

Human Wrongs:

How Sovereignty, Security, and International Human Rights Have Failed the Internally Displaced

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With the creation of the United Nations and the introduction of the Universal Declaration of Human Rights (UDHR), the world breathed a collective sigh of relief. The human rights atrocities witnessed during the Second World War and the Holocaust would never be witnessed again – or so they thought. Despite the international community's best efforts, the 'fears' and 'wants' the Declaration aims to diminish still exist and disproportionately affect the world's internally displaced. This continued lack respect for the human rights of internally displaced persons (IDPs) can be attributed to two predominant factors: an inefficient international human rights legal system, and persistent, archaic notions of state sovereignty and state-centric security. This paper serves to address the basics behind these legal and ideological pitfalls: Analyzing the current international human rights legal network and traditional ideas of sovereignty and security, whilst at the same time proposing resolutions to these inadequacies.

WHO OR WHAT IS AN IDP? *Identifying and Defining the Internally Displaced*

Article 3 of the UDHR states that "[e]veryone has the right to life, liberty and security of person." However, the internally displaced are often stripped of these rights. Currently, there are between 25-30 million IDPs worldwide, with over half concentrated in Africa, one million

in northern Iraq, and 90,000 in Afghanistan.¹ These IDPs often live in deplorable conditions – including a lack of basic health care and sanitation facilities – and are at a high risk of disease, rape, and exploitative labour.² Due to the complicated nature of domestic politics, no easily identifiable and transferable root causes exist. However, the predominant situations that produce IDPs include internal conflicts, communal violence, forced relocation,³ and other gross human rights violations.⁴

The 1998 Guiding Principles on Internal Displacement, considered by the UN to be the primary document regarding IDPs, defines an IDP as follows:

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.⁵

There are two crucial elements to consider with this definition: first, coerced movement

¹ Francis M. Deng, "Dealing with the Displaced: A Challenge to the International Community," *Global Governance* 1, no.1 (1995): 45, <http://www.jstor.org/stable/27800100>; Luke T. Lee, "Legal Status of Internally Displaced Persons," *American Society of International Law* 86 (1992): 630, <http://www.jstor.org/stable/25658693>; Trueman W. Sharp, Frederick M. Burkle, Andrew F. Vaughn, Rashid Chotani, and Richard J. Brennan, "Challenges and Opportunities for Humanitarian Relief in Afghanistan," *Clinical Infectious Diseases* 34, no. 5 (2002): 219, <http://www.jstor.org/stable/4461996>.

² Jeff Crisp, Esther Kiragu, and Vicky Tennant, "UNHCR, IDPs and Humanitarian Reform," *Forced Migration Review* 29 (2007): 13, <http://www.fmreview.org/humanitarianreform.htm>

³ By forced, I refer to both physical violence as well as a lack of food, water, or economic opportunity.

⁴ Deng, 1995, 45.

⁵ Kathleen J. Hancock "Review: Giving Shelter: Who Protects the Internally Displaced?" *International Studies Review* 7, no. 4 (2005): 662, <http://www.jstor.org/stable/3699690>

away from one's home; and second, that this movement does not cross international state borders. It is these two elements that effectively exclude IDPs from the rights and protections granted to refugees under the 1951 Geneva Convention on the Status of Refugees, putting them further into harms way.⁶ Lee remarks that it is exactly this attribution of "a certain magical quality to the crossing of national boundaries [that has become] the [troubling] determinant of how we treat our fellow human beings in trouble."⁷

So why then create separate legal categorizations and definitions between refugees and IDPs? If the situations between refugees and IDPs vary only in their geographical location, why is it that human rights – which are attached "to all human beings equally, whatever their status"⁸ – are seemingly only restricted to refugees? In contest to their separation, Lee argue that IDPs should classify under the same definition as refugees and therefore receive the same rights and benefits. According to them, any legal definition that does not include both groups runs the risk of excluding deserving people from protection mechanisms and further perpetuates unequal treatment between refugees and IDPs.

However, others such as Phuong believe that homogenizing the two groups would effectively remove the home states' obligation for their care.⁹ Not only would this set a precedent for states to abandon their responsibility towards their displaced citizens without ramifications, but placing IDPs' welfare in the hands of a disorganized and underfunded international community would do little to raise their standards of living. Furthermore, the crossing of international borders results in the person (now classified as a refugee) falling under a

different sovereign entity, who then bears international responsibility for them. When a person becomes an IDP, however, responsibility for them by their home governments is implied by their terms of citizenship but not demanded by international law.¹⁰ Therefore, in order to demand responsibility and protection specifically for IDPs, they must first be identifiable to the international community. Finally, Mr. Walter Kälin – the former UN Representative on the Human Rights of IDPs – reminds us that:

[T]o call them refugees would send out the message that they are no longer fully fledged citizens, but more or less foreigners. [...] The use of the term refugees in such as case carries the message that IDPs don't have the same rights as citizens, even under the best of circumstances. But IDPs who remain within their own countries do not lose their rights just because they have been displaced.¹¹

Yet Lee's problem remains: If one categorizes IDPs as separate from refugees, they no longer fall under the jurisdiction of international refugee law and remain excluded from its protection. But, if the UDHR is to be taken seriously, we must remember that "violations of a universal, minimum standard of human rights in a grossly violent and persistent manner [...] cease to be a matter solely concerned to a state, even if directed only against its own citizens."¹² Therefore, a comprehensive international legal system that addresses both the general problems of displacement, as well as the specific problems of internal displacement, is sorely needed.

⁶ Deng, 1995, 47.

⁷ Lee, 1992, 631.

⁸ *Ibid.*

⁹ Hancock, 2005, 662.

¹⁰ Deng, 1995, 48.

¹¹ UNHCR, "Q&A: Swiss Trumpet Blower for the Rights of the Internally Displaced," last modified November 14, 2011, <http://www.unhcr.org/4ec0ed816.html> (accessed November 16, 2011)

¹² Luke T. Lee, "The London Declaration of International Law Principles on Internally Displaced Persons," *The American Journal of International Law* 95, no. 6 (2006): 457, <http://www.jstor.org/stable/2661426>.

BREACH IN SECURITY

Why IDPs' Rights Are Still At Risk

Currently, the international framework related to or responsible for IDP protection is comprised of several different yet interdependent declarations, commissions, conventions, and international bodies, a full list of which may be found in Appendix 1.¹³ Fortunately, this list continues to grow both in breadth and specificity: Whereas internal displacement was once addressed generally through conversations regarding basic human rights,¹⁴ there now exist specialized positions, agencies, and declarations that address the issue.¹⁵ Furthermore, internal displacement has become an international issue, demonstrated by both an increased pressure for states to approve 'humanitarian intervention',¹⁶ and the establishment of external bodies of authority.¹⁷

Unfortunately, international human rights law is oftentimes severely ineffective in protecting the rights of all those under its mandate, IDPs included. Most of these international documents are not legally binding; for those that are, there are no enforcement mechanisms capable of upholding them. There also exists very little motivation for states to comply with international human rights norms,¹⁸ and little

cost for parties that stray.¹⁹ In most cases, full compliance by signatories is not necessary – what matters is overall compliance. Chayes and Chayes remark that this oftentimes leads to an “extreme case of time lag between undertaking and performance,” as states set lofty but unrealistic goals not as part of a commitment to change policy, but merely to appease the international community – an act that undermines the entire purpose and intent of the human rights and the laws themselves.²⁰

Traditional, neo-realist views of ‘state sovereignty’ additionally undermine the advancement of IDP protection. Neo-realism describes states as “unitary actors with given preferences that maximize their own utility without regard to the welfare of other actors.”²¹ While theoretically this should bode well for human rights – many first world countries openly support the promotion and application of universal human rights – in reality, these states’ commitment to human rights are rarely consistent unless they have specially vested interests.²² Such ‘interest-oriented action’ contradicts the basis of the international legal system, which was designed to uphold justice, not further personal or political agendas. ‘Intervention’ against states who violate international human rights law has also become a taboo subject and is often avoided. This is due in part to the initial belief that “independence

¹³ Please note that while the United Nations High Commission for Refugees (UNHCR) also addresses the humanitarian needs of the internally displaced, IDPs are commonly ‘lumped in’ with refugees in terms of both policy and implementation. Therefore, I will not be analyzing this institution as it may cause confusion.

¹⁴ United Nations Charter; Universal Declaration of Human Rights; Human Rights Commission.

¹⁵ The Representative to the Secretary-General; The Declaration of International Law of Principles on Internally Displaced Persons; The Guiding Principles on Internal Displacement; Right to Protect

¹⁶ The Declaration of International Law of Principles on Internally Displaced Persons; The Guiding Principles of Internal Displacement; Right to Protect.

¹⁷ The European Convention on Human Rights; International Convention on Civil and Political Rights.

¹⁸ Unless they are attempting to fulfill criteria for membership to a transnational/international organization, like in the case of Turkey’s bid for European Union membership..

¹⁹ Eric Neumayer, “Do International Human Rights Treaties Improve Respect for Human Rights?” *The Journal of Conflict Resolution* 49, no. 6 (2005): 926, <http://www.jstor.org/stable/30045143>.

²⁰ Neumayer, 2005, 928.

²¹ *Ibid*, 926.

²² For example, the United States’ Foreign Assistance Act states that no financial aid will be given to countries that “engage in a consistent pattern of gross violations of internationally-recognized human rights...” (Neumayer, 2005, 926), yet they still supported regimes in Guatemala (for the benefit of United Fruit) and Vietnam, where they “ignored the national unity of independence which Ho Chu Minh’s government first constituted in 1945” by establishing their own leader in an attempt to quell the spread of Communism. (William H. Thornton, “Back to Basics: Human Rights and Power Politics in the New Moral Realism,” *International Journal of Politics, Culture, and Society* 14, no. 2 (2000): 321-322, <http://www.jstor.org/stable/20020079>)

and freedom as a state would be enough to guarantee the freedoms of the individuals inside it,"²³ and, more recently, the fear that sovereignty will be compromised if intervention is permitted, thus begging the question: 'Under what conditions is intervention suitable?'

The security question raises another issue all together. Due to the Global north's²⁴ institutional, ideological, and physical strength, its interests (including security) currently take precedence over those of the Global south. Because social security nets have sheltered most of the Global north "from indirect violence,"²⁵ [the Global north] prioritize[s] security according to [its] remaining insecurities,"²⁶ effectively leaving IDPs who are still exposed to indirect violence 'out to dry', as policies no longer consider their immediate needs. Furthermore, because states (instead of people) are the fundamental actors in neo-realist international relations, state policies are often reified and become more important than the individuals who suffer because of them. State security is therefore protected at the expense of human security.

HOPE IS IN SIGHT *Possible Resolutions to IDPs' Security Problems*

In the face of these seemingly insurmountable limitations, hope remains. Francis M. Deng, the Representative of the United Nations Secretary-General on Internally Displaced Persons from

1992 to 2004, offers three suggestions that may well lead to the establishment of an international protection framework for the internally displaced. The first recommendation calls for the strengthening and evolution of existing structures and institutions. Deng believes that collaboration and coordination among existing agencies is the best option for IDP protection, as it is unlikely that one organization would be able to assume full responsibility for all IDPs or that sovereign states would promote the establishment of such an agency.²⁷ Thus far, this has been solidified through the designation of residence, humanitarian, and emergency relief coordinators; a continually evolving and interdependent framework of international humanitarian NGOS and civil society; and the creation of the Office for the Coordination of Human Affairs in 1991.²⁸

Deng also advocates for these institutions to strike a new balancing act between the reestablishment of national protection and responsibility towards protection. This includes compiling country profiles so that situations of internal displacement can be easily identified and more comprehensively understood; assessing existing international law to determine whether it provides adequate protection and assistance to the internally displaced; reviewing and evaluating existing international institutions to identify existing gaps in IDP protection;²⁹ creating a plan of action that evaluates not only the specific challenges posed by internal displacement, but also addresses the inability or unwillingness of

²³ Thornton, 2000, 317.

²⁴ "The Global north refers to the 57 countries with high human development that have a Human Development Index above .8 as reported in the United Nations Development Programme Report 2005. Most, but not all, of these countries are located in the Northern Hemisphere." (Dr. Harold Damerow, "Global north and Global south Definitions," http://faculty.ucc.edu/egh-damerow/global_south.htm (accessed November 12, 2011).

²⁵ For example, displacement, torture, and other gross human rights violations

²⁶ These include the spread of democracy and neo-liberalism (so as to ensure Western stabilization against unstable nations), and reactions to hard power (David Roberts, *Global Governance and Biopolitics: Regulating Human Security* (London: New York: Zed Books, 2010), 13, 18).

²⁷ As it would effectively challenge their domestic authority with regards to IDPs. (Deng, 1995, 56).

²⁸ Francis M. Deng, "Divided Nations: The Paradox of National Protection," *Annals of the American Academy of Political and Social Sciences* 603, Law, Society & Democracy: Comparative Perspectives (2006): 221, <http://www.jstor.org/stable/25097767>.

²⁹ These gaps could then be filled by community-based strategies that promote co-existence and trust. (Sadako Ogata and Johan Cels, "Human Security – Protecting and Empowering the People," *Global Governance* 9, no. 3 (2003): 276, <http://www.jstor.org/stable/27800482>).

states to comply to providing protection and assistance; and, finally, practically addressing the issues of sovereignty under exceptional circumstances (i.e. humanitarian crises).

Thesecond suggestion recommends amendments to existing international law. This may include, among other things, changing terminology to address internal displacement specifically³⁰ and defining additional rights for the internally displaced based on their specific needs.³¹ Furthermore, the addition of enforcement mechanisms – including mandating, training, and equipping peacekeepers and civilians to safeguard the security of the civilians in conflict situations³²; and/or economic and diplomatic sanctions – would be welcomed, as would executive support and backing by the Security Council and other institutions.³³ Articles 5 and 6 of the UN Charter already empower the Security Council to recommend the suspension or expulsion of states that have persistently violated Charter principles.³⁴ Therefore, following the argument that the Security Council has a “primary responsibility for the maintenance of international peace and security”³⁵ and that internal displacement challenges this peace and security, these penalties could be used on those that persistently violate international human rights. Finally, declarations such as the ‘Guiding Principles on Internal Displacement’ and ‘Responsibility to Protect’ “should be condensed into a forceful statement of a fundamental norm [and] endorsed by the General Assembly and

the Security Council.”³⁶ This would legally ratify such documents and give them lawful as well as ideological legitimacy. However, great care will need to be taken when endorsing such declarations in order to avoid their well-intentioned clauses being used for unjust means.³⁷

Finally, the concepts of national sovereignty and security must be critically analyzed within the context of the modern world’s framework. Many scholars and human rights advocates are in favour of a shift away from traditional ‘state sovereignty’ and a shift toward ‘sovereignty of responsibility.’ Under sovereignty of responsibility, states are responsible for protecting the safety and lives of their citizens, state policies are responsible to both domestic citizens and the international community, and states are accountable for their actions (or inaction).³⁸ If states do not uphold these requirements, they effectively cede their legitimacy to authority and can be called to justice. However, if they maintain these requirements, they remain in power. Therefore, sovereignty of responsibility is not a deprivation of states’ right to authority, but rather a social contract that holds them accountable to their people and the international community.³⁹

On the security front, Ogata and Cels (among many others) argue that the security of the people (human security) must come first.⁴⁰ This includes security both against direct violence (e.g. warfare) as well as indirect violence (e.g. abject poverty or displacement). In the modern world, where domestic violence is more prevalent

³⁰ For example, Article 17 of Protocol II of the Geneva Conventions (1947) establishes restrictions on movements based on armed conflict. Deng believes this should be amended to cover all intra and inter-communal violence instead of being solely restricted to armed conflict. (Deng, 1995, 52).

³¹ Such as food, water, and entitlement to international assistance. (*Ibid*).

³² Deng, 2006, 220.

³³ *Ibid*, 223.

³⁴ Lee, 2001, 458.

³⁵ James W. Nickel, “Is Today’s International Human Rights System A Global Governance Regime?” *The Journal of Ethics* 6, no. 4 (2002): 366, <http://www.jstor.org/stable/25115738>.

³⁶ Deng, 2006, 223

³⁷ For example, promoting regime change based on political interests alone.

³⁸ Responsibility to Protect, Article 2.15.

³⁹ The UN Charter is a perfect example of this inherent ‘conditional sovereignty’, as it requires all member-states to respect the authority United Nations. Thus, sovereignty of responsibility is not a new idea, but instead is one that should be utilized more effectively in the modern world, especially in situations of internal displacement and human rights..

⁴⁰ Ogata, 2003, 274.

than inter-state violence, it is irresponsible to limit security to protecting borders, institutions, values, and people from external aggressors only. Human security also complements and builds upon state security, human rights, and human development, inevitably leading to stronger and more legitimate states than those created by traditional state-centric security systems alone.⁴¹

CONCLUSION

The international human rights system has a long way to go before it can boast the elimination of the 'fears' and 'wants' of the world's internally displaced. Challenges such as a weak international human rights legal system and outdated concepts of 'sovereignty' and 'security' have left the international community unprepared to effectively deal with cases of internal displacement. However, hope is still on the horizon. As conversations regarding new definitions of traditional concepts occur, and international human rights law is modified and strengthened, IDPs can feel secure that the international community is heading in the right direction. Nevertheless, only time will tell whether these advances are enough.

APPENDIX 1

Laws and Treaties Related To, or Responsible For, the Protection of IDPs

The United Nations Charter (1945)

Articles 1, 55, and 56 of the United Nations Charter obligate international organizations with the task of providing political and legal protection to vulnerable groups. Furthermore, obligations are also placed on member states to promote and ensure respect for human rights.⁴² Although not exclusive to IDPs, these Articles establish a basis of protection that can be used to strengthen the case for IDP assistance.

⁴¹ Ogata, 2003274-275.

⁴² Deng, 1995, 53.

United Nations Commission on Human Rights (est. 1946)

In conjunction with the Subcommittee on the Promotion and Protection of Human Rights,⁴³ the Commission on Human Rights studied, monitored, and addressed the problems of internal displacement. Its mandate was accomplished in a number of ways, including raising awareness of and advocacy for crises, developing frameworks for protection and assistance, and fostering effective institutional arrangements both regionally and internationally. The Commission focused on specific internal displacement situations by compiling information on specific countries, performing action-oriented research, proposing changes in policy, and reinforcing and building up the ability for effective response at all levels.⁴⁴ Furthermore, its scope and intensity went beyond traditional human rights approaches as it aimed to address the root causes of internal displacement.⁴⁵ Although the Commission itself could not enforce human rights, its main power laid in its ability to expose large-scale human rights violations to the Security Council.⁴⁶ Unfortunately, the Commission's warnings were rarely heeded with regards to IDPs, primarily due to the politicized nature of domestic versus international issues. The Commission on Human Rights was replaced by the UN Human Rights Council in 2006.

The Universal Declaration of Human Rights (1948)

The Universal Declaration of Human Rights "is generally agreed to be the foundation of international human rights law. ...[It] has inspired a rich body of legally binding international human rights treaties and human rights development worldwide."⁴⁷ It has furthermore succeeded in establishing internationally recognized definitions of what constitute as 'human rights' and 'fundamental

⁴³ The Subcommittee is composed of experts and jurists, whereas the Committee itself is more politicized. (Nickel, 2002, 365) This organization has since been transferred to the jurisdiction of the UN Human Rights Council as of 2006.

⁴⁴ All levels referring to emergency response, long-term care, policy changes, and so on. (Deng, 2006, 221)

⁴⁵ Deng, 1995, 46.

⁴⁶ Nickel 2002, 366.

⁴⁷ United Nations, Accessed 2011

freedoms.' By challenging member states to "[pledge] themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedom,"⁴⁸ the UDHR promotes the improvement in human rights for all human beings, IDPs included.

The UDHR, although effective in inspiring the creation of international human rights law and establishing what 'human rights are,' is severely limited by the fact that it is not legally binding. States have no obligations to adhere to its policies, meaning that the UDHR alone is not enough to ensure protection and security for the rights of IDPs.⁴⁹ However, it does establish a firm base from which other treaties and declarations can build off of.

The European Convention on Human Rights (1950)

Nickel argues that, as of 2002, the European Convention on Human Rights is the most effective framework for the promotion and protection of human rights.⁵⁰ Signatory states comply with the Convention because they value membership in the Council of Europe. Effectively, when domestic remedies fail and all efforts to resolve the issue are exhausted, individual states and civilians can complain of violations to the Human Rights Court, which will then launch an investigation and pass judgment on the subject. IDPs, so long as they hold European citizenship, could therefore launch complaints against their domestic government if their direct needs are not being adequately addressed or if viable solutions are not being implemented. However, the European Convention is limited: its legal systems are centered on domestic governments' legal systems, thereby excluding IDPs who are not recognized as such by the central government; and the domestic and regional infrastructure of certain areas may not be adequate to handle the investigation

nor implement a solution.⁵¹ Furthermore, it has very limited enforcement capabilities, with the threat of expulsion being the only mechanism it can fully employ.⁵²

International Covenant on Civil and Political Rights (1966)

The International Covenant on Civil and Political Rights encourages states to identify major ongoing human rights problems within their own borders and design solutions to these problems over time. The CCPR is very non-confrontational, opting instead to inspire change in domestic policy as opposed to enforcing it. While the CCPR promotes idealistic ends, it contains the same hardships that other similar organizations do: some states do not report their transgressions, the CCPR's judgments receive little attention, state's steps of implementation are oftentimes superficial, and the CCPR must use coercion and persuasion instead of physical enforcement or 'hard power'.⁵³ Nevertheless, if individuals of ratified states feel that these solutions are not being implemented, they can apply to an external party for investigation, as seen in the European Convention of Human Rights.⁵⁴

The Representative to the Secretary General on the Human Rights of Internally Displaced Persons (1992)

The role of the Representative to the Secretary General on the Human Rights of IDPs was created at the request of the Commission on Human Rights in Resolution 1992/73. Their primary focus is to continue the work of the Commission in understanding the specific problems faced by IDPs and looking into possible long-term solutions. Furthermore, the Representative submits an annual record to both the Commission and the General Assembly on the current status of IDPs.⁵⁵ This role is increasingly important as it provides specific attention to the specialized situations faced by the

⁴⁸ Universal Declaration of Human Rights, Foreword

⁴⁹ Nickel, 2002, 357.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, 358.

⁵² Nickel, 2002, 359.

⁵³ *Ibid.*, 363-364.

⁵⁴ *Ibid.*, 364.

⁵⁵ Deng, 1995, 45.

internally displaced, and applies this knowledge when proposing solutions to IDP's specific problems and needs.

The United Nations Millennium Declaration (UNMD) (2000)

The Millennium Declaration charges states to "recognize that they have a collective responsibility to uphold the principles of human dignity, equality, and equity at the global level."⁵⁶ In correlation with the protection of IDPs, the Declaration also declares that states "will spare no effort to ensure that children and all civilian populations that suffer disproportionately the consequences of national disasters, genocide, armed conflicts, and other humanitarian emergencies are given every assistance and protection..."⁵⁷ While this looks promising for the case of IDPs, who are now the largest population suffering under such conditions,⁵⁸ the UNMD also unfortunately supports the equal sovereignty of all states, including respecting their territorial integrity and political independence. This creates tension between the pursuit and establishment of international protection systems for IDPs and respect for traditional state sovereignty.⁵⁹ As such, although the UNMD contributes to the framework of supporting protection for IDPs, its clauses regarding respect for sovereignty currently restrict it from supporting the continuing struggle towards the establishment of international protection systems for IDPs.⁶⁰

The Declaration of International Law of Principles on Internally Displaced Persons (2000)

Alongside the Declaration of Principles on International Law on Mass Expulsion (1986), and the Declaration on Principles of International Law on Compensation to Refugees (1992), the

Declaration of Internally Displaced Persons legally addresses forced movement from the perspective of origin countries.⁶¹ In four sections, the Declaration calls for protection and assistance "in accordance with all generally accepted and, where appropriate, regionally agreed upon human rights, refugees and international humanitarian law." For the purposes of this paper, its most important clauses outline the rights of IDPs to request and receive humanitarian aid, assistance, and protection from both national and international authorities.⁶² This directly challenges the idea that internal displacement is inarguably a domestic issue, as it calls for international involvement when domestic policies are not implemented or not enough.

In addition to outlining the rights deserved to IDPs, the Declaration also outlines the rights and obligations of sovereign nations as the primary responsible actors in the protection and assistance of their internally displaced. Furthermore, it obligates states as well as regional and international organizations to consider any requests for humanitarian assistance in good faith while encouraging them to offer and provide assistance. The Declaration also stresses that intervention is not to be considered unfriendly and that humanitarian assistance may not affect the status or the diplomatic recognition of states.⁶³ This clause is important, for it has the ability to persuade states to consent to increased humanitarian access, thereby promoting the adoption and evolution of institutions that could potentially provide protection for IDPs.

Guiding Principles on Internal Displacement (2001)

The Guiding Principles on Internal Displacement is considered to be the "basic international form" for protection of the internally displaced.⁶⁴ Similar to other declarations that protect the rights of other marginalized groups (for example, Indigenous

⁵⁶ Deng, 2006, 217.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, 45.

⁵⁹ *Ibid.*

⁶⁰ As will be discussed, it must be noted that if concepts such as Biopolitics and new notions of national security are brought to the forefront of the conversation, this Declaration could add to the literature on human rights for IDPs as they may no longer contradict one another.

⁶¹ Lee, 2001, 454.

⁶² *Ibid.*, 455.

⁶³ *Ibid.*, 456.

⁶⁴ Deng, 2006, 221.

Populations), the GPID primarily addresses the struggles and needs of IDPs. Among other things, it dictates that national authorities are ultimately responsible for their IDPs (Principle 3), demands the prevention of arbitrary displacement (Principle 6.1), and outlines the requirement of protection and assistance during displacement (Principle 7). Furthermore, Section V directly addresses the issues of return, resettlement, and reintegration. Yet perhaps the most important aspect of the GPID is that it once again authorizes in Principle 3.2 the right for IDPs to ask for and receive international aid.⁶⁵ This is a reassertion of the same rights outlined in the 'The Declaration of International Law of Principles on Internally Displaced Persons (2000)' – signifying a continuing conversation between the intermingling of international human rights frameworks and domestic sovereignty.

The Responsibility to Protect (R2P) (2001)

The Responsibility to Protect is a comprehensive report released by the International Commission on Intervention and State Sovereignty. It responds to the question "[If] humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to [it?]"⁶⁶ The R2P addresses the issues and concepts behind policy challenges; the meanings of sovereignty and the emerging responsibilities of states to protect, prevent, react, and rebuild; the question of authority and military intervention; and viable ways forward. Most importantly, it addresses the need for a reconfiguration of our preconceptions regarding 'human security',⁶⁷ and sovereignty as a dual responsibility: both respecting the sovereignty of other states while simultaneously remaining accountable to and responsible for its citizens.⁶⁸ Unfortunately, R2P is not a codified international law, but instead serves a function similar to the UDHR: the establishment of firm guidelines and definitions, and advocacy for sustainable change.

No Place for a Lady:

Political Institutions and Women's Rights in Iran and Saudi Arabia

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INTRODUCTION

Images and representations of the Middle East as a homogeneously oppressive and inhospitable place for women are prevalent in contemporary Western media. While it is true that gender equality in the Middle East is nowhere near the level it has reached in the West, it does not necessarily follow that all Middle Eastern women experience the same degree of inequality within their respective states. While women in Iran are repressed compared to Western standards, they enjoy more rights and freedoms than their Saudi counterparts. The disparities in women's rights between these countries are a result of a myriad of cultural, religious, ethnic, and economic factors. This essay will focus on the comparative effect political institutions have on gender equality in Iran and Saudi Arabia. It will conclude that women in post-revolutionary Iran enjoy comparably more rights than women in Saudi Arabia, because a higher access to their government allows a push for reform from within the country, while pressures on the Saudi government to reform come overwhelmingly from the United States.

This essay will begin with a discussion of the accomplishments women as political actors have achieved in Iran and Saudi Arabia. These will be presented as "effects" or evidence of advancement in equality within these two states. It will follow with a discussion of the political structures of Iran and Saudi Arabia, examining

⁶⁵Deng, 2006, 222.

⁶⁶ Responsibility to Protect, Article 1.6

⁶⁷ *Ibid.*, Articles 1.28 and 2.23

⁶⁸ *Ibid.*, Articles 2.2 and 2.14