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CHAIR REPORT



**THE LEGAL STATUS OF
INTERNALLY DISPLACED
PERSONS**

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Introduction

Internally displaced persons and their legal status are a growing issue the world is facing today. Since the many armed conflicts our world has witnessed in the 21st century there have been a growing amount of internally displaced persons. According to figures from the United Nations High Commissioner for Refugees (UNHCR), there are over 40.3 million people who were internally displaced due to a multitude of reasons in October 2017. Furthermore it is estimated that between 70% and 80% of internally displaced people are women or children. Developing nations and nations engaging in armed conflict (which is why this problem is especially relevant in the Middle East) usually have a significant population of internally displaced persons.

The main problem with internally displaced persons considered by the United Nations is their legal status. While these internally displaced persons would generally be classified as “refugees”, they do not enjoy the same rights and protection as refugees do. There is limited help offered to these internally displaced persons.

The United Nations Human Rights Council has a role to play in the protection and promotion of the human rights of internally displaced people. As a growing issue it is pivotal that the Human Rights Council take measures to intervene and protect the core human rights and dignity of internally displaced people before the situation continues to worsen.

Key terms

Internally displaced person

An internally displaced person is someone who is forced to flee their homes but remain within the borders of their country. They are recognized as refugees but do not officially have the legal rights and statuses of refugees.

United Nations High Commissioner for Refugees

The United Nations High Commissioner for Refugees (UNHCR) is the United Nations agency responsible for the protection of refugees and to ensure that they do not encounter refoulement (where the refugee is returned to their country of origin).

Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre is a non-governmental organisation established in 1998 to improve the livelihoods of internally displaced people around the world. It works closely with the Office for the High Commissioner for Refugees to protect the rights of internally displaced people.

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Background information and key areas to consider

There are a wide range of reasons why people would become internally displaced. The most obvious one is armed conflict, but development, gentrification, human rights abuses and other reasons have also led to people being forcibly displaced from their homes. Syria, Sudan, Somalia and the Democratic Republic of the Congo are countries which suffer the most from the situation. They usually have a very low likelihood of ever being able to return home, and are often forced to move from urban areas to areas which lack development.

The legal status of internally displaced persons

Although under international law it is the duty of a country to provide support to refugees and internally displaced persons, they are not actually supported in reality. It is estimated that 5 million internally displaced people in 11 countries do not receive enough support from their governments, or do not receive support at all. Furthermore, there is currently no international policy or international treaty which safeguards the human rights of internally displaced people.

Proper treatment and protection of internally displaced persons

Although camps have been set up by the United Nations to support internally displaced persons, providing “relief and rehabilitation programmes”, there is still not enough support for the over 40 million refugees (UNHCR only supported 13.3 million IDPs in 2016). Services involving life-saving assistance and operational forces are provided by the United Nations and coordinated by the UNHCR. However governments of states harboring internally displaced persons should be held accountable for their human rights violations, or there needs to be better methods (including non-governmental organization support, establishment of more international agencies) to ensure that the basic human rights of internally displaced persons are upheld.

Guiding questions

1. What is the best way to safeguard the legal status and the human rights of internally displaced persons?
 - a. Countries right now although under international law should be preserving the human rights of internally displaced people, are not actually taking any action. Instead, they actively violate the human rights of internally displaced people. How should the United Nations galvanize countries into protecting and actually taking responsibility for internally displaced people?
 - b. Does there need to be a change to conventional refugee law to incorporate the protection of the human rights of internally displaced people?
2. How do we best protect and preserve the human rights of internally displaced persons?
 - a. What better way is there to protect the human rights of internally displaced persons rather than just leaving them in the hands of their governments, who from previous history have seen them failing in preserving the human rights of internally displaced people?
 - b. How can the United Nations best improve the living conditions and the living standards of internally displaced people, as well as ensure that they have adequate human rights?

Key parties involved

Internally displaced persons

Once displaced, internally displaced persons usually never see their home again. They are often forced to flee to other parts of their country (usually rural) because of conflict, natural disasters, human rights violations, danger or development, amongst others. Once they are displaced, the quality of their lives drops significantly, and there is little to no support from their governments to help them rebuild their lives. This is often the case for internally displaced persons in Syria, Sudan, Somalia and the Democratic Republic of the Congo.

disasters, human rights violations, danger or development, amongst others. Once they are displaced, the quality of their lives drops significantly, and there is little to no support from their government to get them back to where they were previously or to improve their living conditions. It is imperative that these people get some dignity and their human rights, as that is currently not happening under current status quo. United Nations action is necessary to improve the situation.

Government of countries with internally displaced persons

These governments are usually countries like Syria and the Democratic Republic of the Congo, and are often corrupt, undeveloped, lack democracy and oftentimes in civil war or armed conflict. Their regimes (for example the Syrian regime) actively oppresses human rights, committing human rights violations everywhere and often sanctioned by international forces. In terms of internally displaced persons, they oftentimes do not provide enough support/do not provide support to these people, leading to them having extremely poor quality of living.

The United Nations

Although previous action has been taken by the United Nations and the UNHCR, action is not enough. The UN is working with a multitude of non-governmental organizations like the Internal Displacement Monitoring Centre to monitor the situation and have also set up camps and other support mechanisms to help internally displaced persons. Their effort is not enough and only help a small minority of the population of internally displaced people.

Timeline

| Date | Place | Event |
|------|----------|--|
| 1951 | Geneva | <u>Convention relating to the status of refugees</u> A convention was established by the United Nations to give a legal definition to refugees, and to establish the non-refoulement policy for refugees (that they will not be forcibly returned to their country of origin to face retribution or human rights abuses). Also ordains the human rights to which refugees are entitled to. |
| 1967 | New York | <u>Protocol related to the status of refugees</u> Made the application of international laws related to refugees non time-bound and removed any geographical limits to the application of the laws. |
| 2009 | | <u>Kampala Convention</u> This is a treaty of the African Union to address internally displaced people (caused by armed conflict and natural disasters) and the proper treatment of these people. It is currently ratified by 25 out of 54 member states in the African Union. |

Possible solutions

Solution 1: Creation of an international treaty to protect the legal rights of internally displaced persons

A potential solution would be to create an international treaty which would cover the legal rights which would protect all the rights of internally displaced people. It would establish standards for the treatment of internally displaced persons by international agencies and governments, and also methods of accountability for governments. This international treaty should be legally binding as currently there is a lack of actual enforcement of policies relating to IDPs and refugees, having only the supervision of the UNHCR to put into place conventions and protocols related to the treatment of refugees/internally displaced persons.

Solution 2: Increase of resources devoted towards alleviating the current issue

There may need to be an increase of resources and international cooperation devoted towards solving this issue, and delegates should discuss the most efficient way to achieve efficiency with these resources if more resources are used. Right now only a limited scope of internally displaced people are reached by the United Nations and the amount of internally displaced

solving this issue, and delegates should discuss the most efficient way to achieve efficiency with these resources if more resources are used. Right now only a limited scope of internally displaced people are reached by the United Nations and the amount of internally displaced people continues to grow. More resources from more economically developed countries as well as holding governments accountable may be possible solutions to the problem at hand.

Further research suggestions

The United Nations High Commissioner for Refugees's information webpage on internally displaced people: <http://www.unhcr.org/internally-displaced-people.html>

Conventions relating to the status of refugees: www.unhcr.org/3b66c2aa10

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