

Reconciling R2P with IDP Protection

By

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The responsibility to protect (R2P), a concept endorsed by 192 governments in 2005, commits the international community to provide protection to persons threatened by genocide, ethnic cleansing, crimes against humanity and war crimes when their own governments are unable or unwilling to do so. The concept arose in large measure from efforts to design an international system to protect internally displaced persons (IDPs). Because of its origins, it was anticipated that R2P would enhance protection for uprooted populations. However, a closer examination reveals that problems and tensions arise in applying R2P to IDPs. This article examines the origin of R2P from the perspective of IDP protection, identifies the problems that have arisen in its application, and offers suggestions for reconciling R2P with IDPs so that R2P may benefit displaced persons as was intended.

International Protection for IDPs

In the last decade of the 20th century, the explosion of civil wars emanating from and following the Cold War brought into view millions of persons inside their own countries uprooted from their homes and in need of international protection and assistance. The international refugee system set up after the Second World War did not apply to IDPs. The 1951 Refugee Convention and the UN High Commissioner for Refugees (UNHCR) provided protection only to those who crossed borders in search of asylum. Those displaced inside their countries had to turn to their own governments for help even though their own governments were often the cause of their problem.

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NGOs and UN officials, as a result, began to press for the development of an international system that would protect IDPs, and UN Security Council resolutions began to insist on access to displaced persons so that international organizations could provide assistance to them.¹ In the words of UN Secretary-General Javier Perez de Cuellar in 1991: “We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents.”² The UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations increasingly confronted with IDPs on the ground sought to expand their mandates and resources to cover such persons. In her memoirs, Sadako Ogata, the High Commissioner, debated with herself over UNHCR’s engagement with IDPs:

Should we follow the legal dictate of not exercising our mandate inside the border and thereby refrain from helping those prevented from crossing [i.e., IDPs] or should we stand more on realistic humanitarian grounds and extend whatever support we could?³

Ogata chose the humanitarian course and in 1991, UNHCR, despite its refugee mandate, began to protect displaced Kurds *inside* Iraq in the safe haven created by a US-led coalition, in the wake of the Gulf War; and in the former Yugoslavia UNHCR became the lead agency on the ground for refugees, IDPs and other affected populations. The international response, however, was limited in that it focused primarily on providing food, medicine and shelter to IDPs whereas it became evident that security was as important a priority for them as food. In the former Yugoslavia, IDPs sent the following appeal to UNHCR:

We do not need food, we are not starving to death. We are being persecuted and we prefer to be hungry for a week than not to sleep every night, in fear of being beaten, raped, or killed.⁴

At an international conference, held in 1991 in Washington DC, participants pointed out that United Nations mechanisms to coordinate assistance to IDPs would prove ineffective unless they were accompanied by comparable “measures to protect the human rights of those displaced.” It called for the development of an international legal framework and machinery to provide “protection” to the displaced when their governments were unwilling or unable to do so.⁵ Whether or not the international community had *a responsibility to protect* people inside their countries was at the heart of these debates. Indeed, the need of IDPs for protection precipitated the *breakdown* in traditional ways of thinking about the relationship of sovereignty to humanitarian action. UNHCR and other humanitarian organizations as a result began to call for a conceptual and legal foundation on which to base their growing involvement with IDPs.

Sovereignty as Responsibility and the Guiding Principles on Internal Displacement

It fell to Francis M. Deng, who became Representative of the Secretary-General on IDPs in 1992, to undertake the work of developing a conceptual and legal framework for the protection of IDPs. Deng put forward the concept of sovereignty as responsibility as the most appropriate protection framework for people displaced inside their countries. The concept posits primary responsibility for the welfare and safety of IDPs with their governments. However, when governments are unable to fulfill their responsibilities, they are expected to request and accept offers of aid from the international community. If they refuse or deliberately obstruct access and put large numbers at risk, the international community has a right and even a responsibility to become involved. Indeed, state failure to provide protection and life-supporting assistance “legitimized the involvement of the international community.”⁶

The Guiding Principles on Internal Displacement, introduced by Deng into the UN in 1998,⁷ are based on the concept of sovereignty as responsibility. They set forth the rights of IDPs and the responsibilities of governments and international organizations toward these populations. They affirm that primary responsibility for IDPs rests with their governments (Principles 3, 25); but if governments are unable to provide life-supporting protection and assistance, they are expected to request assistance from the international community. In such cases, offers of aid shall not be regarded “as an unfriendly act or an interference in a State’s internal affairs” (Principle 25); nor shall offers of aid be “arbitrarily withheld” when the authorities concerned are “unable or unwilling” to provide the required assistance.

The Principles further emphasize that in providing assistance, international humanitarian organizations should pay attention to the “protection needs and human rights” of IDPs and take “measures” in this regard (Principle 27). IDPs therefore must have access not only to material assistance from the international community but also to protection from violence and abuse when governments fail to provide these to its citizens.

Challenges of R2P’s Application to IDPs

When R2P was adopted by the UN General Assembly in 2005, the concept of sovereignty as responsibility was recognized as its antecedent.⁸ Like the earlier concept, R2P places primary responsibility on the state to protect its population and calls on the international community to support states in discharging that responsibility, including by helping states to prevent such crimes. But if states fail in that obligation, responsibility shifts to the international community. There is an international responsibility to

take “collective action” when people are threatened by genocide, crimes against humanity, war crimes, and ethnic cleansing. Such action can include “diplomatic, humanitarian, and other peaceful means,” to be followed if necessary by the use of force decided by the Security Council on a case by case basis under Chapter VII of the UN Charter.⁹ R2P also includes a responsibility to rebuild by lending support to states in post-conflict situations.

Although it would seem that the R2P concept would be beneficial to IDPs, in reviewing its application, a number of problems have arisen.

Limited application. To begin with, many states are wary of invoking R2P. As a result, the concept has been applied to only *one* case since its adoption. In early 2008 UN Secretary-General Ban Ki-moon characterized the post-election ethnic clashes in Kenya as R2P and took diplomatic and political steps to address the violence. By the time he acted, however, not only had 1,500 people died but up to 600,000 had been forcibly displaced. The application of R2P did not thus succeed as a preventive measure. Nonetheless, Ban’s linkage of R2P to the situation underscored that the violence and displacement were being viewed seriously. The Secretary-General warned Kenya’s leaders that they “could be held accountable for violations of international law committed at their instigation” and urged them “to call publicly for an end to the violence and to statements inciting violence.”¹⁰ He then implemented R2P by supporting Kofi Annan’s political mediation, the involvement of the African Union and the use of political pressure by Western and other governments. These collective efforts ultimately led to a halt in the violence and forced displacement.

Yet R2P’s effectiveness in Kenya cannot be easily replicated. For one, the Kenyan authorities accepted, to some extent even welcomed regional and international involvement so that the issue of intervention in internal affairs hardly arose. Second, R2P’s application did not involve sanctions or military intervention which meant that the Secretary-General could invoke R2P “without the explicit authorization of the Security Council.”¹¹ This bypassing of the Council ensured that members of the Permanent Five did not move to obstruct the application of R2P.

Other situations have been more prohibitive. In the case of Burma, for example, in 2007, Western governments drew attention in the Security Council to the massive attacks by the military on civilians in ethnic minority areas in which systematic rape, abuse of prisoners and forced displacement were being carried out. However, both China and Russia made clear that they would oppose any collective action against the junta on the grounds that the situation did not constitute a threat to international peace and security.¹² In the case of Darfur, China at the behest of Sudan blocked any reference to R2P in the Security Council Resolution authorizing an African Union-UN force to protect IDPs and other civilians.¹³

In his report to the General Assembly in 2009, Ban Ki-moon regretted the “failure” of the international community to stem the massive violence and displacement in Darfur, the Democratic Republic of the Congo (DRC) and Somalia, pointing out that this “has undermined public confidence in the United Nations and our collective espousal of the principles relating to the responsibility to protect.”¹⁴

In the case of Sri Lanka, neither the Secretary-General nor the Security Council invoked R2P when the Sri Lankan military cornered tens of thousands of Tamil IDPs in a no fire zone in 2009 and began shelling and bombarding them. UN officials predicted “a bloodbath,” but it was left to NGOs to remind the international community that the fight against ‘terrorists,’ in this case the LTTE, did not “absolve” states of their responsibility to protect their citizens or the international community of its responsibility to react.¹⁵

The failure to apply R2P to any situation other than Kenya has meant that IDPs at this point in time can not readily look to this new concept for protection.

Narrowness of Application. When R2P was applied to the crisis in Kenya, its focus was narrow, responding mainly to the emergency phase of halting mass displacement. Yet in the *aftermath* of the violence, displaced people also suffered heavily. By most accounts, the government arbitrarily closed the camps irrespective of whether or not areas of return were sufficiently secure. IDPs were just “dumped”, said one leading UN expert,¹⁶ and even today thousands remain in temporary settlements and transit sites without proper shelter, medicine and food. There also was a lack of planning for those who did not wish to return, and inadequate compensation for destroyed homes and property.¹⁷ Moreover, “...the causes of the displacement are yet to be addressed conclusively, and tensions between communities remain high in areas such as the Rift Valley.”¹⁸

Yet under R2P, the international community also has a ‘responsibility to rebuild.’¹⁹ The UN Peacebuilding Commission to its credit did in 2008 fund a small community volunteer program in the Rift Valley to provide food, sanitation and medical essentials to IDPs and help prepare the groundwork for some returns.²⁰ The UN Peacebuilding Commission to its credit did in 2008 fund a small community volunteer program in the Rift Valley to provide food, sanitation and medical essentials to IDPs and help prepare the groundwork for some returns. But the application of R2P to Kenya did not appear to encompass an overall strategy for protecting IDPs after they were uprooted, so that safety and sustainability could be assured in all areas of return or resettlement.

The Sidelining of the Guiding Principles on Internal Displacement. The Secretary-General’s report on implementing R2P makes no mention of the Guiding Principles even though in the one case where R2P was applied, civil society organizations and Kenya’s national human rights commission called

for the application of the Principles. The UN legal office reportedly removed the reference from the text on the grounds that the Principles are not 'hard law'. Not only is this shortsighted, but it is at variance with the resolutions of the General Assembly, Commission on Human Rights and Human Rights Council. They all call for the promotion and implementation of the Principles and regularly refer to them as an 'important tool' and 'standard' for the protection of IDPs;²¹ further, the World Summit Outcome document recognizes the Principles as 'an important international framework for the protection of IDPs.'²² More than 20 states have adopted laws or policies based on the Principles and should be encouraged to implement their provisions. John Holmes, UN Under-Secretary-General for Humanitarian Affairs, did just that in calling for the implementation of the Principles and affirming that "the Guiding Principles have become the accepted international standard for IDPs."²³

Exclusion of Disaster IDPs. In a speech in 2008, the UN Secretary-General warned that "Extending the principle [of R2P] to cover other calamities, such as HIV/AIDS, climate change, or response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility."²⁴ He thus ruled out R2P's potential protection of the millions of persons expected to be uprooted by disasters and climate change. The exclusion is said to accord with the World Summit Outcome document which omits natural disasters from the R2P formulation even though the ICISS report upon which R2P was based recommended as a criteria for R2P's application,

...overwhelming natural or environmental catastrophes, ***where the state concerned is either unwilling or unable to cope, or call for assistance, and significant loss of life is occurring or threatened*** [emphasis added].²⁵

The Secretary-General's Special Adviser Edward Luck reinforced this exclusion with the argument that R2P could only be triggered if "murder or extermination committed as part of 'a widespread or systematic attack' against the civilian population" were to take place.²⁶ However, if, in the context of a natural disaster a government were deliberately to cause serious injury to the physical and mental health of massive numbers of the civilian population through blatant neglect, its action (or inaction) could well be said to constitute an attack on that population as postulated by Luck. Indeed, the Burmese government's "reckless indifference" toward the victims of Cyclone Nargis in 2008 made it possible to argue that it was intentionally causing suffering on a massive scale and possibly crimes against humanity.²⁷ Former Canadian Foreign Minister Lloyd Axworthy argued that Burma's "actively impeding the timely arrival of assistance and medications to more than one million people" should have invoked R2P.²⁸

Tensions between human rights and humanitarian protection of IDPs. R2P's emphasis on human rights protection has at times created tensions with humanitarian programs for IDPs. When French Foreign Minister Bernard

Kouchner called for R2P's application during Cyclone Nargis, and French, British and US warships neared Burma's coast, UN Emergency Relief Coordinator Holmes strongly protested against any form of coercion to protect the IDPs as this could undermine international and regional efforts to bring in humanitarian aid. Military force, he did not believe "would be helpful to the people we are actually trying to help."²⁹ R2P was even opposed as an umbrella for the *non-military* actions taken by the Secretary-General, the UN and the Association of Southeast Asian Nations (ASEAN). It was argued that negotiation and cooperation with the authorities without reference to R2P was the most effective means of gaining access to affected areas. Similarly, in Darfur, humanitarian aid workers have opposed coercive military action under the R2P label on the grounds that it could lead to the expulsion of their assistance programs for IDPs.³⁰

For the Executive Director of Médecins Sans Frontières USA, Nicholas de Torrente, the integration of humanitarian aid into broader political and security frameworks risks politicizing and jeopardizing relief operations. It also identifies aid workers with one side of a conflict and can expose them to attacks.³¹

Some humanitarian aid workers have expressed difficulty as well with the very concept of "protection," arguing that going beyond delivering food, medicine and shelter could lead to denial of access, the expulsion of staff and interfere with relationships with governments on humanitarian and development issues. Other aid workers, however, consider protection essential to their work, and argue that when genocide and atrocity crimes are being committed, neutrality is not an option.

Another area of tension between human rights protection and humanitarian operations is in the pursuit of international criminal justice. The Secretary-General's 2009 report affirms that the International Criminal Court (ICC) and the United Nations-assisted tribunals "have added an essential tool for implementing the responsibility to protect."³² Yet when the ICC issued an arrest warrant for Sudanese President Omar al-Bashir for having committed crimes against humanity against IDPs and other affected civilians in Darfur, the Sudanese government put more than one million IDPs at risk. It expelled from the IDP camps thirteen international humanitarian NGOs and closed three local NGOs, affecting vital humanitarian services. For humanitarian advocates in Darfur, the pursuit of justice could not have been more ill timed and some supported Security Council deferral in exchange for the readmission of the humanitarian workers. For human rights advocates, however, the arrest warrant constituted the long awaited culmination of an investigation into international crimes in Darfur that had been authorized by the Security Council.³³

R2P's equation with military action. Although the Secretary-General regularly has repeated that R2P "could involve any of the whole range of

UN tools,” R2P is often incorrectly equated by governments and the non-governmental community with military action. This misinterpretation of R2P can affect the protection of IDPs because it reinforces the view that efforts at protection really mean intervention under the cloak of humanitarian assistance. Such confounding of R2P with coercive action can be a setback to what has been achieved thus far for IDPs. Indeed, it has taken more than a decade for governments and the international community to accept that they have responsibilities for the assistance and protection of IDPs and that national and international involvement does not constitute infringement of their sovereignty. The concept of sovereignty as responsibility was intended to allay governmental fears about international programs for IDPs. Deng’s “farewell” letter to the Secretary-General underscored this:

The main principle that guided me in my work on the mandate has been to balance between allaying the fears of Governments about national sovereignty while impressing upon them the compelling humanitarian and human rights concerns of the international community with the plight of the internally displaced.³⁴

Limited confidence in military action. Although R2P may often be equated with military action, the results of such action for IDPs have been limited. Security Council resolutions have increasingly authorized UN peacekeepers to assume protection responsibilities for IDPs and other affected populations in internal conflict situations. Whether in the Balkans, Rwanda, the DRC, Darfur, Sierra Leone or a host of other countries, peacekeepers have enhanced security for IDPs.³⁵ But peacekeeping missions have also proved a great disappointment to those in need of protection. Missions have often been thwarted by insufficient numbers of troops and equipment, inadequately trained forces, and ambiguous mandates that do not fully allow for robust protection. In some cases, peacekeepers even have become involved in abusing IDP populations, especially women and girls they are expected to protect. As a result, IDP advocates have become more cautious about looking to peacekeeping missions as a panacea for protection.

International interventions have also been slow in coming. In Darfur, after more than two years the UN has still not been able to deploy 26,000 troops and police while needed equipment like helicopters is still lacking.

The Way Forward

There are a number of steps that can be taken to better reconcile the protection needs of IDPs with R2P.

First, when R2P is applied, the special protection needs of IDPs should be made an integral part of the strategy. Displaced people after all are often among the

principal victims of crimes against humanity, ethnic cleansing and war crimes.³⁶ The Office of the Secretary-General should consult with international and non-governmental organizations engaged in IDP protection to ensure that any application of R2P protects IDPs.

Second, the meaning of IDP protection should be made clear when R2P is applied. In the absence of an international treaty to define protection for IDPs, the UN's Inter-Agency Standing Committee (IASC), composed of the major international humanitarian, human rights and development organizations, assumed the task in 1999. The IASC protection policy for IDPs defines protection as encompassing "all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (human rights, humanitarian and refugee law)".³⁷ More simply put, IDP protection is interpreted as defending the physical security of IDPs, providing them with the basic necessities of life and promoting the enjoyment of their fundamental economic, social cultural, civil and political rights. Any application of R2P should be guided by this policy, based on the Guiding Principles.

Third, applying R2P to IDPs must go beyond the emergency phase and encompass prevention, protection and capacity building. The IDP protection policy encompasses preventive actions to diminish the risk of displacement, measures to assure protection and assistance during displacement, and the integration of protection concerns into return or resettlement programs. In Kenya, preventive efforts might have served to save lives and head off mass displacement. The intense ethnic tensions preceding the 2007 election should have acted as an alert to the international community to plan for possible involvement. Once the violence and displacement occurred, the scope of involvement should have gone beyond emergency needs and encompassed safe and sustainable solutions. The need of the displaced for international attention after the emergency is over generally remains acute.

Fourth, any application of R2P must include reinforcement of the national responsibility to protect IDPs. A report defining the benchmarks of national responsibility was presented to the UN in 2005.³⁸ It includes: 1) preventive steps, in particular early-warning and rapid response mechanisms to protect populations under threat; 2) campaigns that build national solidarity around the displaced; 3) the adoption of national laws and policies to uphold the rights of the displaced; 4) the designation of state offices to carry out the laws and policies; 5) the allocation of adequate national resources; 6) the finding of solutions for the displaced that include safe and sustainable returns, integration where they currently reside or relocation in another part of the country; and 7) assistance with property restitution or compensation and the establishment of mechanisms to settle disputes.

Fifth, the promotion of the Guiding Principles on Internal Displacement must be a part of an R2P strategy. The Secretary-General and the entire UN system need to stand behind and promote the implementation of the Principles in

R2P situations. To help states shape laws and policies based on the Principles, Kälin has developed a manual for law and policy makers,³⁹ which should be disseminated by the UN. A focus on the Principles will help reinforce the efforts of IDP associations and civil society organizations to hold their governments accountable to these standards. Support also should be given to regional organizations that develop normative frameworks based on the Principles. The African Union, for example, has adopted a legally binding convention on internal displacement.⁴⁰ In R2P situations, regional bodies should be expected to reinforce national efforts in line with the Principles.

Sixth, the UN Peacebuilding Commission should ensure that IDP needs are integrated into recovery plans when R2P is applied. The Commission's program in Kenya is to be commended but it is too small an effort and does not extensively encompass the sustainability of IDP returns or the disputes of the different ethnic groups over property, land and power sharing, which lie at the root of the conflict and displacement. The Commission's 2009 "strategic framework" for the Central African Republic is more instructive. It recognizes that post-conflict recovery should include the reintegration of displaced people and calls for "a strategy for internal displacement," covering all phases of displacement – prevention, protection and sustainable solutions.⁴¹ This strategic framework should be applied regularly, especially in R2P situations when large numbers of IDPs and returning refugees are involved.

Seventh, flexibility must be shown in applying R2P when it comes to natural disasters. Cyclone Nargis could well have been a case for applying R2P, although most observers concluded from hindsight that R2P would not have produced the access and cooperation that was achieved with the Burmese government. Nonetheless, it would be a mistake to make this cyclone the litmus test of response to all future situations where crimes against humanity might be committed within the context of a disaster. The peremptory exclusion of *all* disaster survivors from the umbrella of R2P protection may need to be revisited in cases where governments refuse to assume their protection responsibilities and commit mass atrocities against the survivors.

Eighth, addressing IDP protection effectively will require strengthened international and regional institutions that can be relied upon when R2P is applied. Although institutional arrangements for IDPs have improved over the past decade, many weaknesses persist. In the area of advocacy and policy, the UN basically relies on the Representative of the UN Secretary-General for the Human Rights of IDPs, a single individual, to raise awareness to the problem globally and promote adherence to the Guiding Principles. Although Kälin's efforts have been unremitting, he is an unpaid part-time volunteer who has to set aside time from his teaching and also find the resources for his activities. The Office of the UN High Commissioner for

Human Rights (OHCHR) to which his mandate is officially tied provides only minimal support. The need for a full-time Representative with sufficient staff and resources is long overdue.

In the field, institutional arrangements must also be strengthened. In 2005, the UN Office for the Coordination of Humanitarian Affairs (OCHA) signed an agreement with the different UN agencies to divide up responsibilities for IDPs. In the area of protection, UNHCR assumed the lead coordinating role. However, its in-house capacity to deal with IDP protection is weak. To be sure, it increased the number of IDPs its overall programs reached, but it has yet to set up a corps of IDP protection officers, to expand its presence in the field where IDPs are in danger, and to undertake proactive advocacy with governments and non-state actors on behalf of IDP safety.

At the regional level, strengthened institutional capacity will also be needed so that organizations like the African Union, ASEAN, the South African Development Community, and the Organization for Security and Cooperation in Europe can effectively contribute to the international protection of displaced populations.

Ninth, in applying R2P, greater efforts will need to be made to reconcile human rights with humanitarian objectives. Consulting with IDPs should be an essential part of this process, given the impact of both human rights and humanitarian objectives on their lives. In Sudan, for example, IDPs and refugees interviewed were reported to be in favor of the ICC indictment of Bashir, the humanitarian cost notwithstanding.⁴² At the same time, better planning and timing of potentially conflicting human rights and humanitarian programs has been recommended to reduce the tension,⁴³ as has stronger UN leadership.

Tenth, dialogue with insurgent groups should be encouraged as a form of protection for IDPs. Large numbers of IDPs and other civilians are often under insurgent control. While the Secretary-General's report calls for military assistance to help states deal with armed insurgencies, it does not suggest direct measures for dealing with the insurgents themselves. For Jan Egeland, the former UN Under-Secretary-General for Humanitarian Affairs, negotiations with non-state actors are "a humanitarian necessity" that can bring relief aid to beleaguered communities, lessen abuse of civilians and maintain ceasefires.⁴⁴

Eleventh, efforts should be made to dispel the notion that human rights protection through R2P means first and foremost military intervention. Prevention, the weakest link in protecting civilians, should be strengthened by building state capacity to withstand internal crises and avert displacement as well by engaging UN offices, governments and regional bodies to take concerted action, ranging from diplomacy to preventive deployment. Applying R2P regularly to situations where military intervention is *not* involved, as was the

case in Kenya, could also help to demonstrate the broad range of measures R2P encompasses.

Finally, an effective international protection capacity should be developed when strong measures are called for. The creation of an international protection capacity able to rapidly deploy well-trained police and military forces with clear and strong mandates, adequate numbers and sufficient equipment has thus far eluded the international community. Yet when military or police action is called for, IDP protection will depend upon those elements being in place.

Conclusion

The historically close relationship between providing protection to IDPs and the concept of R2P has created the expectation that R2P will automatically prove beneficial to IDPs. However, there may be situations where R2P's application falls short of helping them. It is therefore essential to continue to explore the relationship between R2P and IDP protection. R2P after all is a new concept that needs to be tried out and carefully tailored to IDP concerns so as to ensure that genuine protection is provided.

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³⁹ Brookings-Bern Project on Internal Displacement, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, October 2008, available at http://www.brookings.edu/papers/2008/1016_internal_displacement.aspx

⁴⁰ For AU Convention for the Protection and Assistance of IDPs in Africa, 22 October 2009, see <http://www.africa-union.org/root/ar/index/AU-IDP%20Convention%20Assembly%20-%20Final%20-%202010.23%20pm%2023%20Oct.doc>

⁴¹ UN General Assembly/Security Council, Draft Strategic Framework for Peacebuilding in the Central African Republic 2009-2011, PBC/3/CAF/L.1, 23 March 2009 (limited distribution)

⁴² See 'The Reaction to the Arrest Warrant against Sudanese President Al-Bashir,' *Refugee Rights News*, 5/2 (April 2009); Nicholas D. Kristof, 'Watching Darfuris Die,' *New York Times*, 7 March 2009; and Eric Reeves, 'Darfur and International Justice,' *Dissent*, Summer 2009, p. 17.

⁴³ See Geis and Mundt, 'When to Indict?' pp. 13-18.

⁴⁴ See Jan Egeland, *A Billion Lives: An Eyewitness Report from the Frontlines of Humanity* (New York: Simon & Schuster, 2008), pp. 57-8, 203, 209, 214