

Getting non-state actors to protect IDPs

by Greta Zeender

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Millions of people are at the mercy of armed non-state actors. Where national governments have lost the monopoly on the use of force, and judicial systems no longer function, many crimes are committed with impunity. Can more be done to encourage non-state actors to protect IDPs?

Non-state actors (NSAs) are defined by Geneva Call¹ as “any armed actor operating outside state control that uses force to achieve its political/quasi-political objective. Such actors include armed groups, rebel groups, liberation movements and de facto governments.” NSAs under consideration here are those with recognisable political goals, thus differentiating them from criminal organisations, even if at times their actions are similar.

Some NSAs resemble governments, running de facto states with all the trappings of statehood except international recognition. NSAs are currently active in 28 of the 49 countries affected by conflict-induced displacement, and control part of the territory in 11 of them. Some governments exert almost no effective control outside of the capital or have formally accepted temporary de facto partition of the state. NSAs often operate across borders.

NSA lack of respect for international law is demonstrated by their use of torture, sexual violence, indiscriminate attacks, abductions, forced recruitment (particularly of children), forced labour, looting and burning of property. IDPs are viewed by both governments and NSAs as collaborators with their adversaries and are often attacked for their real or perceived sympathies. NSA presence in IDP camps or among other civilians blurs the dividing line between combatants and non-combatants. They hamper delivery of humanitarian assistance and may impose bureaucratic obstacles by forcing humanitarian agencies to register in areas under their control. In 2004, NSA attacks on humanitarian workers or peacekeepers were reported in a dozen countries affected by internal displacement. Targeting of aid workers has forced the humanitarian community to rely on local staff and national NGOs to assist IDPs and returnees, as in Iraq, or to resort to armed escorts to provide assistance.

Engaging NSAs

The majority of IDPs are in conflict situations of a non-international character, which are explicitly covered by Article 3 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War² and by the Additional Protocol II of 1977. The Guiding Principles on Internal Displacement, which include statements of international humanitarian law that are legally binding both on states and NSAs, constitute the basis on which NSAs can be reminded of their responsibilities towards civilian populations.

Many actors have engaged with NSAs. ICRC works with the rest of the Red Cross/Crescent network to promote humanitarian law through workshops and courses which include NSAs. The UN Security Council has imposed sanctions against specific armed groups. UN Special Rapporteurs have discussed human rights concerns with NSAs and UN agencies have entered into dialogue with them to secure access to vulnerable populations. In some countries affected by internal displacement, this engagement has led to demining and demobilisation of child soldiers. Few initiatives, though, have focused solely on the rights of IDPs.



The Norwegian Refugee Council (NRC) is concerned with the role of NSAs, because of their potential to hinder assistance and jeopardise staff and beneficiary security. We have involved NSAs in training workshops on IDP protection in which the Guiding Principles have been used as a framework for discussion – thus allowing the specific situation of particular groups of IDPs to be discussed in an impartial way. Workshops have examined the causes of displacement, current locations of IDPs, the main problems they face during displacement, the legal framework protecting them, potential durable solutions and the specific needs of displaced women and children.

Our work leads NRC to recommend:

- **improving context-specific analysis:** training cannot be planned, nor appropriate contact persons identified, until agencies better understand NSAs' structures and motivations, their relationship with IDPs and the kinds of violations they commit
- **clarifying the objectives and scope of training:** essential to avoid unrealistic expectations on the part of IDPs, civil society groups and NSA representatives
- **disseminating the Guiding Principles:** now that the Principles are available in 33 languages, it is essential that agencies distribute copies and organise workshops – both for government and NSA representatives – to discuss the Principles and their practical consequences for locally displaced people. NRC recognises this may not be easy as states invited to participate may themselves be engaged in human rights violations, can be hostile to human rights arguments or may not openly recognise their relationship to the armed group.
- **getting commitments from NSAs** and clarifying whether and how NSAs work with national and international organisations on IDP assistance and protection needs
- **encouraging go-and-see visits:** especially when led by the UN, these can provide space for national and international NGOs to take up issues with NSAs while sheltering them from harassment or threats of expulsion
- **encouraging the UN to engage with NSAs:** the UN needs to follow up the success of Francis Deng (former Representative of the UN Secretary-General on Internally Displaced Persons) in persuading some NSAs and de facto authorities – notably in South Ossetia, Abkhazia, southern Sudan and the Philippines – to recognise the relevance of the Guiding Principles.
- **promoting information sharing:** agencies should bring violations to the attention of the ICRC and human rights organisations: since NGOs cannot jeopardise staff security they should relay information obtained to organisations with expertise in pressuring violators
- **lobbying regional organisations** to address the issue of how NSAs might protect IDPs. The European Union has led the way by exhorting NSAs to ban the use of anti-personnel landmines³ but as most IDPs and NSAs are in Africa it would be beneficial if the African Union's Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa could directly address NSAs.

Conclusion

Engaging NSAs to protect IDPs is a formidable challenge. Initiatives by the UN, regional organisations and NGOs have belatedly begun to do so. The experiences of NRC and other

organisations show that progress can be made, particularly in circumstances where NSAs have some control over territory and are seeking international recognition. Clarification of NSA responsibilities for IDPs, promotion of the Guiding Principles and increased attention to the question of NSAs and IDPs can begin to change frustration into hope, and perhaps lead eventually to success.

Greta Zeender is Senior Country Analyst and Training Officer at the NRC's Global IDP Project.⁴ Email: greta.zeender@nrc.ch. This is based on a longer article 'Engaging Armed Non-State Actors on IDP Protection' in the special issue of the *Refugee Survey Quarterly*: Internally Displaced Persons: The Challenges of International Protection, edited by Vincent Chetail.

¹ An NGO aiming to influence NSAs to stop the use of landmines. www.genevacall.org

² www.unhcr.ch/html/menu3/b/92.htm

³ www.genevacall.org/resources/testi-reference-materials/testi-official-documents/ep-06sep01.pdf

⁴ www.idpproject.org/