

# **A Seat at the Table: The Role of Displaced Persons in Peace Talks and Peacebuilding**

By Donald Steinberg

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From Sudan to Sri Lanka, from Colombia to Congo, there are few more visible and heart-breaking signs of conflict than internally displaced persons driven from their homes and forced to live in makeshift camps, abandoned buildings, forests, and shanty towns. Outcasts in their own homelands, they are unprotected by international conventions on refugees and subject to the not-so-tender mercies of their own governments and to relief efforts of domestic and international agencies. Frequently, they have been endured unspeakable crimes and unimaginable horrors, and struggle to find food, shelter, health facilities, and basic security. Some 25 million people today find themselves in such conditions in about 50 countries, including by most estimates more than a million each in Algeria, Colombia, Democratic Republic of Congo, Iraq, Somalia, Sudan, Turkey and Uganda.

While some internal displacement results from natural disasters, including droughts, pestilence, and floods, the vast majority of internally displaced persons (IDPs) have been made homeless by conflict. Yet when parties come together to negotiate the end to conflict, IDPs are generally excluded from the peace talks, and the issues of greatest interest to them – resettlement to their places of origin, rebuilding of basic infrastructure and social services, clearance of landmines, and reform of the security sector – are given short shrift by the armed combatants participating in the talks.

Given that there is likely to be little domestic pressure for the inclusion of IDPs in the processes of peacemaking and post-conflict reconstruction, it often falls to the international community – and in particular the United Nations through its mediation efforts and the power of the UN Security Council – to ensure their participation.

## **IDPs at the Table: Good for Them, Good for the Process**

The exclusion of IDPs from peace processes is both unjust and unwise. In modern warfare, some 90 percent of the victims are now civilians, and internal displacement generally occurs against powerless groups already subject to exploitation. Sexual violence, including rape used as a weapon of war; theft of property, livestock and other

assets; trafficking in women and girls; and similar abuses are common among individuals who have lost their homes and identities. Abuses occur not only at the hands of rebels and criminals, but often from government security forces who are charged with their protection. IDP camps are sites of domestic violence, trafficking in persons, drug and alcohol abuse, tuberculosis, cholera, and crime.

The exclusion of IDPs from the peacemaking and peacebuilding has a deeper cost of undercutting the efficiency and effectiveness of the processes. The return of IDPs to their places of origin are key to the re-establishment of normalcy, return of security and the extension of state administration throughout the national territory. Thus, early returns are often pushed by impatient negotiators seeking good news and tangible signs of progress from stalled processes. But the premature return of displaced persons to their homes, in the absence of security and sustainability, can lead quickly to new displacement, which simply adds new instability to the process. IDPs themselves are best positioned to know when it is wise and safe to return to their homes, and their voices to this effect must be part of the peace process. Further, they must be there to advocate for assistance and compensation packages: the sense that demobilised ex-combatants are receiving generous assistance packages, training opportunities, and positions in the new government or security forces in excess of what IDPs receive can bring tension and alienation for key constituents.

The disengagement of civil society groups from a peace process means that they will view the peace process as belonging to the armed combatants, not to them, and there will be little civil society pressure on the combatants if the peace process falters. For example, the exclusion of IDP representatives at the Darfur peace talks in Abuja in 2006 was a key factor in creating an unsustainable and unworkable peace agreement that was quickly repudiated by most of Darfur civil society. It is for this reason that we are now urging the inclusion of IDP representatives – as well as those of women’s organisations and Arab tribes – in the UN/AU talks being led by Jan Eliasson and Salim Salim.

One particularly disturbing problem occurred in Angola while I was serving there as American Ambassador and a member of the Peace Commission. In our rush to see Angola’s four million displaced persons return to their homes in a country where large numbers of landmines had been planted, we focused primarily on the commercial demining of major roads. Regrettably, our humanitarian demining efforts in local fields, forests, and lakes were given secondary priority. When the displaced returned to their homes and started going out to plant fields, collect firewood, and fetch water, there was a rush of tragic landmine accidents. Had IDPs been at the table in the Peace Commission from an early stage, this tragedy might have avoided.

There is an expression used in the disability community: “Nothing about us without us.” This concept should apply to the displaced community in peace talks.

### **Whose Peace Process?**

Yet the exclusion of IDPs persists. We have the strange specters of maniacal and often homicidal combatants such as Angola's Jonas Savimbi, Sierra Leone's Foday Sankoh, and Uganda's Joseph Kony, or the fractured forces of Darfurian rebels claiming to represent "the people" in their respective negotiations. Too often, the first action of these individuals is to seek amnesty for crimes that they, their supporters, and even the opposite side committed during the conflict. While we welcome national reconciliation and forgiveness that accompanies the end of conflict, amnesties too often mean that men with guns forgive other men with guns for crimes committed against powerless civilians, including displaced persons. Amnesties can also put a cynical cancer in the center of a peace process and undercut the re-establishment of rule of law and justice after the guns go silent.

These lessons are vital for negotiators to address, and it is a welcome sign that the Mediation Support Unit at the UN Department of Political Affairs has recognised this. This unit is now preparing guidance to be used in training potential envoys, mediators and representatives of the UN Secretary General in conflict situations. In addressing these issues, many questions need to be addressed.

### **Who are the Displaced and Who Represents Them**

First is the question of identifying IDPs and their representatives and leaders. Often, the pattern of rural to urban migration and the sudden development of squatters village and shanty towns on the outskirts of major cities begs the question of whether these are economic migrants or conflict-related IDPs. One key question is whether these individuals intend to return to their homes after conflict. Similarly, it is not enough to look for major camps of displacement: IDPs quite frequently do not flock only to large camps: many live with friends or relatives, while others congregate in small groups in safe areas in forests or mountains.

On the question of representation, rarely are there cases where clear leaders of the internally displaced emerge. Rebel leaders may claim to represent IDPs and their interests, but frequently, these leaders may be the perpetrators of actions against the displaced or simply seeking to use IDPs as leverage to gain greater concessions. The leaders of the communities from which the displaced came may have been killed, displaced elsewhere, or discredited, and IDP camps do not generally have the stability to elect their own leadership. Further, individuals in IDP camps themselves may be far from innocent victims, but actual perpetrators of the violence, such as in the case of IDPs in the secured areas of Rwanda following the 1994 genocide.

It may also be difficult to incorporate IDP leaders into formal peace processes given their lack of formal training and education, and perhaps even language issues. Typically, IDPs come from marginalised groups, such as the Afro-Colombian community in Colombia, where the skills necessary to participate in diplomatic negotiations must be fostered and nurtured. Training for their participation is essential, and must take place early and in a culturally appropriate manner.

These questions most often fall to the international or domestic mediator charged with conducting the peace talks and to the commission implementing the agreement. These determinations should be made in consultation with credible human rights and governance institutions, taking into account previously existing leadership patterns and the structure of leadership that may have emerged in IDP camps or communities.

### **When and How to Engage IDPs**

Timing is critical. Issues related to the return of displaced to their homes are particularly tense, including divisive questions such as compensation for displacement, accountability, and restoration of land rights. These questions can be so disruptive to a fragile peace process that there is an argument for delaying their consideration and resolution until basic aspects of the armed conflict have been resolved and consolidated, especially negotiation of a ceasefire or permanent cessation of hostility and an agreement on the disarmament and demobilisation of armed forces. Further, emotions can run high when the abused and the abusers confront each other, even in polite conference rooms. Thus, there may be occasions where it is wise to include only the principal armed parties in the initial stages of a peace negotiation, as long as it is clear that the voices of other key actors – including IDP representatives – will be heard and heeded shortly thereafter.

Ideally, implementation of a peace process can help rebuild local capacity of civil society organisations that have been destroyed by the partisanship of conflict. IDPs should be a principal target of these efforts. It is a sad fact that as a conflict moves from a period of humanitarian emergency to re-establishment of stability and security to post-conflict reconstruction and development, the resources flowing to the country progressively diminish. Thus, using resettlement resources to support and strengthen IDP groups as planners, implementers and beneficiaries of these programs is preferable to relying solely on foreign entities such as the International Organization on Migration and international NGOs.

### **An International Responsibility to Engage**

It is neither neo-colonialist nor paternalistic for the international community to insist that IDPs be represented in peace processes. The international community need not be diffident when faced with charges of interference in the internal affairs of a sovereign state. There is a lingering view, for example, that the UN Security Council should not engage unless there are on-going “threats to international peace and security” and that situations that involve only internal displacement are not within its purview. Cases such as Zimbabwe, Sri Lanka, and Myanmar come easily to mind. In fact, in our interconnected global community, the line between domestic and international crises has been blurred, if not obliterated. Conflict and the waves of instability flow easily across borders. Today’s IDP is tomorrow’s refugee, while insecure areas within countries quickly become breeding sites for international trafficking in arms, persons, and drugs; and potential training sites for terrorists.

Other seeking to downplay IDP participation argue that, by not having crossed borders, they are not covered by the refugees convention and thus do not enjoy the protection of the international community. In fact, there are ample precedents and international law to justify forcing IDPs into the peace process, including rights under international human rights and humanitarian law. Further, displacement often occurs in conjunction with genocide, crimes against humanity, war crimes, or ethnic cleansing. As a result, the concept of “responsibility to protect” kicks in under paragraphs 138 and 139 of the World Summit Outcome document of October 2005. These paragraphs, endorsed by the largest grouping of world leaders ever assembled and subsequently recognised unanimously by the UN General Assembly and the UN Security Council, state that the principal responsibility to prevent and stop these mass atrocities falls to the host government, but to the extent that the government is unable or unwilling to perform this duty, the responsibility shifts to the international community. And even if mass atrocities have not occurred, the act of displacement makes these populations more vulnerable to this possibility, and brings into play the corresponding responsibility to prevent.

Further, while a formal statement of IDP rights has never been adopted, growing international acceptance of the Guiding Principles on Internal Displacement provides a mediator with a wide opening to engage IDPs in peace processes. Developed in 1998 by former Special Representative of the Secretary-General on Internally Displaced Persons Francis Deng, these principles identify rights and guarantees for protecting persons from forced displacement and for protecting and assisting them during displacement and subsequent return. The principles have been welcomed by the UN General Assembly in 2003; incorporated into the charters or regional organisations such as the Council of Europe, Organization of American States, and African Union; and codified in whole or in part in national laws in countries such as Colombia, Uganda, Sri Lanka, Angola, Georgia, Peru, Burundi, Liberia, and the Philippines.

It is vital that the full expertise of the United Nations and other international bodies on IDPs is incorporated into peace processes. It is not enough for a well-meaning UN envoy to be sensitive to these issues. Mediators must have the full backing of the UN Security Council, including specific references in resolutions to IDP participation in peace processes involving UN peacemaking and peace enforcement missions. Mediators must draw on the experience of the Special Representative for the Human Rights of IDPs, the High Commissioner for Refugees (especially given its role as IDP cluster lead on protection), the Geneva-based Internal Displacement Division of the Coordinator of Humanitarian Affairs, the International Organization for Migration, the High Commissioner for Human Rights, the Department of Peacekeeping Operations, World Food Program, UNICEF and UNDP.

## **Beyond Victimhood**

Many in the international community view internally displaced persons as mere victims of conflict and extol their remarkable capacity for survival. But it is vital to see IDPs as much more: they are an essential piece of the puzzle in making and building sustainable

peace. Peace processes must benefit greatly from their knowledge of local conditions, their power to generate civil society support for agreements, their willingness to return home and rebuild stable societies, and their commitment to the future of their countries. In the pursuit of peace, we must make them part of the solution, not part of the problem.

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