

indigenous peoples; (b) launch special projects to strengthen their community-level initiatives and facilitate the exchange of information and expertise among indigenous peoples and other relevant experts; and (c) designate focal points for coordination of activities related to the Decade with the OHCHR.

UN Voluntary Fund for Indigenous Populations

The General Assembly adopted by consensus a resolution on the UN Voluntary Fund (A/C.3/53/L.20) in which the GA, *inter alia*: recalled that the Fund was established to assist representatives of indigenous communities and organizations to participate in the deliberations related to the draft declaration on the rights of indigenous peoples; noted the decision of the Commission on Human Rights to establish an open-ended inter-sessional ad hoc working group to meet prior to the 1999 Commission to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people within the UN system; recognized the desirability of assisting organizations of indigenous peoples in participating in the ad hoc working group; and decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional ad hoc working group.



INTERNALLY DISPLACED PERSONS

Representative of the Secretary-General

The Representative of the Secretary-General on internally displaced persons was appointed in 1992. The emphasis in the mandate was and remains to establish a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions including, where required, recommendations on the ways and means of improving protection. For 1998, the Representative was Mr. Francis Deng. At its 1998 session, the Commission had before it three reports: the Representative's general report, a compilation and analysis of legal norms, and a report on guiding principles.

General report

The general report (E/CN.4/1998/53) contains information on, *inter alia*: a right not to be arbitrarily displaced, guiding principles on internal displacement, the institutional framework for dealing with the internally displaced, and strengthening the capacity of the mandate. The context for the report is set with the observation that internal displacement continues to constitute one of the greatest and most pressing challenges facing the international community. In part, this is due to the magnitude of

the problem, which currently affects at least 25 million people, as well as to the severity of their needs for protection and assistance. The report notes that the fact that the internally displaced have not crossed a border and, moreover, most often are found in situations of armed conflict, poses additional challenges to international efforts to meet these needs. Further, that as a sure symptom of a society in serious crisis, internal displacement often is only the precursor of situations with much wider international ramifications, including not only the massive outflows of refugees but the political and economic destabilization of entire countries, if not regions. The Representative stated that addressing the problem of internal displacement therefore is as much an imperative of regional and international peace and security as it is a matter of responding to the needs of the individuals affected for humanitarian assistance and human rights protection.

On the question of a right not to be arbitrarily displaced, the report notes a number of points including that:

- ◆ while there are a number of international legal standards which, if respected, would reduce arbitrary displacement, the legal basis for providing protection against displacement could be strengthened significantly by establishing a right not to be arbitrarily displaced; establishing such a right would serve the purpose of defining explicitly what is now only implicit in international law;
- ◆ in humanitarian law and in the law relating to indigenous peoples there is an express prohibition of arbitrary displacement;
- ◆ in human rights law, the prohibition is only implicit in certain provisions, in particular those pertaining to freedom of movement and choice of residence, freedom from arbitrary interference in one's home, and the right to housing; these rights jointly point to a general rule according to which forced displacement may be undertaken only exceptionally and, even then, may not be effected in a discriminatory manner nor arbitrarily imposed, but they do not spell out the circumstances under which displacement is permissible and are subject to restrictions and derogation;
- ◆ under international law limitations on permissibility stipulate that forced displacement: (a) may be undertaken only in the specific circumstances provided for, with due regard for the principles of necessity and proportionality; (b) should last no longer than the exigencies of the situation; and (c) must not occur on a discriminatory basis caused by, or which can be reasonably expected to result in, genocide, "ethnic cleansing", apartheid and other systematic forms of discrimination;
- ◆ in cases of relocations, the provision of proper accommodation and satisfactory conditions of hygiene should be guaranteed and families should not be separated;