

At its 1997 session, the Commission adopted a resolution by consensus (1997/39) on internally displaced persons. The Commission, *inter alia*: recalled the emphasis in the Vienna Declaration and Programme of Action on the need to develop global strategies to address the problem of internal displacement; reaffirmed that a central coordination mechanism to assign responsibilities in emergency situations is essential; expressed appreciation to relevant entities for provision of assistance and protection to internally displaced persons; recalled that there remain several significant areas in which present international law fails to provide sufficient protection to the internally displaced; encouraged the Representative to continue to develop a comprehensive framework for protection of internally displaced persons; emphasized the need for better implementation of existing international law applicable to the internally displaced; welcomed the attention given by the Representative to the needs of internally displaced women and children and urged him to continue to address these needs; called on governments of countries facing situations of internal displacement that have not yet done so to invite the Representative to conduct a field mission; urged relevant organizations working cooperatively to set up a more comprehensive and coherent system of data collection related to internally displaced persons; welcomed initiatives of regional organizations such as the OSCE and OAU to address the needs of the internally displaced; and, called on the High Commissioner for Human Rights to develop projects to promote the human rights of internally displaced persons and include in a report to the Commission information on their implementation.

The mandate of the Representative on internally displaced persons will be reviewed at the 1998 session of the Commission.

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## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

**General Comment by the Human Rights Committee on issues relating to the continuity of obligations to the International Covenant on Civil and Political Rights:**  
Comment 26 (1), adopted at 61<sup>st</sup> session of the HRC, 29 October 1997 (CCPR/C/21/Rev.1/Add.8/Rev.1)

The Human Rights Committee, noting that the International Covenant on Civil and Political Rights (ICCPR) contains no provision regarding its termination, or for denunciation or withdrawal from the covenant, concludes that the possibility of termination, denunciation or withdrawal must be considered in light of applicable rules of customary international law which are reflected in the Vienna Convention on the Law of Treaties. On this basis, it concludes that the Covenant is not subject to denunciation or withdrawal unless it is established that the parties intended to admit the possibility of denunciation or withdrawal or that a right to do so is implied from the nature of the treaty. The Committee argues that the

omissions were deliberate and not the result of oversight; and that this is not the type of treaty which, by its nature, implies a right of denunciation. The Committee notes that it has consistently taken the view that the rights enshrined in the Covenant belong to the people living in the territory of the State party. Once the people are accorded the protection of the rights under the Covenant, such protection devolves with territory and continues to belong to them, notwithstanding changes in government of the State party, including dismemberment in more than one state or state succession or any subsequent action of the State party. Therefore, the Committee is firmly of the view that international law does not permit a state which has ratified or acceded or succeeded to the Covenant to denounce it or withdraw from it.

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## MASS EXODUSES

**Report of the High Commissioner for human rights and mass exoduses (E/CN.4/1997/42)**

The Commission on Human Rights has been considering the question of mass exoduses since 1980 and, up until the 1996 session, had received a report on mass exoduses from the Secretary-General. The 1997 session considered a report prepared by the High Commissioner for Human Rights.

In terms of the main causes of mass exoduses, the report specifically cites international and internal conflicts (at times arising from inter-ethnic violence) and systematic violations of human rights and humanitarian law. The summary of points raised in communications from governments, agencies, NGOs and others on human rights situations affecting refugees and displaced persons highlights a number of areas, including: asylum-related to indifference in some cases and hostility in others to refugees and efforts to convince potential asylum seekers to remain at home; inadequate respect for international human rights standards and norms of refugee law related to voluntary repatriation and the principle of *non-refoulement*; use by immigration officials of deprivation of liberty of children for security or related purposes; and threats and violations of the right to life against refugees and internally displaced persons.

The problems impeding voluntary return are noted as including: an environment of political instability; unsustainable economic conditions; landmines; land and property disputes; violence against those seeking to return or who have returned, including extrajudicial executions, disappearances and torture or ill-treatment; poor health and living conditions in refugee camps; and destruction, looting and occupation of property by others, lack of seeds for planting, collapse of the health care system.

In the section of the report dealing with conclusions and recommendations, the report states that despite the fact that current collaborative arrangements can considerably enhance assistance to and protection of displaced populations, the need for international efforts to go beyond the present system of ad hoc response remains, particularly as regards internally displaced persons. Moreover, a further strengthening of the cooperation between international agencies and the integration of human rights standards in their respective areas of