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DOCUMENTS

*The London Declaration of International Law Principles on Internally Displaced Persons**

At its 69th Conference held in London, July 25–29, 2000, the International Law Association approved by consensus the Declaration of International Law Principles on Internally Displaced Persons,¹ prepared by the International Committee on Internally Displaced Persons.² Eight years in the making, the Declaration in its earlier drafts was reviewed at the 67th Conference in Helsinki in 1996,³ the 68th Conference in Taipei in 1998,⁴ as well as two special meetings in Buenos Aires (1994) and Budapest (1995). As finally adopted, the Declaration contains eighteen articles setting forth the rights and obligations pertaining to internally displaced persons (IDPs) for all States, *de facto* authorities, the United Nations and other organizations, both governmental and non-governmental.

The Declaration builds upon emerging authority to protect and assist IDPs, including the ‘Guiding Principles on Internal Displacement,’⁵ developed by the Representative of the Secretary-General on Internally Displaced Persons. Unlike the ‘Guiding Principles’, which are intended

* The *IJRL* is grateful to Luke T. Lee, Chair of the ILA’s Committee on Internally Displaced Persons, who made this text available and supplied the introduction.

¹ The full text, including commentaries and annex, is published in 69 International Law Association, *Conference Report* (2000) 794.

² Chaired by Luke T. Lee, with members from Belgium (Jean-Marie Henckaerts), Brazil (Adherbal Meira Matos), Croatia (Budislav Vukas), Ethiopia (Daniel Haile), Finland (Ruth Donner), Germany (Nils Geissler, Andreas Zimmermann), Ghana (John B. K. Kaburise), Korea (Woon-Sang Choi, Myong Joon Roe), Netherlands (G.J.H. van Hoof), Singapore (Lincoln Wee), Sweden (Jerzy Sztucki), U.K. (Vera Gowlland-Debbas), USA (Maryellen Fullerton, James A.R. Nafziger, Louis B. Sohn), and Yugoslavia (Bosko Jakovljevic). Co-Rapporteurs: Rainer Hofmann (Germany) and Yukio Shimada (Japan).

³ 67 International Law Association, *Conference Report* (1996), 515.

⁴ 68 International Law Association, *Conference Report* (1998), 488.

⁵ 5. UN doc, E/CN.4/2000/53/Add.2, Annex, hereinafter referred to as ‘Guiding Principles’. See also UN docs. E/CN.4/1999/79 and Add.1–2; E/CN.4/2000/83 and Add.1–3; and E/CN.4/2999/L.72.

as a guide to the treatment of IDPs from the perspective of their needs,⁶ the Declaration focuses on the status of IDPs under international law, human rights and humanitarian law, in the context of refugees, aliens, stateless persons and other nationals. In addition to providing substantial commentaries to elaborate upon individual provisions, the Declaration deals with the establishment and status of safe areas, the prevention of reverse ethnic cleansing, institutional arrangements to provide protection and assistance to IDPs, and the essential role of the Security Council in situations of internal displacement amounting to a threat of international peace and security. It highlights the unique status of IDPs as *de facto* refugees confined in their national territories, hence justifying a special protection regime.

Recent events in Kosovo, East Timor and Chechnya have catapulted IDPs into the forefront of humanitarian crises. Along with other situations in which the theoretical and practical distinctions between refugees and IDPs have become increasingly blurred, these crises call for a clear definition of the legal status of IDPs.

The Declaration reads as follows:

Declaration of International Law Principles on Internally Displaced Persons Preamble

THE INTERNATIONAL LAW ASSOCIATION,

CONCERNED that, despite the end of the Cold War, there are still some 11.5 million refugees worldwide, joined by some 20–25 million internally displaced persons, who have been forced to leave or flee their homes for essentially the same reasons;

NOTING that, in contrast to refugees, who are protected and assisted by many global and regional legal instruments and who may thus enjoy comparative safety in the countries of asylum or resettlement, as well as the protection and assistance by many international organizations, both governmental and non-governmental, internally displaced persons lack such safety, protection and assistance;

RECOGNIZING the need to ensure greater protection of and assistance to internally displaced persons under international law, including human rights, refugee and humanitarian law;

STRESSING the right of any person to freedom of movement, including

⁶ See Introduction, para. 1, 'Guiding Principles'; Walter Kälin, *Guiding Principles on Internal Displacement: Annotations*, American Society of International Law and the Brookings Institution, 2000, 2.

the right not to be arbitrarily displaced from that person's home or place of habitual residence;

EMPHASIZING that nothing in the present Declaration shall affect other international agreements in force between States parties to them, and that in situations not covered by such agreements, internally displaced persons are nevertheless protected by the general principles of international law, by the humanitarian practices of international organizations accepted by States, by the principle of humanity, by the rules of basic human rights, and by rights granted under domestic laws;

TAKING INTO ACCOUNT the Guiding Principles on Internal Displacement developed by the Representative of the Secretary-General, Mr Francis M. Deng (UN doc. E/CN.4/1998/53/Add.2, Annex);

URGING all States, *de facto* authorities, the United Nations and other international organizations, both governmental (including regional) and non-governmental, to systematically review their existing roles vis-à-vis refugees to ensure that the rights and interests of internally displaced persons are properly safeguarded and integrated therein;

DECLARES the following principles of international law as applicable to the legal status of internally displaced persons:

Section I

Definitions

ARTICLE 1

1. For the purpose of this Declaration, the term 'internally displaced persons' refers to 'persons or groups of persons who have been forced to flee or leave their homes or places of habitual residence as a result of armed conflicts, internal strife or systematic violations of human rights, and who have not crossed an internationally recognized State border.'
2. This Declaration applies also to persons internally displaced by whatever causes, such as natural or man-made disasters or large-scale developmental projects, whenever the responsible State or *de facto* authority fails, for reasons that violate fundamental human rights, to protect and assist those victims.
3. By '*de facto* authorities' are meant any non-State entities in effective control of part(s) of a State's territory which are parties to an armed conflict and/or internal strife or have generated or hosted internally displaced persons.

Section II

Rights of Internally Displaced Persons

ARTICLE 2

1. Internally Displaced persons shall be protected and assisted in accordance with all generally accepted and, where appropriate, regionally agreed upon, human rights, refugee and humanitarian law.

2. Notwithstanding that preferential treatment shall be accorded to certain internally displaced persons, such as expectant mothers, mothers with young children, unaccompanied minors, persons with disabilities and elderly persons, no discrimination may be made on the basis of race, colour, sex, gender, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or any other similar criteria.

ARTICLE 3

1. Internally displaced persons are entitled to all the rights conferred by international human rights law including, whenever applicable, those rights secured for aliens as refugees and stateless persons.

2. Internally displaced persons have the right to seek and to receive, freely and in security, all humanitarian assistance and protection from national and *de facto* authorities, as well as duly authorized international organizations.

ARTICLE 4

1. Freedom of movement, including the right not to be arbitrarily displaced, shall be respected to the fullest extent possible in accordance with international law.

2. No one shall be compelled to leave his or her home or place of habitual residence due to persecution or discrimination based on race, colour, sex, gender, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or any other similar criteria, or subject to such persecution or discrimination subsequent to displacement.

3. Measures aimed at deliberate alteration of the demographic composition of a given region (e.g., ‘ethnic cleansing’) or at genocide are strictly prohibited.

ARTICLE 5

1. All internally displaced persons have the right to return to their homes or places of habitual residence freely and in security and dignity, as soon as the conditions giving rise to their displacement have ceased.

2. Internally displaced persons shall not be detained or placed in an area which exposes them to the dangers of armed conflict and/or internal strife.

ARTICLE 6

Identity papers shall be issued by appropriate authorities to enable internally displaced persons to fully enjoy all rights provided for under this Declaration.

ARTICLE 7

All internally displaced persons, especially children separated from their parents or other family members are entitled to the right to family reunification.

ARTICLE 8

In the case of a Federal, non-unitary or divided State, internally displaced persons are entitled to the same treatment as is accorded to local permanent residents, particularly in respect to education, public health, housing, public relief, rationing, access to the courts, employment and social security.

ARTICLE 9

Internally displaced persons shall be entitled to restitution or adequate compensation for property losses or damages and for physical and mental suffering resulting from their forced displacement.

Section III**Rights and Obligations of States and the International Community**

ARTICLE 10

1. National authorities, whether *de jure* or *de facto*, have the primary responsibility to protect and assist internally displaced persons within their jurisdiction.
2. In the implementation of this Declaration, States and the international community shall respect the territorial sovereignty of all States and the principle of noninterference in their internal affairs, in accordance with the Charter of the United Nations and the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States.
3. Humanitarian assistance and/or protection properly provided to internally displaced persons by states, *de facto* authorities or the international community shall not be deemed an interference in the internal affairs of the country of displacement.

ARTICLE 11

1. States and *de facto* authorities shall promote and respect the rights and interests of internally displaced persons as set forth in this declaration and in other applicable instruments. Such rights and interests shall be observed by all persons, groups and authorities, irrespective of and without affecting their legal status.
2. They shall also take joint and separate action in cooperation with the United Nations and other international organizations, both governmental

(including regional) and nongovernmental, in addressing the root causes of internal displacement with a view to adopting preventive measures and obtaining durable solutions.

ARTICLE 12

States, *de facto* authorities, the United Nations and other international organizations, both governmental (including regional) and nongovernmental, shall all cooperate with one another to establish and maintain appropriate institutional arrangements to implement the provisions of this Declaration.

ARTICLE 13

1. States, *de facto* authorities and international organizations, both governmental (including regional) and nongovernmental, may offer or be requested to provide humanitarian assistance to alleviate the suffering of internally displaced persons. Such assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Requests for assistance shall be considered by the States, *de facto* authorities and international organizations concerned in the spirit of international cooperation and burden sharing and in good faith, taking into account their resources and the needs of internally displaced persons. Neither the offers or requests nor their acceptances shall be regarded as unfriendly acts.
3. The assistance offered or requested may include, in particular, the provision of essential subsistence needs, such as food and potable water, clothing, housing or other forms of shelter, physical and mental health care, and sanitation.
4. Whenever humanitarian assistance and/or protection is offered, requested, provided or accepted, it shall be done so regardless of the status of governmental entities or authorities concerned.
5. The request for, or offer, provision, or acceptance of, humanitarian assistance and/or protection shall not imply diplomatic recognition of or by the States or authorities concerned.

ARTICLE 14

1. States and *de facto* authorities shall adopt all necessary measures to ensure that internally displaced persons have free and safe access to international assistance and, wherever appropriate, to protection by duly authorized organizations. Such assistance shall not be diverted for military, political, or other purposes.
2. Personnel of generally recognized relief organizations involved in transporting, safeguarding and distributing relief materials or performing

other services shall be given full protection from armed attack in accordance with the principles of humanitarian law and those contained in the Convention on the Safety of United Nations and Associated Personnel, as well as free and safe access to internally displaced persons needing assistance and protection, in conformity with paragraph 1 of the present article.

3. Safe areas may be established where appropriate.

ARTICLE 15

1. States and *de facto* authorities shall never use starvation or other forms of deprivation as a weapon against internally displaced persons during armed conflicts, whether international or non-international.

2. All armed forces are prohibited from interfering with the movement of essential subsistence needs — on land, by air or sea — clearly designated for civilian consumption. Appropriate international agencies may be authorized to monitor such movement.

ARTICLE 16

If the Security Council decides that the nature and scope of a situation of internal displacement constitute a threat to international peace and security and, in accordance with the Charter of the United Nations, orders that appropriate measures be taken, States, *de facto* authorities and international organizations, both governmental (including regional) and nongovernmental, shall provide protection and assistance to internally displaced persons, as well as address the root causes that gave rise to the situation.

Section IV Final Clauses

ARTICLE 17

Nothing in the present Declaration may be construed as limiting the right of any persons to seek asylum abroad or to be protected against forcible return to their place of habitual residence where their lives or freedoms would be threatened on account of their race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or any other similar criteria.

ARTICLE 18

1. Nothing in the present Declaration shall affect international agreements in force between States parties to them.

2. Nothing in the present Declaration shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the principles contained herein.
3. Any international agreement dealing with topics covered by the present Declaration shall be interpreted in accordance with the purpose and spirit of this Declaration.