

Evaluating the Term "Displaced Persons" **A Background Guide**

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Introduction

The United Nations High Commissioner for Refugees Data Finder recorded 82.4 million forcibly displaced persons at the end of 2020, with 48 million were labeled as internally displaced people (IDPs) and 26.4 million as refugees.¹ It is obvious these numbers highlight a major humanitarian crisis.

While the scope of this issue is massive, there is one practical change that could aid entire populations that do not have access to international assistance. To provide more context, forcibly displaced persons are currently categorized into three different classifications: refugees, IDPs, and asylum-seekers. It may appear that fixating on the terminology used to describe displaced people is trivial, but many times, the term 'refugee' and 'IDP' are used incorrectly and interchangeably.

On a technical level, these classifications determine individuals' access to different qualities of care. In this way, synthesizing the different classifications of forcibly displaced persons into one legal term would create pronounced effects for subsets of people who otherwise would not have access to humanitarian international assistance.

This memo is divided into three sections. The first part outlines definitions and differences between refugees and IDPs and the implications of such distinction. The second part highlights the reason why the term 'IDP' is no longer relevant. The third part argues for the synthesizing the three classifications into one legal term by emphasizing the spirit of human law and humanitarian rights.

Differentiating Between 'Refugee' and 'IDP'

The 1951 Refugee Convention defines a refugee as "any person who: owing to a well-founded fear or being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country." ²

The UNHCR defines IDPs as those who are "on the run at home." As highlighted by these two definitions, the key difference between a refugee and IDP is that, while both populations are displaced, the former has crossed national boundaries while the latter remains within the territorial confines of its state. Combined with the idea of state and territorial sovereignty, this distinction has significant implications. A refugee, characterized by displacement across national borders, falls under the jurisdiction of the UNHCR, which is then obliged by international law to protect refugee rights.

Unfortunately, IDPs, having never crossed any international borders, remain under the jurisdiction of their home state. This effect is detrimental for IDPs for a myriad of reasons. First, IDPs do not have access to the funds and resources of the UN and its various associated bodies. Though refugee status comes with great obstacles, refugees at least benefit from the UN's notable efforts to establish camps, where they can benefit from shelter, food, and sometimes even education for children.³ Furthermore, the UNHCR has expansive networks, allowing it to access the resources of other programs, including the World Food Bank, and provide benefits including the delivery of food and potable water, waste disposal services, and even medical assistance.⁴ Despite being displaced within one's home country appearing to be a better situation, states that produce IDPs are often war-torn and nearly always unable or unwilling to provide the necessary welfare to these displaced (whether intentionally or not) citizens. As a result, those who are still trapped in their home country experience higher rates of violence and receive less protection. The difference in treatment underlines how humanitarian assistance ought to be provided on the basis of need without veering from humanitarian law.

Photo Source: Humanitarian Law & Policy Blog



Somali Refugees in the Malkadiida Refugee Camp in Ethiopia

Is the Term 'IDP' Still Relevant?

It is important to consider the origins for the terms 'refugee' and 'IDP' and whether the requirement to cross borders remains pertinent as a criteria for delivering aid. The word 'refugee' was coined in 1951 after the Cold War Era when displaced people were used as 'political pawns' used to illustrate the failure of the Soviet Union to provide for its citizens.⁵ As Dr. Catherine Phuong writes, the definition for refugees was very specific in that the two requirements are that displaced people are "[politically] persecuted" and have left their borders.⁶ Even without the context of the Cold War, its definition is clearly too restrictive as there are many ways other than 'political persecution' that a state can use to oppress populations of people.⁷ To this, it is clear that it is necessary to at least revisit, if not revise, the definition of 'refugee' to include IDPs.

There are numerous reasons relating back to the origin of these words to justify the formulation of one legal term encompassing both groups of people. In the context of today's world where IDPs now outnumber refugees, it is urgent that we revise these definitions to make humanitarian assistance more accessible to a greater number of people. Not only do we have a larger number of IDPs than refugees, IDPs are at much higher risk for abuse and human rights violations.⁸ Because IDPs are still within the confines of their national boundaries, IDPs are more often than refugees trapped in their original conflict zones and subject to abuse and human rights violations.

Not only are IDPs often stuck in ostensibly worse conditions, but they are also out of reach for international aid agencies, making IDP death rates higher than refugee death rates. While refugees have already largely fled the source of violence or oppression and are at the mercy of international assistance, IDPs are still caught in the crossfire.⁹

Additionally, if one were to say that aid must only be targeted towards those who are currently considered refugees and not IDPs, the intent of the humanitarian aid would be inconsistent. As previously highlighted, refugees from the opposite bloc in the Cold War Era were once highly welcomed as they served a highly strategic role.¹⁰ Now, without the strategic importance of refugees, many countries do their best to avoid accepting refugees, or reduce the number of refugees accepted. In fact, this is one explanation for the complete turnaround in refugee to IDP ratio. By changing the definition, or altering the scope, international aid could reach a greater number of vulnerable people, as it is currently highly restricted based on technicalities.

The Implications of Consolidating Terms

The third section of this report simplifies the issue at hand and calls for revisitation of the original intent of humanitarian work.



Internally Displaced Person from Eastern Ukraine
Photo Source: UNHCR.org



Displaced Persons Crossing Stanytsia Luhanska Checkpoint in Luhansk, Ukraine
Photo Source: Human Rights Watch

As stated by Sir Humphrey Waldock, former President of the International Court of Justice, human rights are "rights which attach to all human beings equally, whatever their nationality."¹¹ In this way, whether international humanitarian assistance is inaccessible because of specific verbiage or otherwise, protection of rights ought not be dictated singularly by geographical location. Luke T. Lee, a Special Adviser pertaining Refugees and Migrations in the US Department of State, previously noted that "equal rights for all individuals—be they nationals or aliens, refugees or internally displaced persons—is implied in all universal and regional human rights instruments."¹² He elaborated with "hence, not a single 'right' in the Universal Declaration of Human Rights, for example, is specified or implied as belonging only to 'refugees', and not 'internally displaced persons'."



Syrian Refugee Camp in Turkey
Photo Source: Ahval News



SIDPs in the Somali Region of Ethiopia
Photo Source: UN News

If there are still concerns about why we should consider redefining IDPs, it may also be helpful to look at it in a pragmatic manner. It is unfair to use borders to determine refugees' and IDPs' access to resources for three reasons:

1. As emphasized by an account by a State Department official that visited the Ethiopian-Somali border, the nomads "shared the same ethnicity or nationality, religion, custom, language, or dialect," and there was little to no difference as to whether one was under the national sovereignty of one state or the other.¹³ Both demographics face the same crises: lack of resources, shelter, and sanctuary.

2. Lee highlights the discriminatory nature of historical colonial borders, which do not take into consideration the true cultural localities. This is especially relevant in Africa, as modern borders are largely left over by former colonies that failed to account for cultural, social, religious, or ethnic unity. Similarly, the disputed borders of many Former Soviet Union countries has led to the emergence of breakaway territories.¹⁴

3. Though refugee status wholly relies on the recognition of the sovereignty of the states in question, the UN lacks a universal process or rule by which to recognize the status of a state; even allied nations may recognize conflicting government bodies locked in territorial disputes or different factions of a state torn by civil war. This warrants the possibility of the multinational UNHCR facing unique issues if such states are brought forth into question.

Conclusion

The debate over whether or not to synthesize the three classifications of displaced persons has been ongoing in the academic community for the past two decades. There are compelling arguments against making such a change, which have to do with maintaining territorial and national sovereignty. Combining the three terms into one, if handled incorrectly, could have compounding negative effects for the relationship between sovereignties and international law.

This report clearly indicates that the definitions for 'refugee' and 'IDP' are outdated. It is clear that IDPs are in desperate need of assistance from the UN just as much or even arguably more than refugees. By assessing who the United Nations and humanitarian law are supposed to protect, the three terms should be synthesized to cover all displaced persons as to not exclude any vulnerable population from getting help.

References

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Citations

¹ <https://www.unhcr.org/refugee-statistics/>

² <https://www.unhcr.org/en-us/what-is-a-refugee>

³ <https://preemptivelove.org/blog/refugee-idp-whats-the-difference/>

⁴ Ibid.

⁵ Catherine Phuong, "Internally Displaced Persons and Refugees: Conceptual Differences and Similarities," *Netherlands Quarterly of Human Rights* 18, no. 2 (2000): 216, doi:10.1177/092405190001800204)

⁶ Ibid., 222.

⁷ Ibid., 223.

⁸ <https://www.ohchr.org/en/issues/idpersons/pages/issues.aspx>

⁹ Luke T Lee, "Internally Displaced Persons and Refugees: Toward a Legal Synthesis?" *Journal of refugee studies* 9, no. 1 (1996): 38.

¹⁰ Phuong, "IDP and Refugees: Conceptual," 217.

¹¹ Lee, "IDPs and Refugees: Toward," 36.

¹² Ibid.

¹³ Ibid., 33.

¹⁴ Ibid., 34.