lead to intermittent conflict, inter-communal violence, endemic insecurity, poverty, and repeated population movements, often over decades. Afghanistan, Bangladesh, Central African Republic, the Democratic Republic of Congo, Myanmar and Somalia are a few examples. Displacement can also be prolonged whenever governments politicise the issue and refuse to enter into the process of formally resolving a crisis. This was the case under Qadhafi's Libya, during Russia's conflict in Chechnya and today in Syria and Myanmar (IDMC, 2015). Hence, unless the root cause is addressed the problem of protection of IDPs will perpetuate.

3.5 Achieving a Durable Solution

According to UNHCR (Annexure 2, 2007) a durable solution is achieved when (i) the displaced return home or are locally settled or resettled; (ii) are not subjected to any form of discrimination; (iii) have access to national and sub-national protection mechanisms

(police, documentation, and compensation); (iv) enjoy an adequate standard of living; (v) their family members are reunited; and (vi) enjoy the right to participate in public affairs. The resolution of the problem also includes putting in place measures to address (i) property ownership disputes, (ii) scarcity of land, (iii) personal safety and insecurity, and (iv) minority tensions and discrimination. The IASC Framework, 2010, for a durable solution for IDPs emphasised that a durable solution is achieved when IDPs “no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement” (Beyani, Baal & Caterina, 2010).

But such kind of resolution requires the timely coordinated intervention of humanitarian, development and peace-building actors. In Sri Lanka, for example, despite the Eelam War IV ending in May 2009, still around 73,700 people have remained displaced in the Northern and Eastern provinces as of 2015 (IDCM, 2015). The majority of those displaced belong to Tamil and Muslim communities. The fact is well appreciated that successive governments have taken steps to achieve durable solutions for the IDPs’ problem. For example, in June 2015, the currently ruling Siresena government moved the “NGO Secretariat” from the Ministry of Defence to the Ministry of Policy Planning. In August 2016, a new National Policy on war-displaced was approved by the cabinet, which was based on consultation with key stakeholders regarding the promotion of peace, justice, unity, and reconciliation. (Rutnam, 2016). Earlier in January 2016, President Sirisena gave a six-month deadline for lands to be identified to resettle 44,000 IDPs in the Northern Province: this, however, still remains far from being achieved.

Despite all these measures by the Siresena government, IDPs who returned are still confronted with many challenges. These include: (i) the presence of the military and camps; (ii) delay in assistance or compensation for destroyed houses; and (iii) lost access to their residential areas, agricultural land and fishing areas, which is turning the problem of sustaining livelihood into a nightmare. A total of 9,999 acres of residential and agricultural private land has been occupied by the military, including as part of HSZs, military-

run agricultural farms or hotels or special economic zones (SEZs). Only one-third of these immovable assets have been returned by mid-2015. The rest is under negotiation. (iv) notwithstanding its rhetoric of “truth, justice, and reconciliation”, the government does not plan to scale down the security arrangements (The Oakland Institute, 2016). Thus, achieving a durable solution remains incomplete in Sri Lanka and is no different in other regions like Africa.

4. Conclusion

Overall, effective partnerships are necessary in order to meet the twin challenges of preventing displacement and ending displacement. These partnerships should be developed among states; between states and civil society; between states and financial institutions; between states, civil society, and international protection and assistance agencies; and between international humanitarian agencies and development agencies. Also, it is important to develop mechanisms to ensure the participation of IDPs in the political processes, in decisions affecting their lives during displacement, and in developing and implementing solutions to bring an end to their displacement. Their participation should be a precondition to the implementation of the *Guiding Principles*. Finally, the State and the international community should work towards reducing the level of violence, initiate a political dialogue, development projects, rapid rehabilitation and resettlement of IDPs. Until this is done, the flight of IDPs will continue and search for lasting peace will remain inconclusive.

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