



## United States Mission to the OSCE

# **Statement on State Responsibility towards Internally Displaced Persons – Fundamental Rights and Freedoms of IDPs**

As delivered by Knox Thames  
to the Supplemental Human Dimension Meeting on IDPs, Session 1  
Vienna, November 4, 2004

Thank you, Mr. Moderator. The phenomenon of internal displacement in the OSCE region occurs amid conditions of severe hardship for thousands, if not millions, of individuals. Be it in the Balkans, the Caucasus, Southeastern Turkey or elsewhere, many OSCE participating States must daily manage significant numbers of displaced persons. The responsiveness of countries and the international community to the affected populations can either ease or exacerbate the hardship of those displaced. The United States therefore welcomes this supplementary meeting on internally displaced persons. We appreciate the Dutch bringing this topic to the forefront last year and the leadership of the Bulgarians in continuing the focus on IDPs during their chairmanship.

IDPs have no special legal status under international law because they remain within their own countries. Despite having similar needs to those of refugees, internally displaced persons are afforded no protection by the UN Refugee Convention and must rely on general norms of international human rights law and international humanitarian law. Yet in many countries, IDPs exist in refugee-like situations, having fled violence en masse and relocated to camps or temporary shelters, unable to return to their homes. Uprooted, they typically have limited access to health care, education, economic opportunities, and legal remedies.

Because of this reality, the United States welcomed the decision of participating States at the Maastricht Ministerial Council to recognize the UN Guiding Principles on Internal Displacement as a “useful framework for the work of the OSCE and the endeavors of participating States in dealing with internal displacement.” Building on this important statement, we believe more can be done; the United States advocates that the OSCE establish a new OSCE commitment based on principle 15(d) of the Guiding Principles. This article reaffirms the right of IDPs “to be protected against forcible return to or resettlement in any place where their life, safety, liberty or health would be at risk.” The United States supports elevating this article to a specific OSCE commitment, as it acknowledges the fundamental right of individuals to be protected against forcible return to an unsafe or insecure environment.

We support this initiative because forced returns and limitations on movement represent two serious infringements on the fundamental rights and freedoms of displaced persons. Some governments have limited the ability of IDPs to resettle, even temporarily, away from conflict zones by closing shelters and ending aid programs. Trapped in a vulnerable position, IDPs are left with no alternatives but to return back to the area they fled. The UNHCR has correctly stated that the availability of alternative accommodations is one “litmus test” to determine if returns are truly voluntary.

Concerning the Russian Federation, the United States notes the remarks of Minister Lavrov welcoming “a contribution of the international community to the solution of specific problems” in Chechnya. The United States strongly supports the principles of voluntary return, freedom of movement, and alternative shelter for those displaced by the ongoing conflict in Chechnya. Through the UNHCR and a variety of humanitarian NGOs, the United States provides assistance to IDPs outside Chechnya, and we invite the Russian Federation to discuss ways to improve the delivery and distribution of this assistance. The United States is also willing to discuss with Moscow what role the OSCE can play in addressing issues surrounding those displaced by the war in that region of Russia.

Concerning freedom of movement, this right is limited in several countries where displaced citizens are corralled into refugee-like camps and prevented from resettling elsewhere, with few options for work or education. The Guiding Principles are clear that IDPs have the right to liberty of movement and freedom to choose their residence, as well as the right to move freely in and out of camps and other settlements. In Azerbaijan, for instance, while the distribution of state oil funds to improve living conditions for IDPs is positive, authorities should allow IDPs to leave squalid camps, integrate locally, and begin building a new life.

The OSCE is involved in almost every IDP situation in the region. We therefore would welcome further development and strengthening of the OSCE mandate in protecting the fundamental rights of IDPs, increasing engagement with governments and civil society when rights are limited, such as the right to vote or freedom of movement. OSCE missions in participating States with IDP populations should pay particular attention to the unique problems faced by these individuals. The OSCE should also promote national institutions protecting IDPs and work with governments to improve the legal situation of IDPs, while raising awareness about the UN Guiding Principles and OSCE commitments.

Often held captive to larger political controversies, we must not forget that these populations are more than numbers. These are individuals and families who long to return to a sense of normalcy and get on with their lives. The United States therefore urges all countries with IDP populations residing within their territory to minimize the human cost and strive to find durable and voluntary solutions. We also urge the OSCE and all participating States to take necessary steps to prevent and avoid conditions that lead to internal displacement.