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**Regime-Induced Displacement and the  
Dilemmas of Civilian Protection:  
The Case of Darfur**

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## Abstract

Fragile states today are responsible for the vast majority of global refugee and internally displaced person (IDP) flows. A new dataset shows that there is increasing evidence that regimes in fragile states may undertake deliberate policies which target specific population groups causing them to flee either to lessen support for guerrilla movements or to consolidate the regime's authority. As of yet, however, the intentions of these regimes have not been examined, nor has there been work examining forced displacement in these states in a holistic manner, including both refugees and IDPs. This is critical, as regime-induced displacement creates a different set of concerns for refugee and IDP protection than flows caused by situations of generalized violence or by non-state actors. Yet western governments have reduced their engagement with the displaced, relying instead on actors such as the UNHCR who lack the capability to provide an effective response. Except for problematic humanitarian interventions in countries such as Iraq (1991) and Kosovo, the international response to regime-induced displacement has been one of containment rather than resolution. These dilemmas are clearly illustrated in the current situation in Darfur.

## About the Author

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## 1. Introduction<sup>1</sup>

On the 8<sup>th</sup> of July 2008, a routine patrol by peacekeepers from the African Union/United Nations Hybrid operation in Darfur (UNAMID) was ambushed. Seven peacekeepers were killed and twenty-two were wounded, attacked by *janjaweed* militia loyal to Sudanese President Omar Hassan al-Bashir. Since the UNAMID mission was deployed in early 2008, 14 peacekeepers have died as a result of hostile actions. (UNAMID 2009) At the same time, insecurity remains endemic among the displaced population of Darfur, a situation made worse by the expulsion of more than a dozen aid groups from Darfur in March 2009 by the Sudanese government after the International Criminal Court issued an arrest warrant for President al-Bashir. (Addario and Polgreen 2009: A6)

Darfur is typical of a shift that has occurred in modern warfare, one with significant implications for the international community: governments that use coordinated campaigns of violence to deliberately displace their own population. Thus, in Darfur, aid agencies seek to provide assistance to 4.5 million people, including 2.5 million displaced persons. Displacement, in these cases, is not a symptom of the violence but rather the aim of it- as Mary Kaldor argues, these 'new wars' often have the aim of controlling the population by "getting rid of everyone of a different identity (and indeed of a different opinion) and by instilling terror... This often involves population expulsion through various means such as mass killing and forcible

resettlement..." (2006: 9; see also Crisp 2003: 76)

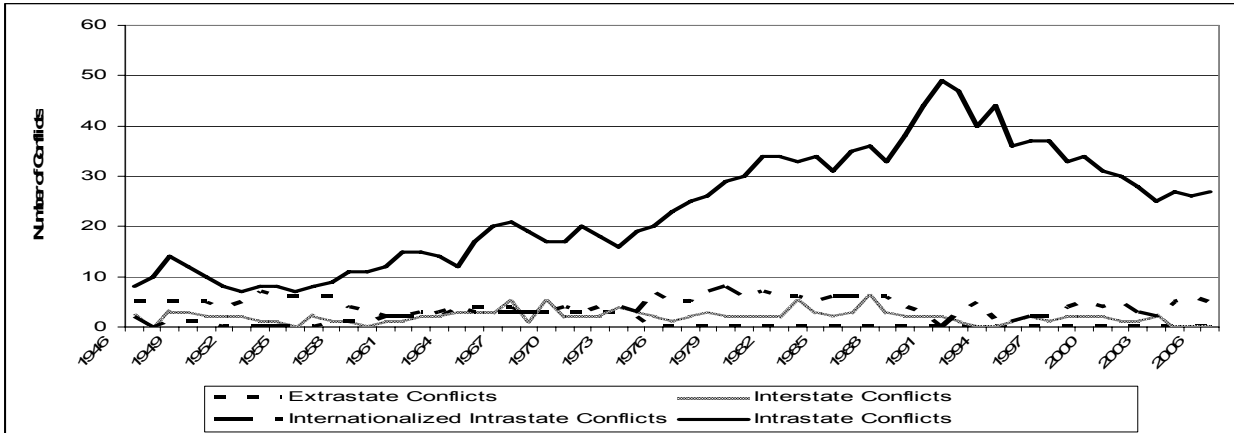
This change is evident in two broad trends in conflict. The first is the rise of intrastate conflict, which today dominates all other forms of conflict, though the number of such conflicts have declined since the early 1990s (as shown in Figure 1 below); the second is that even while battle deaths have fallen to the lowest levels since 1946 (see Figure 2 below), population displacement has risen inexorably as populations are increasingly targeted by belligerents (see Figure 3 below). Atrocities, as Edmund Cairns argues, are being used against civilians to "effectively to kill some, terrorize the rest to flee, and undermine the sense of society which could help to build peace again. This is a purposeful targeting of the enemy's 'social capital.'" (1997: 17; see also Collier, et al. 2003)

Not only are more people displaced; they are also displaced in different ways. While civil wars in the 1970s and 1980s produced large numbers of refugees, they were able to flee across borders, a route closed off to many internally displaced persons in the post-Cold War period. Thus while refugee numbers peaked in 1992 and have since declined, IDP numbers in 2007 matched the record levels they had earlier reached in 1994. The international response, consequently, has been framed by the fact that wars are mostly internal and that the displaced are increasingly contained to their regions and countries of origin.

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<sup>1</sup> I would like to thank Brian L. Job, Jenny Peterson, Lesley Burns, Shane Barter and Victoria Colvin for helpful comments, and Alexandra McCarter for research assistance. I would also like to thank Monty Marshall at the University of Maryland and Henrik Pilgaard at UNHCR for assistance with data on IDP and refugee numbers respectively, as well as Andrew Mack for starting me thinking about this project. Support for this project has been provided through a Canadian Department of National Defence Security and Defence Forum Postdoctoral Fellowship.

**Figure 1: Number of State-Based Armed Conflicts, 1946-2006<sup>2</sup>**



<sup>2</sup> Data Sources: Human Security Report Project (2008) *Human Security Brief 2007* (Lacina/Gleditsch Dataset; UCDP/Human Security Report Project Dataset)

Providing protection for these two groups also differs. Refugees can count on a measure of international protection through both law (particularly the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol) and organizations, particularly the United Nations High Commissioner for Refugees (UNHCR). (Van Hear 1998: 342; Loescher 1994: 352) By contrast, IDPs,<sup>3</sup> while they have similarly fled, do not have the same international protections since they remain within their own state and therefore, primary responsibility for their protection continues to rest with the territorial state. (Cohen and Deng 1998: 275; Goodwin-Gill 1996: 264) They are often in more precarious situations than refugees and other civilian victims of conflict, deprived of their rights, and lack shelter and food. (Mooney 2005: 14-6) Thus, it is not surprising that some of the highest death rates recorded in humanitarian emergencies occur amongst IDPs. (Salama, et al. 2001)

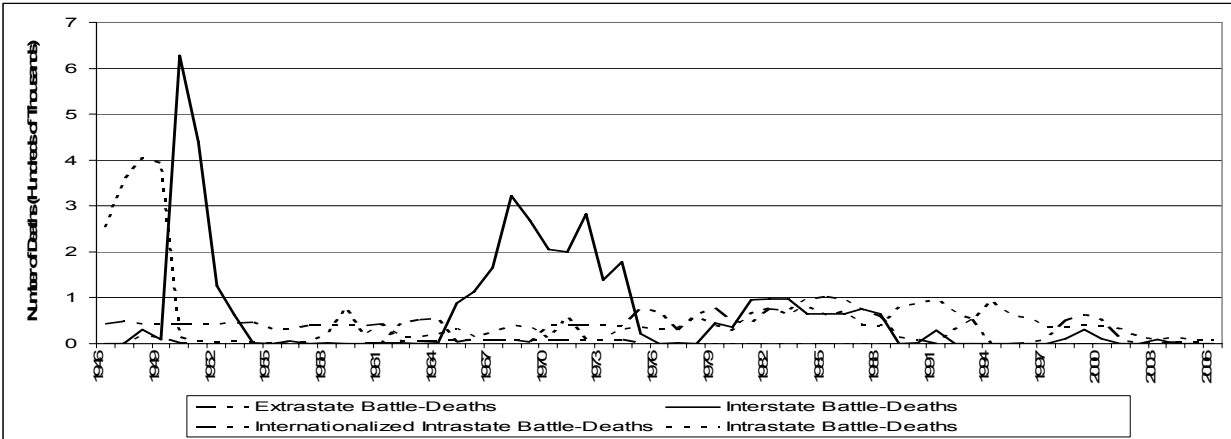
UNHCR and the International Committee of the Red Cross, which possessed a mandate under the Geneva Conventions to protect the broader civilian population in conflict, have today been joined by a plethora of other actors, whether other UN agencies, other international organizations, or the international NGO community. This has meant, as O'Callaghan and Pantuliano argue, that the protection activities are no longer directed towards states, but rather towards local, pragmatic approaches designed to keep civilians safe and towards the international level, where efforts are directed towards international commitments to protect civilians. (2007: 13) But this shift

has also transferred the protection burden away from those with the greatest potential to provide protection – particularly states - (O'Callaghan and Pantuliano 2007: 8) and, as Loescher and Milner argue, have left UNHCR to “compensate for the inaction or failures of the major powers and the peace and security organs of the UN system.” (2005: 19)

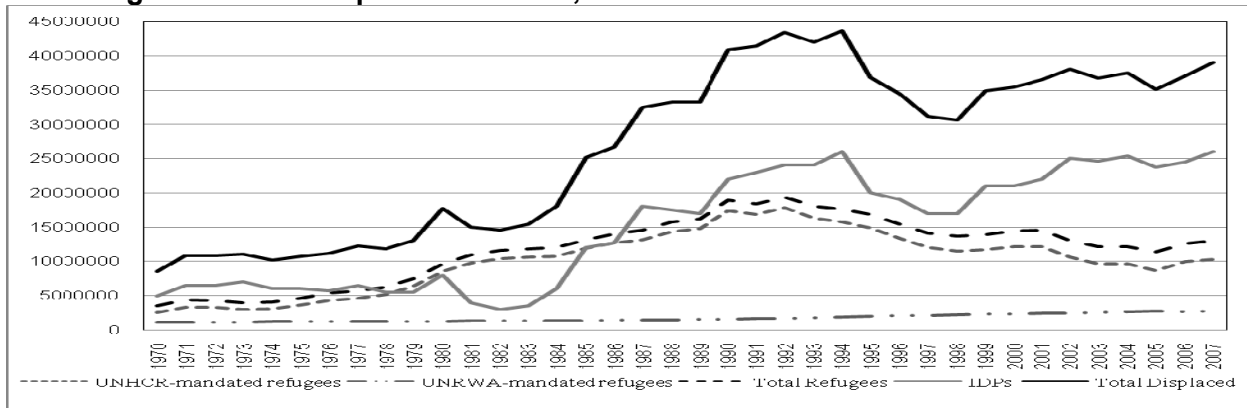
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<sup>3</sup> The guiding principles on internal displacement define internally displaced persons as: “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” (Office for the Coordination of Humanitarian Affairs 1999)

**Figure 2: Reported Battle-Deaths from State-Based Armed Conflicts by Type, 1946-2006<sup>4</sup>**



**Figure 3: Total Displaced Persons, 1970-2006<sup>5</sup>**



<sup>4</sup> Data Sources: Human Security Report Project (2008) *Human Security Brief 2007* (Lacina/Gleditsch Dataset; UCDP/Human Security Report Project Dataset)

<sup>5</sup> Sources: UNHCR, <http://www.unhcr.org/statistics/>; UN Relief Works Agency (UNRWA) <http://www.un.org/unrwa/publications/index.html>; United States Committee for Refugees, *World Refugee Survey [Yearly 1997-2004]* (Washington: US Committee for Refugees); Internal Displacement Monitoring Center (IDMC), *Internal Displacement: Global Overview of Trends and Developments*, [Yearly 2004- 2008] (Geneva: Norwegian Refugee Council, 2005-2008); Norwegian Refugee Survey, *Internally Displaced Persons: A Global Survey* (London: Earthscan Publications, 1999), p. 28 It should be noted that the increase in the number of IDPs, particular through the 1990s may, as James Fearon suggests, may not so much reflect true increases but rather reflects a success by humanitarian organizations in “conceptualizing and ‘selling’ IDPs as a category of persons warranting systematic donor country humanitarian aid” and therefore “we do not know whether the lower estimates of total IDPs in the 1960s, 1970s, and 1980s reflect reality or less systematic and more challenging data collection.” (2008: 50) For a discussion of how the IDP concept emerged, see Orchard. (Forthcoming)

Protection on the ground is being eroded at the same time that governments, like that of Sudan, deliberately choose to displace their own populations. In these cases, external efforts to provide assistance to the displaced may relieve the state of its own responsibilities, while at the same time ensuring that organizations such as the UNHCR are rendered unwillingly complicit in the displacement process and forced to provide assistance in conflict zones. (Crisp 2003) Humanitarian organizations, further, cannot adequately protect either the displaced or the broader civilian population without a robust international security presence. Without this, not only the displaced but also humanitarian actors themselves may be targeted by insurgents, paramilitary groups, or state security forces. And yet deploying peacekeeping forces, either with or without the consent of the state concerned has, so far, been limited and relatively ineffective at providing protection to civilians on the ground.

This paper begins by elaborating on the concept of regime-induced displacement, focusing on a newly-created dataset of 103 cases of mass displacement in the 1991-2006 period. I then approach the international response, which has varied between two extremes: reliance on humanitarian actors on the one hand, or the use of peacekeeping forces on the other. I put forward UNHCR as an example of the dilemmas underlining humanitarian organizations providing protection in situations of regime-induced displacement. Peacekeeping forces, however, also have their own drawbacks, illustrated by a brief examination of the current situation in Darfur.

## 2. Causes of Forced Migration

While refugees are defined in international law as including only those with an individualized fear of state based-

persecution,<sup>6</sup> even during the Cold War scholars noted that refugees were as likely to be “displaced by societal or international violence that is not necessarily directed at them as individuals but makes life in their own country impossible” (Zolberg, et al. 1989). The primary causes of refugee flows were not persecutions but rather conflict and human rights abuses, (Weiner 1996) findings confirmed by recent quantitative studies. (Davenport, et al. 2003: 29) State fragility, too, contributes to displacement: the weaker the state, the more likely displacement will occur. (Schmeidl and Jenkins 1998)

This suggests three main sources of flight: where the displaced person is deliberately targeted by the state for persecution and human rights abuses, or where the displaced person flees either from conflict or from the unravelling of the state. Governments play a number of roles as either a direct or indirect threats to their own population, whether through repressive actions, “such as imprisonment, torture, or murder by governments, conducted either arbitrarily or for political purposes,” to the most extreme examples of human rights violations, including ethnic cleansing, genocide and pocide. (see Davenport, et al. 2003: 32-33) Thus, in 2007, civilians were targeted for real or perceived support to rebel forces in Colombia and the Central African Republic, while civilians were targeted in Iraq, Sudan (Darfur) and Kenya as a means

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<sup>6</sup> The 1951 Convention Relating to the Status of Refugees (or Refugee Convention) defines a refugee in Article 1 (2) as: “Any person who owing to well-founded fear of 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, or owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.” Regional conventions – most notably, the OAU Refugee Convention – have provided more expansive definition of refugee status, such as flight from broader challenges to public order. (see Gibney 2004: 7; Rwelamira 1989)



of clearing areas of people with certain ethnic, religious, or political ties. (Internal Displacement Monitoring Centre 2008: 15)

This points to a fourth source of flight: when regimes deliberately displace their own populations on a massive scale. Regime-induced displacement occurs when *the government or government-sponsored actors deliberately use coercive tactics to directly or indirectly cause large numbers of their own citizens to flee their homes*. This definition seeks to encapsulate the various tactics used by governments in the 54 cases of regime induced displacement identified in Table 1 below. It focuses on the actions of government, rather than non-state actors, such as UNITA in the Angolan civil war who engaged in similar tactics. Government or government-sponsored actors refers to the

fact that displacement can be deliberately caused by the regime in power, by government actors such as the military, or by other actors supported or condoned by the government, such as the AUC paramilitaries in Colombia during the 1990s or the Arab *Janjaweed* militias responsible for much of the displacement in Darfur since 2003. These also need to be deliberate and coordinated actions – widespread abuses by disaffected soldiers, such as occurred in Sierra Leone from 1991-1994, are not enough to constitute regime-induced displacement.

**Table 1: Situations of Mass Displacement by Country of Origin, 1991-2006**

Country	Refugee Mass Movement		IDP Mass Movement		Causes of Displacement		
	Year(s) of onset	Numbers (in 000s)^	Year(s) of onset	Numbers (in 000s)^	Internal Conflict	Regime Induced Displacement	Other causes
Afghanistan*	1991	6601	1991	2000	Y		non-state persecution
			1994	1000	Y		non-state persecution
	1996	2629	1996-1997	1200-1250	Y		non-state persecution
	2000-2001	3600-4500	2001	1000	Y		non-state persecution
	2005-2006	2192-3260	2005	177	Y		non-state persecution
Algeria			1998	150	Y		
			2004	500	Y		non-state persecution
Angola*	1991	443	1991-1993	827-2000	Y	Y	
	2000	400	1999-2002	1750-2750	Y	Y	non-state persecution, individualized state-based persecution
Armenia	1992	202				Y	interstate war
Azerbaijan	1992-1995	350-390	1992-1995	216-670		Y	interstate war
			2006	663			
Bhutan	1993	103				Y	
Bosnia			1992-1993	740-1300	Y	Y	
	1994-1996	863-1006			Y	Y	
Burma	1991-1992	272	1992	750	Y	Y	
	2000-2006	380			Y	Y	individualized state-based persecution, other
Burundi	1993	780	1993	500	Y	Y	
			1996-1999	400-800	Y	Y	
	2000	420				Y	
	2004	482				Y	
			2006	100		Y	
Cambodia	1991	393	1991	180	Y		

Central African Republic			2003	200	Y		non-state persecution
Chad			2006	113	Y		non-state persecution
Colombia			1991-2005	150-2900		Y	
Congo-Brazzaville			1997-1999	250-500	Y	Y	non-state persecution
Congo-Kinshasa (DRC)			1991	2000	Y	Y	
			1993	700	Y	Y	
	1996	117	1996	400	Y	Y	
	1999-2004	240-469	1998-2003	300-3200	Y	Y	non-state persecution
Côte d'Ivoire			2002-2006		Y	Y	
<b>Country</b>	<b>Year(s) of onset</b>	<b>Numbers (in 000s)^</b>	<b>Year(s) of onset</b>	<b>Numbers (in 000s)^</b>	<b>Internal Conflict</b>	<b>Regime Induced Displacement</b>	<b>Other causes</b>
Croatia			1992	340	Y		non-state persecution
	1994-1997	137-335					non-state persecution
Djibouti			1993	140	Y	Y	
Eritrea	1993	422	1993	200	Y		other (locust infection)
			1998-2000	100-310			interstate war
Ethiopia			1998-1999	150-300			interstate war
			2005	150			other (drought)
Georgia	1992	130	1993	250		Y	
Ghana			1995	150	Y	Y	
Guatemala			1997	250	Y	Y	
			2006	242	Y	Y	
Guinea-Bissau			1998	200	Y		
Haiti			1991	200		Y	
			1993	300		Y	
India			1992	280		Y	
			1998	520	Y		
			2003	650	Y		
			2005	600	Y	Y	
Indonesia			1999-2001	440-1400	Y	Y	non-state persecution, individualized state-based persecution
Iraq	1991	718	1991	700	Y	Y	interstate war
			1993	1000	Y		interstate war
	1994	636			Y		interstate war
			1998	1000	Y	Y	
			2002	1100	Y	Y	
	2004-2006	366-1688	2004-2006	1000-1700	Y	Y	interstate war
Kenya			1993	300			
			2004	360		Y	
Korea, North	2003	102	2003	150			
Lebanon			1993	700	Y	Y	
Liberia	1993-1994	701-784	1992-1994	1000-1100	Y		interstate war, non-state persecution
	2003	384	2003	500	Y		non-state persecution
Mali	1994	115			Y		
Mozambique*	1991-1992	1484-1725	1991-1992	2000-3500	Y		

Nepal			2002-2003	125	Y		non-state persecution
	2004-2005	101			Y		non-state persecution
			2006	150	Y		
Nigeria			2004	225		Y	
Peru			1992-1993	500	Y	Y	
Philippines			1991	1000			other (volcanic eruption)
							non-state persecution, individualized state-based persecution
			1998	122			
Russia			1994	450	Y	Y	
			1996	400	Y	Y	
			1999	800	Y		
Rwanda*	1991	511	1991-1992	100	Y	Y	
	1994	1715	1994	1200	Y	Y	
			1998-1999	500	Y	Y	
	2005	103					
Sierra Leone	1991-1995	181	1991-1995	145	Y	Y	
<b>Country</b>	<b>Year(s) of onset</b>	<b>Numbers (in 000s)^</b>	<b>Year(s) of onset</b>	<b>Numbers (in 000s)^</b>	<b>Internal Conflict</b>	<b>Regime Induced Displacement</b>	<b>Other causes</b>
Sierra Leone	1998	480	1999-2000	500	Y		non-state persecution
Somalia*	1991-1992	718	1991-1992	750	Y	Y	
			1999	350	Y	Y	
	2006	410			Y	Y	interstate war, other (floods)
Sri Lanka			1995-1996	850-900			non-state persecution
			2001	800	Y		
Sudan*			1991-1992	4750-5000	Y		non-state persecution, individualized state-based persecution
	1993-1994	373-510			Y		non-state persecution, individualized state-based persecution
	2000	460			Y		non-state persecution
	2003-2004	600-704	2003-2004	4800-6000	Y	Y	
Syria			1995	300			
			1999	450			
			2006	305			
Tajikistan	1992-1993	52-153	1992	400	Y		
Togo	1993	240	1993	150			individualized state-based persecution
Turkey			1994	2000	Y	Y	non-state persecution
Uganda			1998-2006	400-2000	Y	Y	non-state persecution
Vietnam	1993	304					
Serbia	1998-1999	145-390	1998-1999	257-600	Y	Y	interstate war
Zimbabwe			2002	150	Y	Y	other (floods)
			2005	570		Y	
<b>Total Number of Cases</b>							
<b>103</b>	<b>44</b>		<b>88</b>		<b>72</b>	<b>54</b>	

Notes: All cases of mass displacement have been selected based on 100,000 or more IDPs or refugees. In some cases, only one group may cross this threshold, while in others one group may cross the threshold after the other. Causes of displacement were coded under one or more of six variables: 1)

interstate war; 2) intrastate/civil war, including internationalized civil wars; 3) individualized state-based persecutions; 4) non state actor based persecution (individualized or mass); 5) regime induced displacement; 6) other causes (this includes natural disasters but only when affecting conflict-induced displaced populations).

\*= Displacement onset was prior to 1991, but an increase of over 100,000 forced migrants was observed 1990 to 1991.

= For onset events that span multiple years, figures are provided for the number of displaced in the first and last year of the event.

Sources: Refugee data was provided by the UNHCR Population Data Unit, Geneva, and IDP data is from estimates by the United States Committee on Refugees annual reports, compiled by Monty Marshall at the University of Maryland (available at: <http://www.systemicpeace.org/inscr.htm>). Causes of displacement were gathered from United States Committee for Refugees, *World Refugee Survey [Yearly 1997-2004]* (Washington: US Committee for Refugees); Internal Displacement Monitoring Center (IDMC), *Internal Displacement: Global Overview of Trends and Developments, [Yearly 2004- 2006]* (Geneva: Norwegian Refugee Council, 2005-2007); individual IDMC country reports (available at [www.internal-displacement.org](http://www.internal-displacement.org)); Norwegian Refugee Survey, *Internally Displaced Persons: A Global Survey* (London: Earthscan Publications, 1999), p. 28; Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, D.C.: Brookings Institution Press, 1998); Roberta Cohen and Francis Mading Deng (eds.) *The Forsaken People* (Washington: The Brookings Institution, 1998). Case classifications were then checked against Amnesty International's individual country reports and Human Rights Watch's individual country reports (both available from 1991 onwards through UNHCR's *Refworld* at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>)

Coercion is also a critical element. Legislative efforts to move large numbers of people for their own security, such as has occurred in Uganda, are not included provided that the government does not engage in the widespread use of force. By the same token, forms of coercion can range widely. It can consist of policies of ethnic cleansing,<sup>7</sup> such as widespread human rights atrocities forcing larger groups to flee as occurred in Kosovo. At the extreme, regime-induced displacement can blur into cases of genocide or pocide<sup>8</sup> as large numbers of civilians flee from those with genocidal intent, such as the hundreds of thousands of Tutsis who became IDPs or refugees during the Rwandan genocide. But it can also include

indirect policies such as deliberate starvation or restrictions on access and humanitarian assistance. Finally, it is important to note the size of movements fostered by such policies. State programs of execution, arbitrary detention and torture, when targeted individuals, does not reflect regime-induced displacement, but rather older forms of persecution which the Refugee Convention is designed for. Rather, it tends to focus on communal groups, such as those with a different ethnic, religious, or indigenous identity. I have chosen to limit the cases examined to those with displaced persons flows in excess of 100,000 persons, a criteria based on Wood. (1994: 609) For example, while there were reports of widespread torture and ill-treatment by security forces in Djibouti in 1994 directed against criminal prisoners and Ethiopian refugees, the government of President Hassan Gouled Aptidon crossed the threshold when the army engaged in "killings and other abuses" against members of the Afar ethnic group for supporting the *Front pour la restauration de l'unité et de la démocratie*, then engaged in a civil war against the government. This

<sup>7</sup> By ethnic cleansing, I refer to "the elimination by the ethnic group exerting control over a given territory of members of other ethnic groups" (Mazowiecki in Jackson-Preece 1998: 821)

<sup>8</sup> By pocide or genocide, I refer to "the promotion, execution, and/or implied consent of sustained policies by governing elites or their agents— or, in the case of civil war, either of the contending authorities—that are intended to destroy, in whole or part, a communal, political, or politicized ethnic group." (Harff 2003: 88)

caused thousands to flee to Ethiopia and to become IDPs. (Amnesty International 1994)

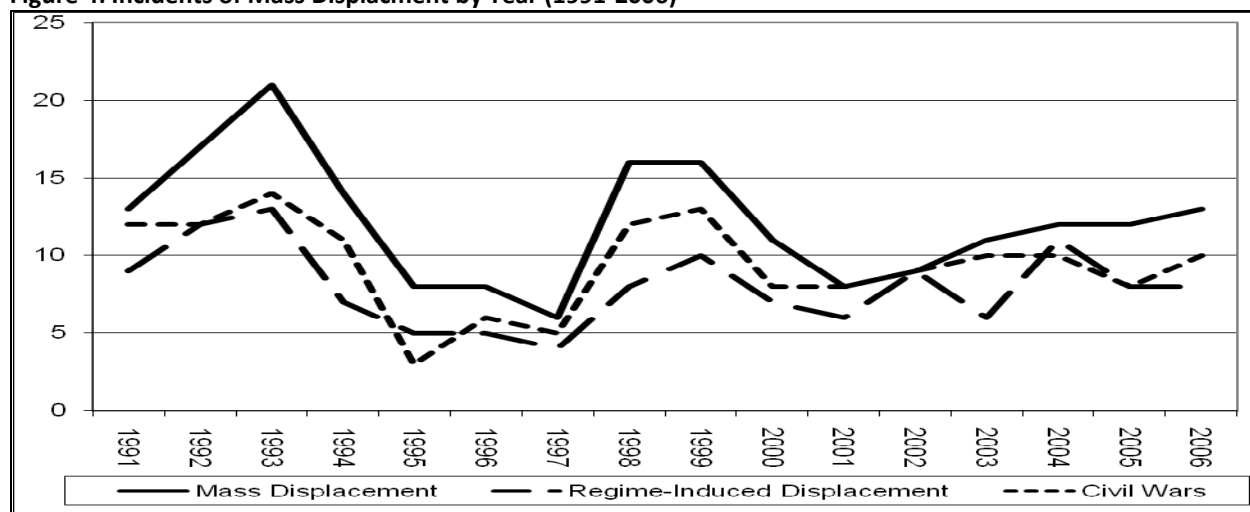
Deliberate displacement by the state apparatus is not a new phenomenon. States since the middle ages have sought to create homogenous nations by expelling minorities and other groups who possessed a distinct corporate identity. (Rae 2002; see also Zolberg 1983) Regimes in fragile and weak states, however, have a mix of other motivations to do so. Displaced populations can be used as a weapon to overwhelm neighbouring states: As Dowty and Loescher have argued, “mass expulsions are used by the sending country to deliberately destabilize or embarrass strategic or political adversaries... expulsions are seriously destabilizing to receiving countries.” (Dowty and Loescher 1996: 49; see also Crisp 2003) Equally, during civil wars, regimes may target populations believed to support guerrilla movements. As Valentino, Huth, and Balch-Lindsay have argued, the “intentional killing of civilians during war is often a calculated military strategy designed to combat powerful guerrilla insurgencies.” (2004: 376) Displacement may also be preventive, displacing or expelling groups whose loyalty cannot be counted on.

The presence of civil wars and regime induced-displacement are clearly linked, as Table 1 shows. The table shows all incidents of mass displacement from 1991 until 2006, counting refugee and internally displaced person flows separately. Of the 132 individual cases, which affect 103 countries, over half (55 percent) of flows were caused by civil wars, while 41 percent were caused by regime-induced displacement. In 48 of the cases (36 percent) these phenomenon both occurred in the same year. This is not say, however, that regime-induced displacement is invariable linked with civil wars, or that it occurs only following the onset of civil wars: in Rwanda in 1994 the onset of renewed civil war occurred only following the start of the genocide.

Further, as Figure 4 shows below, while the total number of incidents of mass displacement, and the number of incidents caused by civil wars, has declined from highpoints in 1993 and 1999-1998, incidents of regime-induced displacement have gradually made up a greater percentage of total cases of mass displacement, albeit declining slightly in 2005-2006.<sup>9</sup> This suggests that while incidents of mass displacement have been declining somewhat over the last decade, regime-induced displacement has become a more significant cause of displacement. In other words, regimes have a greater propensity to deliberately displace their own populations.

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<sup>9</sup> This echoes findings by the Human Security Report Project that the number of campaigns of one-sided violence increased substantially between 1989 and 2004, albeit with a more recent drop off, lending “support to the widely-held view that the targeting of civilians has become increasingly prevalent.” (Human Security Centre 2008: 42)

**Figure 4: Incidents of Mass Displacement by Year (1991-2006)**

While regime-induced displacement may be on the upsurge, the fact that more and more of the displaced remain trapped within their own country create dilemmas for the international community in how to respond. In two cases - Iraq in 1991 and Kosovo in 1999 – this response took the form of armed military intervention. Following the Gulf War in 1991, uprisings among the Kurdish and Shiite populations of Iraq were crushed by Saddam Hussein, causing massive displacement. Beginning in April, 1991, at least 1.5 million refugees fled Iraq and sought asylum in Iran and Turkey. An additional one million more were internally displaced in the north after Turkey closed its borders with Iraq. (U.S. Committee for Refugees 1991: 1) The result was a humanitarian crisis of epic proportions, with a death rate of between 400 and 1,000 per day among the IDPs due to “hypothermia, exposure, exhaustion, and bacteria-ridden drinking water, which led to pneumonia, diarrhea, and cholera.”(Weiss 1999: 50)

Public pressure led to a major policy reversal inside the George H.W. Bush Administration. Whereas the US government had previously argued against intervening in Iraq, with the President suggesting that he did “not want to see United States forces

sucked into a civil war in Iraq,” by 15 April 1991 he announced that “U.S. troops would go into northern Iraq to establish a protected enclave for the temporary resettlement of refugees and displaced persons.” The President noted that while “some might argue that this is an intervention into the internal affairs of Iraq...I think the humanitarian concern, the refugee concern, is so overwhelming that there will be a lot of understanding about this.” (U.S. Committee for Refugees 1991: 2) The Coalition also reinterpreted Security Council 688, which insisted that Iraq “allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq,” to argue that the plight of the Kurds was “sufficiently threatening to international peace and security to justify outside military intervention and the creation of safe havens for them.”<sup>10</sup> This created a precedent for engagement in the protection and assistance not only of refugees, but also of internally displaced populations. (OCHA Internal Displacement Unit 2003: 16-17)

<sup>10</sup> United Nations Security Council Resolution S/RES/688 (1991), 5 April 1991. See also Weiss and Collins (2000: 25); and OCHA Internal Displacement Unit (2003: 16-17)

Kosovo also demonstrates clearly the patterns of state action involved and the problems mass flight can create for the international community. From the start of the NATO bombing campaign, Serb military units worked with police and militia in a carefully coordinated campaign (Operation Horseshoe) to force out the Albanian population. Executions occurred as a means to “eliminate resistance and to demonstrate the costs of remaining in Kosovo... All told, Milosevic’s forces drove more than 1.3 million Kosovars from their homes, some 740,000 of whom flooded into neighboring Macedonia and Albania.” (Power 2002: 549-450) While the UNHCR had made contingency plans, they had assumed the exodus would include no more than 100,000 refugees. As a result, the mass flight from Kosovo “overwhelmed the response capacity of the host government and humanitarian organizations. The UNHCR, in particular was strongly criticized by some donors and NGOs for its lack of preparedness and its management of the crisis...” (UNHCR 2000: 234)

### 3. The International Response to Regime-Induced Displacement

In both Iraq in 1991 and Kosovo in 1999, the crises were resolved only through military action on the part of the United States in the first case and NATO in the second. Regime-induced displacement creates a cornerstone dilemma for humanitarian actors: as long as the displaced remain within their country of origin, they remain targets. Humanitarian actors have two main obligations in such circumstances: to provide humanitarian assistance and to protect the displaced as best as they can. Unfortunately, protection efforts on the part of humanitarian actors remain limited at best and fraught with difficulties and dangers not only for the displaced but also for the actors themselves. At the same time, the provision of security by international peacekeepers –

whether with or without the consent of the state – produces its own problems.

Humanitarianism is based on the imperative that organizations have a duty or right to provide aid, (Terry 2002: 19) though the United Nations has noted that it “should be provided with the consent of the affected country...” and that the affected state has the “primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory.”<sup>11</sup> In practice, most international humanitarian NGOs operate within a country under the forbearance of the national authorities which produces a complex set of problems mollified partially by a commitment to neutrality and impartially in theory if not in practice. (Terry 2002: 19) As Michael Barnett notes, “Humanitarianism provides relief; it offers to save individuals, but not to eliminate the underlying causes that placed them at risk.” (Barnett, 2005: 724) Sadako Ogata, the UNHCR High Commissioner from 1991 until 2000, similarly argued that “there are no humanitarian solutions to humanitarian problems.” (cited in Rieff 2002: 22)

Protection, by contrast, focus on ensuring the safety of civilians from acute harm. (O’Callaghan and Pantuliano 2007: 3) Its basis is in law: thus the International Committee of the Red Cross defines civilian protection as “all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law.” (cited in Holt and Berkman 2006: 19) Similarly, Arthur Helton in a widely cited definition suggests that refugee protection (and, by analogy, IDP protection) refers to legal protection based in international law (particular the Refugee Convention) and in domestic law: “The concept must be associated with entitlements under law and, for effective redress of

<sup>11</sup> United Nations General Assembly Resolution A/RES/46/182: Strengthening of the coordination of humanitarian emergency assistance of the United Nations. 19 December 1991 Annex I.

grievances, mechanisms to vindicate claims in respect of those entitlements.” (Helton 2003: 20)

A shift towards a protection and human rights based agenda has seen the “new humanitarian” organizations abandon neutrality in favour of an increased political role, a shift supported by states along with significant new resources. (Fox 2001: 275-6; Barnett 2005) As Barnett has argued, “the drift of humanitarian action from relief to root causes indicates a shift in its role in the international sacrificial order. No longer satisfied with saving individuals today so that they can be at risk tomorrow, humanitarianism now aspires to transform the structural conditions that make populations vulnerable.” (2005: 733)<sup>12</sup>

These organizations play important roles in ensuring civilian protection, whether through direct protection activities by ‘bearing witness’ or through their mere presence, by addressing concerns with local or national authorities, and by working to build secure environments in which national actors are aware of their requirements in international law. (O’Callaghan and Pantuliano 2007: 11) But defenders of neutrality “caution that humanitarian agencies can do little to protect civilians facing imminent harm and that, in their efforts to do so, they transfer the burden of responsibility away from those with greater potential to affect protection outcomes.” (O’Callaghan and Pantuliano 2007: 8)

UNHCR’s role with respect to internally displaced persons is typical of how these problems can play out. UNHCR, of course, is the primary actor for refugee protection, based not only in the authority delegated to it by states as a consequence of its Statute, the 1951 Refugee Convention and its 1967 Protocol, and a series of UN

General Assembly Resolutions, but also due to moral authority, derived “from its mission to help protect refugees and from its standing as a humanitarian agency that acted in an impartial manner.” (Barnett and Finnemore 2004: 73-74; see also Barnett 2001) With the end of the Cold War, the agency shifted its core priorities away from being an agency primarily of resettlement and refugee protection to one of repatriation, a shift encouraged by states, internal politics within UNHCR, and by refugees themselves. (Loescher 2001: 283; see also Barnett and Finnemore 2004: 94)

With this shift in focus, UNHCR increasingly became involved in countries of origin and increasingly prioritized assistance rather than protection or asylum. As Sadako Ogata argued, the “international protection that my office, in cooperation with countries of asylum, can offer to refugees is not an adequate substitute for the protection that they should have received from their own Governments in their own countries. The generosity of asylum countries cannot fully replace the loss of a homeland or relieve the pain of exile.” (Ogata 1993; see also Frelick 1990) Not only does such a notion of a ‘right to remain’ challenge the right of asylum (Goodwin-Gill 1996: 103),<sup>13</sup> it fails to adequately provide for the protection of individuals in a hostile environment. The safe zones created in the Former Yugoslavia in response to such argument not only “offered a poor alternative to the practice of facilitating the access of persons seeking international protection to leave their own countries of

<sup>12</sup> Prioritizing NGOs rather than UN agencies has also provided official donors with a more flexible response ability, Macrae, et al. 2002: 4) and some commentators have gone as far as to suggest that over the past two decades a new pro-NGO international norm has emerged. (see Reimann 2006: 46)

<sup>13</sup> The UNHCR itself acknowledged this possibility, noting that “In-country protection, e.g., through the establishment of internationally guaranteed safe zones, however, needs to be weighed against the rights of individuals to leave their own country, to seek and enjoy asylum or return on a voluntary basis, and not be compelled to remain in a territory where life, liberty, or physical integrity is threatened” UNHCR. Note on International Protection. 9 September 1991. 10. (cited in Barnett 2001: 263)



origin” (Gorlick 2003: 86) but failed abysmally when challenged by the Bosnian Serb army.<sup>14</sup>

UNHCR has been frank about its role. In the 2000 publication *State of the World's Refugees*, it noted that:

All too often during the 1990s, humanitarian organizations such as UNHCR were left to deal with problems which were essentially political in nature. In each case, the limits of humanitarian action were clearly demonstrated... emergency relief operations should not be treated as a substitute for timely and firm political action to address the root causes of conflict. (UNHCR 2000: 243)

At the same time, other efforts within the UN system to provide the internally displaced with effective protection have been at best ineffective and at worst failures. (Cohen 2006; Mooney 2005)<sup>15</sup> The so-called cluster approach, proposed within the UN in 2005, saw UNHCR's role towards IDPs reinvigorated and the agency assigned to be the lead agency for IDP protection. (UNHCR 2007: 11) Even so, how the agency – or humanitarian actors more generally – can provide adequate protection in situations of

regime-induced displacement remains unclear and problematic.

But the other alternative – military humanitarian intervention – introduces its own dilemmas. Following the intervention in Kosovo, there was a concerted international effort to create a set of criteria as to when the international community intervenes. The initial step in this direction – the 2001 *Responsibility to Protect* report by the International Commission on Intervention and State Sovereignty- argued that military intervention was justified under two sets of circumstances: To halt or avert

“large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large scale “ethnic cleansing,” actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.” (2001: 32)

The primary responsibility to protect its own population continued to rely with the state, but the international community had a responsibility or duty to act “if the state is unable or unwilling to fulfill this responsibility, or is itself the perpetrator.” (International Commission on Intervention and State Sovereignty 2001: 17) This would appear, therefore, to establish a duty for intervention in at least the most extreme cases of regime-induced displacement.

While there have been suggestions of an emerging norm in favour of humanitarian intervention (Bellamy 2005: 32), this remains a limited norm little acted on. There was broad acceptance at the 2005 World Summit of the need not only for each individual state to accept the responsibility to protect “its population from genocide, war crimes, ethnic cleansing and crimes against humanity” but also for the international community to accept:

<sup>14</sup> The clearest failure of this policy was on 11 July 1995, when the Bosnian Serb army overran the safe zone of Srebrenica, which resulted in the flight of 40,000 people and the deaths of 7,000, virtually all Muslim men and boys. As Secretary-General Kofi Annan noted in a 1999 report, “when the international community makes a solemn promise to safeguard and protect innocent civilians from massacre, then it must be willing to back its promise with the necessary means. Otherwise, it is surely better not to raise hopes and expectations in the first place, and not to impede whatever capability they may be able to muster in their own defence.” (cited in UNHCR 2000: 224)

<sup>15</sup> Bagshaw and Paul note that “The UN’s approach to the protection of [IDPs] is still largely ad hoc and driven more by the personalities and convictions of individuals on the ground than by an institutional, system-wide agenda” (2004: 5)

The responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

And yet the Summit Declaration went on to note that: “we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case by case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations...”<sup>16</sup> This clause, Alex Bellamy argues, not only significantly raised the threshold for intervention by requiring the manifest failure of the state to protect, but also reduces the overall sense of obligation embodied in the earlier report. (2006: 165-66)

Other routes for protection civilians do exist. The Security Council has a spectrum of actions it can take in an effort to change state behaviour, including:

Rhetorical condemnation, threats or imposition of economic sanctions, recognizing the independence of secessionist entities, air strikes on military or economic assets, military assistance to or coordination with rebels perceived as defending at-risk civilians, consensual deployment of peacekeepers, and non-consensual deployment of troops for peace enforcement. (Kuperman 2008: 52)

Yet these steps, as will be shown in the next section, require the political will of the international community to occur. Even deploying peacekeepers with the consent of the state, but with a clear protection of civilians mandate have been bedevilled with difficulties in getting sufficient numbers of troops and providing them with an adequate mandate and equipment. (Holt and Berkman 2006: 6-8) As Holt and Berkman argue, while seven peacekeeping missions were deployed between 1999 and 2005 with a protection of civilians mandate, these forces generally assume the consent of the host state, have “limited or unclear authority to act, even in situations of mass killing or genocide” and often lack the authority of mandate from “the Security Council to use all means necessary to protect civilians.” (2006: 6, Annex 1)

#### 4. Darfur

The crisis in Darfur represents a microcosm of all these issues – regime-induced displacement, the involvement of humanitarian actors, and the involvement of two peacekeeping forces which have lacked the capacity and mandate to protect the civilian population. Currently, aid agencies are providing assistance to 4.5 million people, including 2.5 million displaced persons, and over 200,000 have been displaced this year. (Secretary-General 2008) And yet, while a hybrid peacekeeping mission has been deployed under African Union and UN auspices, it has been ineffective in providing clear civilian protection. As Rwandan Major Epimaque Kayitare, the Company Commander at the UNAMID base in Tawila recently noted: “Our mandate is clear... First we negotiate...If negotiations are failing, you can use other means...We have never fired a shot... For us, our main weapon is to negotiate. We are like a mediator. If we get involved in the conflict, it can become very big.” (IRIN 2008) This has meant that even while one of the largest

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<sup>16</sup> United Nations General Assembly, “Outcome Document of the High-level Plenary Meeting of the General Assembly,” A/60/L.1, September 20, 2005, 138-39.

humanitarian operations in the world is underway, the civilian population of Darfur are increasingly the victims of deliberately targeting by government and government-supported forces.

#### 4.1 Origins of the Current Conflict

While fighting began in Darfur in February 2003 when two rebel groups - the Sudan Liberation Army (SLA) and the Justice Equality Movement (JEM)<sup>17</sup> - began a series of attacks against government buildings and military installations, the roots of the conflict lie with the fragility of the Sudanese state. In particular, as De Waal argues, the insurgency was fuelled by local disputes exacerbated by the breakdown of local governance in the two years prior. (2007: 1039) While the rebels were initially successful, the Sudanese government rapidly moved from a negotiated to a military solution. Since much of the Sudanese military forces had been recruited from Darfur, and therefore had suspect loyalty, the government made the deliberate decision to make use instead of the existing Arab *janjaweed* militias, made up of bandits, highwayman, demobilized soldiers, criminals, and the young unemployed. (Prunier 2007: 97)

While high levels of violence have been used against the civilian population by the *janjaweed* throughout the conflict – including “killings, abductions, forced

expulsions, systematic sexual violence, and deliberate destruction of crops, livestock, and important cultural and religious sites” (Williams and Bellamy 2005: 30) – four distinct phases marked the conflict. The initial campaign during the second half 2003 made use of substantial violence in order to concentrate the civilian population in the larger urban centres, methods that De Waal has referred to as “counter-insurgency on the cheap.” (De Waal 2004) Therefore, while brutal, the primary goal was to displace the population to centres where they could more easily be controlled.

By November 2003, however, the government abandoned these tactics to more systematically target the civilian population and their livelihoods, as well as blocking international observers and food aid. By mid-2004, the conflict moved into its third phase, as international pressure and a growing international humanitarian presence caused the government to reduce direct violence against the civilian population. However, this was once again a shift in tactics rather than an end to the violence. As Prunier notes:

open violence slowly receded, but without really ending. The [Government of Sudan], now submitted to hard diplomatic pressure but feeling safe from military intervention, began to rely more on the parlous food and medical situation to finish off the job that the militias had started... this meant that the ethnic cleansing was now changing back into low-intensity counter-insurgency, and that in effect people would die under a different label.” (2007: 116)

In early 2008, the conflict entered a fourth stage, with the government using regular military personnel to engage the rebels in large-scale offences and to attack IDP camps as well as engaging in aerial bombardments in violation of a UN ban on

<sup>17</sup> Adding to the complexity of the Darfur situation, both groups have since split, with the SLA now having at least two main factions- SLA(Minawi) and SLA(Wahid)- and an offshoot of JEM- JEM-Collective Leadership. Brosche suggests that one of the main drivers was that after Minni Minawi’s faction signed the Darfur Peace Agreement, his group received significant benefits from the government. Thus, “some people in Darfur believed that if they started a movement their ethnic group could benefit from it” as well. In any case, fragmentation is a major issue, with estimates of the number of rebel groups ranging as high as fifty. (Brosche, 2008: 30)

military overflights. Attacks on the camps have targeted not only IDPs but also the camp management in an effort to drive international NGOs out of the camps. (Reeves 2008; Africa Research Bulletin 2008b: 17435) This campaign has been exacerbated in the last few months with the expulsion of over a dozen of the major assistance organizations involved in Darfur. (Addario and Polgreen 2009: A6) In addition, attacks against the African Union and subsequently United Nations peacekeeping forces have been increasing: the worst attack, on 8 July 2008 by so far 'unidentified' forces, but widely suspected to have been members of the *janjaweed*, saw seven peacekeepers killed and twenty injured. (Ki-Moon 2008; Reeves 2008)

## 4.2 The International Response

International reporting on the conflict began soon after it started in 2003, with Amnesty International on 28 April 2003 highlighting "horrifying attacks against civilians in villages by war planes, soldiers, and pro-government militias." (quote from Igiri and Princeton 2004: 5) For the next year, however, other international actors took little action. The magnitude of the crisis was first recognized by the UN Resident Humanitarian Coordinator for Sudan, Mukesh Kapila, who noted in a letter in March 2004 to the Sudanese Foreign Minister that "the violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized. This is akin to ethnic cleansing." (quote from Igiri and Princeton 2004: 6)

The Security Council, in particular, did not recognize the crisis until May 2004 and not until July did it issue a resolution under Chapter VII of the Charter demanding that the government disarm the *janjaweed* militias and it establish credible security conditions for the protection of the civilian population and humanitarian actions, as well as

endorsed the African Union deploying international monitors.<sup>18</sup> Three months later, it followed with a resolution threatening to impose sanctions on Sudan if the government did not comply with the earlier resolution.<sup>19</sup> These resolutions were watched with scepticism by the NGO community, with Human Rights Watch noting that the resolution "risks amounting to little more than a symbolic gesture given the divisions on the Security Council" and argued that sanctions needed to be sharply increased. (Human Rights Watch 2005: 2, 73)

At the same time, however, other actors were recognizing the extent of the crisis, with the United Kingdom arguing that Darfur was "the most serious humanitarian emergency in the world today."<sup>20</sup> The US Congress passed a resolution labelling Darfur a genocide, followed by statements from Secretary of State Colin Powell and President George W. Bush using the term. (Powell 2004; Straus 2005; IRIN 2004) Secretary-General Annan argued that international action was necessary: "the international community cannot stand idly by...[but] must be prepared to take swift and appropriate action. By 'action' in such situations I mean a continuum of steps, which may include military action." (cited in Williams and Bellamy 2005: 31)

However, the Council took little action. As Straus notes, even once genocide had been invoked, "it did not - contrary to expectations - electrify international efforts to intervene in Sudan. Instead, the UN Security Council commissioned further studies and vaguely threatened economic sanctions against Sudan's growing oil industry if Khartoum did not stop the violence." (Straus

<sup>18</sup> United Nations Security Council (UNSC) Resolution 1556 (2004) S/RES/1556 30 July.

<sup>19</sup> UNSC Resolution 1564 (2004) S/RES/1564 18 September.

<sup>20</sup> DFID Press Release 'UK presses Sudan government for urgent action on Darfur' 08 June 2004 Online: <http://www.dfid.gov.uk/News/files/pr-sudanurgentaction8june04.asp>. Accessed 2 Oct 2008.

2005) The Council did take some steps, including referring the situation in Darfur to the International Criminal Court, (Bohlander 2006: 227)<sup>21</sup> and authorizing the creation of the African Union-UN joint assistance mission to Darfur, UNAMID.<sup>22</sup>

No humanitarian intervention was forthcoming, as Bellamy argues, because anti-interventionists used the Responsibility to Protect language “to legitimize arguments against action by claiming that primary responsibility in certain contested cases still lies with the state, and not (yet) with an international body.” (2005: 33) Thus, some Council members “reaffirmed Sudanese sovereignty and expressed deep skepticism about humanitarian intervention” while the Sudanese government was quick to note that it would strongly resist all Council resolutions calling for international forces “and threatened to use force against peacekeepers.” (Bellamy 2005: 41-43)

Even the deployment of the less controversial peacekeeping force was fraught with difficult negotiations and other problems. The initial African Union Protection Force, authorized by Resolution 1556, until October 2004 had no mandate to protect civilians but only the small Observer mission then deployed. That same month, it had only 597 of the 3,300 peacekeepers it was mandated. (Williams and Bellamy 2005: 29)

Equally problematic for this force, the discussion of humanitarian intervention raised the expectations of the rebel leaders and led to a moral hazard as they felt they

could avoid the peace process. (Kuperman 2008: 50-51) As De Waal notes:

Abdel Wahid [leader of one faction of the Sudanese Liberation Army] saw the possibility of an armed intervention comparable to those by NATO in Bosnia or Kosovo, and in the final negotiating session in Abuja made that demand of the Americans, considering any guarantee insufficient and refusing to sign the Darfur Peace Agreement. Whether or not this was the critical factor in his refusal to sign, the prospect of being ‘saved’ by UN troops raised the hopes of Darfurians and made them consider any political compromises or offer of AMIS peacekeepers as an unacceptable second best. (De Waal 2007: 1046)

Thus, not only did these debates compromise the integrity of the peace process, but it also demoralized the AU troops already stationed in Darfur, who had to suffer with being told they were the second-best option, were not reinforced or resupplied and, increasingly, saw donor promises of funds go unfulfilled. (De Waal 2007: 1046-7)

The alternative UN force, meanwhile, was delayed for over three years, in part because the US was constrained by its support for the peace process in the South and for a government friendly to the war on terror, while the European Union had neither the forces nor the political will (Williams and Bellamy 2005: 34-35): as one EU official noted “however much hand-wringing there is, we’re simply not up to something like this yet.” (The Economist 2004) Equally important was the intransigence of the Sudanese government, fearful that a UN peacekeeping force might exercise International Criminal Court arrest warrants or slowly lead to Darfur’s independence in an echo of Kosovo. (De Waal 2007: 1045-6) It is suggested that the government’s eventual acquiescence to the force was motivated not so much from

<sup>21</sup> UNSC Resolution 1593 (2005) S/RES/1593 31 March. The court has issued arrest warrants against Ali Kushayb, a Janjaweed militia leader now in Sudanese custody, and Ahmad Harun, the former Minister of State for the Interior; an arrest warrant has also been issued for Omar al-Bashir, Sudan’s President on charges of war crimes and crimes against humanity; he was also charged with genocide though the Court ruled that reasonable grounds for the charge did not exist. (International Criminal Court 2008; International Criminal Court 2009)

<sup>22</sup> UNSC Resolution 1769 (2007) S/RES/1769 31 July.

broad international pressure, but rather from China's acceptance of the need to deploy peacekeepers. (Brosche 2008: 60)

Early intransigence gave the Sudanese government considerable negotiating power, allowing them to force concessions which, as Reeves notes, "would prove disastrous for the 'hybrid' mission: an unprecedented and hopelessly confused command and control structure; language that permitted Khartoum to insist that it had veto power over which non-African nations could deploy as part of the mission; and a reliance on African resources that simply did not exist." (Reeves 2008: 5; see also de Waal 2007) A number of states, including Sweden and Norway, decided against sending troops for the missions due to opposition from the Sudanese government. (cited in Africa Research Bulletin 2008: 17398) Thus, while the UNAMID hybrid force was mandated to have 26,000 military, police, and civilian personnel, a force of only 9,479 personnel had been deployed a year after it was created, a number which reached 15,114 by 28 February 2009, and primarily made up of former members of the AU force. Apart from the lack of personnel, the mission also suffers significant logistical challenges, including "difficult terrain, the extreme remoteness of Darfur and a lack of basic equipment such as helicopters and armoured vehicles." (Darfur Consortium 2008: 3) This lack of troops and slow deployment has left the mission "without capacity to respond forcibly to large-scale attacks." (Darfur Consortium 2008: 4)

It has also led to bleak assessments on the part of the UN. As Jean-Marie Guehenno, the undersecretary for peacekeeping, noted in January 2008: "Without positive developments... we will face a perfect storm of circumstances that will lead to the failure of the joint UN, African Union (AU) peacekeeping force UNAMID, with dire consequences for international efforts to help the Sudanese bring peace and stability to Darfur." (cited in Africa Research

Bulletin 2008: 17398) The mission has been hobbled by a limited mandate, an unclear role in protecting the civilian population, and a failure to protect humanitarian actors.

## 5. Conclusions

The propensity of regimes in fragile states to displace their own populations has increased in the post-Cold War era. At the same time, this has directly challenged the efforts of international community to provide assistance and protection to the refugees and internally displaced persons so displaced. Critically, in almost all such cases, there is an international response. Too often, however, the presence of the UNHCR, other UN agencies, and international humanitarian NGOs who are able to provide assistance has led states to ignore the need for more significant forms of engagement including, at the extreme, humanitarian intervention. Instead, the UNHCR has seen its mandate shift from protecting those outside their own borders to include larger numbers of people who remain within their own countries and yet cannot count on the protection of their own state.

And yet this creates a significant dilemma. Humanitarian actors alone cannot create a protective environment, cannot ensure that civilians who are deliberately displaced by their own governments can receive the international legal protections they are entitled to. At the same time, the international community has been loath to use more coercive measures including the responsibility to protect doctrine.

As Darfur shows, simply ensuring a peacekeeping force is deployed is not enough. It requires a mandate based on civilian protection and adequate forces and equipment to ensure force protection, protection of humanitarian actors, and of the civilian population themselves. The ability of the Sudanese government to block such a force, and the unwillingness of many

countries to contribute more than a token force, has ensured that the government continues to attack its own population with impunity.

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