Introduction

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Attempts by policymakers, scholars and practitioners to tackle and overcome seemingly straightforward social pathologies, either through the conceptualisation of the problem, the categorisation of key actors or the implementation of strategies, have often resulted in setbacks, unintended consequences and even catastrophic failure. This is usually a result of one or more of the following: an inability to appreciate the real structural issues at play; the hidden agendas of actors; or a deep conviction and hubris in one's ability to succeed which flatters aspirations and conquers doubts. One notable case was the treatment of the children's condition known as Attention Deficit Hyperactivity Disorder (ADHD) that was 'discovered' in the early twentieth century. It was indeed questionable whether such a condition even existed in the first place, as:

> Fidgety children have been with us forever; then came hyperactivity; next came attention deficit; at present attention deficit hyperactivity disorder, for which the steroid Ritalin is prescribed. Is that a real mental disorder? Or is it an artefact of psychiatry demanded by a culture that wants to medicalise every annoyance that troubles parents, teachers, bus drivers, and all the other powers that be?[1]

Even more critical were the consequences of its first diagnosis, which began a process of 'scientific' knowledge production that gave birth to a plethora of specialists, bureaucracies, education policies, school treatment programmes, pharmaceutical products and voluminous academic studies, all containing their own discourses that reinforced each other to make ADHD an established and respected object of paediatric healthcare.[2] However, along the way this became open to manipulation and exploitation. Hyperactivity had defined the disorder until the 1980s when US psychiatry's *Diagnostic and Statistical Manual of Mental Disorder* (DSM) coined the term 'attention deficit disorder', which effectively shifted diagnostic emphasis from hyperactivity to attention

as the core problem of the disorder. The implication of this was that now children with or without hyperactivity could be diagnosed with ADD.[3] Thus, education authorities created categories of children who became stigmatised and subjected to rigorous treatment programmes.[4] Even more worrying was that school teachers were now awarded powers beyond their professional remits to identify and even diagnose ADHD, with many having vested interests in either detecting and managing disruptive children or dissuading parents of the need for treatment based on their personal beliefs about learning disorders. Authorities required schools to screen children for ADHD, with 'special education' budgets skyrocketing. This demand created a medicine boom in the pharmaceutical industry, with many companies engaging in drug promotion that masqueraded as professional education by sponsoring publications, websites and advocacy groups that offered 'guidelines' to teachers, school nurses and parents.[5] Such a move reinforced the place of the pharmaceutical industry as a 'benevolent' and 'authoritative' presence within the school. The most serious and lasting impact was on families, with schools reporting parents who refused treatment to child protection authorities for 'neglect'.[6]

This tragic story of ADHD is analogous and sets the tone for the way governments, researchers, lawyers, activists and students should now think about the discovery, evolution and outcome of another imminent crisis: internal displacement.

The Crisis of Internal Displacement

Over the last twenty-five years, the plight of people internally displaced within their own sovereign borders from the scourges of war, state collapse and natural disaster has penetrated mankind's conscience. In the 1990s, the horrors of Rwanda, Bosnia, Somalia, Haiti, Congo, Chechnya, East Timor, Angola, Algeria and Liberia (to name a few) shattered the belief that humanity had reached the 'End of History' through the triumph of liberal democracy that would cradle peaceful coexistence. Instead, politicians, human rights activists, lawyers, scholars, religious groups and international organisations were forced to take action, with mixed outcomes. One significant move came in 1998, when the former United Nations Secretary-General, Kofi Annan, stated:

> Internal displacement has emerged as one of the great human tragedies of our time. It has also created an unprecedented challenge for the international community: to find ways to respond to what is essentially an internal crisis … protection should be central to the international response and [with] assistance should be provided in a comprehensive way that brings together the humanitarian, human rights, and development components of the United Nations.[7]

Despite this rallying cry, throughout the 2000s the disturbing sights of bombed settlements, mutilated bodies, malnourished children, wandering masses, victims of rape and overcrowded relief camps did not go away. Instead, ever more flooded global television stations, newspapers, websites, reports, conferences and speeches, to no avail. Indeed, left destitute and defenceless, without food, water, shelter, hygiene facilities or any chance of recovery, the global number of internally displaced persons (IDPs) is currently estimated at fifty-five million, with the bulk of those in sub-Saharan Africa alone.[8] Furthermore, the crisis of IDPs is not just characterised by neglected and abandoned people in need of help, but has also dramatically shaped the trajectory and dynamics of conflict at both domestic and international levels.

In Darfur, internal displacement and international justice were deeply intertwined. The rebellion that began in 2003, between the government in Khartoum and the Justice and Equality Movement (JEM), saw almost three million people displaced into protection camps, the biggest being Nyala, located in the south-west near the Chadian border.[9] Originally a small trading town, Nyala grew to become a large humanitarian hub, which rapidly and unintendedly urbanised 35 per cent of Darfur in just three years.[10] Nyala became the international face of the war in Darfur as sites of violence, disease and starvation became prime evidence for a coalition of human rights organisations to lobby the international community to take punitive action against Khartoum.[11] These protests paid dividends in April 2009 and July 2010 respectively, when the International Criminal Court (ICC) indicted and issued arrest warrants for President Omar Al-Bashir for genocide, crimes against humanity and war crimes, on the basis that Darfurians had been imprisoned in 'genocide like' conditions.[12] The ICC Prosecutor, Luis Moreno-Ocampo, even described the IDP camps as a 'gigantic Auschwitz'.[13]

In Sri Lanka, IDPs were used as a justification by the government to end the thirty-year conflict against the Liberation Tigers of Tamil Eelam (LTTE) in May 2009. Under the pretext of a 'humanitarian rescue mission', the Sri Lankan state launched a brutal military campaign, which saw them kill thousands of IDPs who were being used as human shields by the retreating Tamil Tigers trapped in the north-east of the island.[14] While quickly vanquishing the LTTE, the Sinhalese state was then subject to global condemnation and a UN Commission of Inquiry in 2013 for its violation of the human rights of IDPs.[15] In the world's youngest state, South Sudan, the descent into all-out war between Nuer and Dinka factions in December 2013, following what seemed to be the successful Comprehensive Peace Agreement (CPA) of 2005 and the independence referendum of 2011, left 1.6 million people displaced.[16] South Sudan has become the country with the largest UN-led humanitarian intervention, with an annual operating cost of almost $2 billion.[17] Finally, the

ongoing Syrian and Iraqi conflicts, which were products of the descent into sectarian violence following the 2003 US-led invasion of Iraq, the Arab Spring rebellions of 2011 and more recently the establishment of an Islamic Caliphate by the ruthless Islamic State in the Levant (ISIL) in 2013, have created a combined total of ten million IDPs.[18] Trapped at the centre of two protracted civil wars which have attracted multiple international actors (US, UK, France, Russia, Iran, Turkey, Saudi Arabia, Egypt, Qatar, Jordan and the UAE), IDPs have been subjected to aerial bombardment from Bashar Al Assad's forces;[19] rebel recruitment and exploitation from ISIL, Al-Nusra Front, the Free Syrian Army, Al-Qaeda and Peshmerga fighters;[20] and denied access to basic services and international relief supplies.[21]

Echoing his predecessor, the former UN Secretary-General Ban Ki Moon stated in 2013 that 'internal displacement remains arguably the most significant humanitarian challenge that we face'.[22] Thus, in light of these catastrophes and pressures, a seismic normative shift has occurred in the international system, in which a new global regime designed to protect people displaced within their borders has been established. The justification for such a regime stemmed from the absence of the requisite international legal instruments for IDPs, who existed in similar conditions to those of refugees, but who had not crossed an internationally recognised border, and were therefore not aliens in a foreign land in need of protection by the United Nations High Commissioner for Refugees (UNHCR). This emerged simultaneously with a new physical humanitarian protection norm of the Responsibility to Protect (R2P), which together circumvented and extinguished the sovereignty of fragile states unable or unwilling to protect their own citizens. This reconceptualisation of sovereignty therefore legitimised external intervention into domestic affairs. Overall, such a global shift demands attention through a thorough analysis of the history, legality, practice and efficacy of this new IDP protection regime and its effect upon international relations. While the international community has welcomed such remedial measures, haunted by the inaction in Rwanda in 1994 and Srebrenica in 1995, and hoping to uphold the mantra of 'Never Again', they have nonetheless sidelined and ignored much larger questions surrounding the impact upon the norm of sovereignty, the fate of the institution of global asylum, the dynamics of conflict, the politics of humanitarian aid, and the power and accountability of international organisations.

The Structure of the Global Internal Displacement Regime

The formation of the global IDP Regime is widely understood by international lawyers, academics, non-governmental organisations (NGOs) and humanitarian practitioners to have stemmed from the proposed reform of the United

Nations, issued by Kofi Annan in 1997. While the appointment of the first UN Secretary-General's Special Representative on Internally Displaced Persons was made in 1992, the post was designed to investigate and determine the circumstances, norms and ideas surrounding displacement. Annan's reforms, five years later, were by comparison a much larger-scale initiative. He took those initial findings and sought to adequately address the needs of IDPs by redesigning the whole UN system. The Emergency Relief Co-Ordinator of the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) was tasked with developing policy and operational mechanisms so that 'all humanitarian issues, including those which fall in gaps of existing mandates of agencies such as protection and assistance for internally displaced persons, are addressed'.[23] There are five elements to the global internal displacement regime (see Figure 0.1).

First, the legal and advocacy dimension comprises the United Nations Special Representative to the Secretary-General on the Human Rights of Internally Displaced Persons. This post was established by UN General Assembly Resolution E/CN.4/RES/1992/73, at the request of the Commission on Human Rights in 1992 in order to examine the human rights issues related to internally displaced persons and to prepare a relevant comprehensive study. Second, linked to this is the new African Union IDP Convention, a legally binding treaty signed by its member states in Kampala in 2009, and ratified in 2012.[24] This was an outcome of the initial soft law arrangement of the Guiding Principles on Internal Displacement, a set of twenty-five non-binding standards for governments and international organisations in the protection of IDPs. Established in 1998, they detailed the rights and guarantees relevant to the protection of IDPs in three phases, 'from arbitrary displacement', 'during displacement', and the 'safe return, resettlement and reintegration'.[25]

Third are the Norwegian Refugee Council (NRC) and the Internal Displacement Monitoring Centre (IDMC). Both work to formulate all relevant data on global IDPs, which is used to advocate for the rights of the IDPs by carrying out training programmes for Country Teams.[26] Fourth is the humanitarian dimension of the global IDP Regime through the creation of the Cluster Approach in 2005. There are three global clusters led by the UNHCR. The Protection Cluster Working Group (PCWG) comprises more than thirty implementing partners from the humanitarian, human rights and development community who tackle the challenges arising from the physical security of IDPs, property issues, gender-based violence, lack of basic services and the loss of personal documentation. The Camp Coordination and Camp Management Cluster (CCCM) is jointly led by the UNHCR, which focuses on conflict-based displacement, and the International Organization for Migration (IOM), which focuses on natural disaster-based displacement. The Emergency Shelter Cluster is co-led by the UNHCR and the International Federation of the Red Cross and Red Cres-
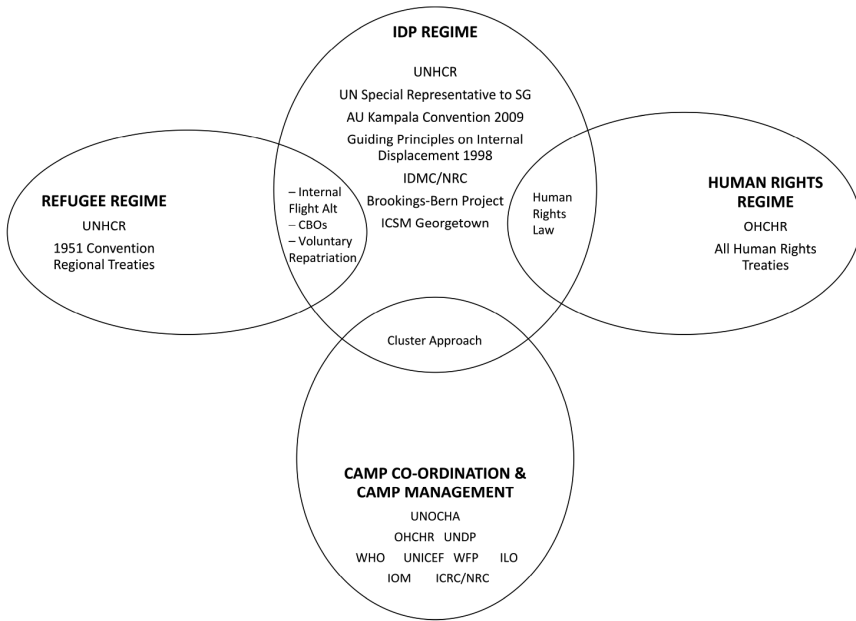
Figure 0.1. • IDP Regime Complex. © Frederick Laker

cent Societies (IFRC) and seeks to increase the effectiveness and predictability of service provision by (i) expanding the number of qualified professionals available for rapid deployment; (ii) developing an emergency shelter strategy and guidelines and tools for assessments, intervention and monitoring alongside training; and (iii) strengthening stockpiles of shelter and related non-food items (NFIs).[27] The final component is the academic and intellectual discourse attached to the IDP Regime. This is spearheaded by the Brookings-Bern Project, a collaboration between the Brookings Institute and the University of Bern School of Law established to monitor global displacement, promote the dissemination and application of the Guiding Principles, and lobby governments, regional bodies, international organisations and civil society to create policies. The Project publishes studies, articles and reports and chairs international seminars. Supplementing this has been the Institute for the Study of Migration at Georgetown University, which has been engaged in a project since 2007 to determine 'when internal displacement ends'.

Today, the global IDP phenomenon is an acclaimed international regime endorsed by governments, international organisations, civil society groups and humanitarian actors. The UN General Assembly has since passed multiple resolutions dedicated to IDPs. In his report, *In Larger Freedom*, the UN Secretary-General in March 2005 urged member states to accept the Guiding

Principles on Internal Displacement as 'the basic international norm for protection' of internally displaced persons.[28]

In addition, the Organization for Security and Cooperation in Europe (OSCE), the African Union (AU), the Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD) have all formally acknowledged the principles.[29]

Questions

My interest in the global internal displacement regime accidently snowballed from the research and work I had been doing within the displacement camps in northern Uganda in 2006, where I was trying initially to understand why the conflict had lasted over twenty years. I began to notice that from 1996 to 2003, the people affected by the violence had first been classified by the government as simply civilian casualties, who had been placed into 'protected camps' by the army as a counter-insurgency measure in order to isolate them from rebels. However, from 2003 onwards they were officially designated as internally displaced persons, with a national policy enacted in the same year, and the intervention of hundreds of relief actors into what UN Under Secretary-General for Humanitarian Affairs Jan Egeland famously termed 'the worst humanitarian crisis' in the world.

Working in horrendous conditions, in a place where almost two million people had been imprisoned, justified by the Ugandan government and NGOs as 'protection', set alarm bells ringing in my mind. More people were dying from starvation, dehydration, disease and exposure than from direct clashes between the Ugandan army and the Lord's Resistance Army (LRA) rebels. I began to notice that a vicious cycle had developed whereby the more that people suffered and died in camps, the more the 'protection camps' were justified to alleviate such suffering. When I challenged aid agencies and government officials to account for such reckless abuse, their immediate and dismissive response was that 'something had to be done'. In my naivety at the time, I had not realised that there was a humanitarian gravy train in northern Uganda, running at full speed with no intention of stopping. Relief money had simply flooded the country and was up for grabs for anyone and everyone who could claim that they were helping IDPs in any capacity, with no oversight or accountability. In such an environment, salaries, property rentals, goods and services all tripled in value to make the internal displacement an end in itself, with no actor keen on returning and reintegrating IDPs back to their homes. A Faustian pact had been agreed, in which aid agencies became complicit in an unrestrained counter-insurgency operation, while the government of Uganda turned a blind eye to humanitarian mismanagement and exploitation.

While I was initially incensed by this open impunity, it then dawned on me that this situation had not been incidental, but structural, and even more troubling, rational. It had been an outcome of a much larger global process in which Uganda had become the test case and poster child of the IDP Regime. The entire international relief effort was called upon to protect a special category of people that was now recognised under international law. New terminology had entered the scene, which transformed northern Uganda into a humanitarian experiment. NGOs now talked of 'Clusters' to designate areas of responsibility for more efficient 'Camp Co-ordination', which would finally achieve 'Camp Management' that would save and improve many lives. It later became incumbent upon me to delve deeper into this new regime, which unearthed many undiscussed issues. Indeed, by working backwards and mining historical archives, official government reports, newspapers, journals, NGO reports, speeches, academic debates and legal and humanitarian documents, I encountered even more contradictions and puzzles, which forced me to ask even bigger questions:

- Why were IDPs presented as a new global problem in need of solving in the 1990s and not in any earlier period, despite countless cases of internal displacement throughout the Cold War?
- Why did activists claim that IDPs had arisen from civil wars in the 1990s, which were said to have been more violent, producing more civilian casualties than ever before, when there was no evidence to substantiate such a gross claim?
- Why did the UNHCR at varying times in its history oscillate between refusing to protect people displaced within their sovereign borders, which was not in its mandate, and then vigorously justifying intervention to assist IDPs?
- Why was the plight of IDPs always analogous to that of refugees, despite the clear legal and political boundaries between the two groups?
- Why was the act of movement the only defining feature and argument for assisting IDPs, when in fact movement was a normal practice for all civilians caught in war, from time immemorial?
- Why did Western states justify the need for IDP protection on the basis that their numbers had risen above those of refugees, while at the same time erecting barrier restrictions to asylum on the claim that refugee numbers had greatly risen?
- Why was there little or no discussion among legal and humanitarian practitioners of the age-old coercive practice by governments of population control in war and peace?
- Why were new legal mechanisms needed to specifically protect IDPs, when there already existed many legally binding UN treaties to protect all civilians affected by war?

- Why did UN IDP camps reduce and depoliticise the crisis of internal displacement to a simple and fixable need for food, water, sanitation, health and hygiene, while IDPs were being systematically tortured, raped and killed?

My overall intention here is not to conduct an analysis of the causes and dynamics of internal displacement per se. There already exists a voluminous literature on the age-old problem of forced migration arising from all occurrences of political and social instability, including war, the rise and fall of empires,[30] state formation and consolidation,[31] pandemics and natural calamity.[32] Instead, and more ambitiously, the central objective of this book is to change the analytical gaze. I want to advance our understanding of the history, structure and impact of the principles, norms, rules and decision-making procedures of the IDP legal and protection mechanisms. Simply put, *what are they? where did they come from? how are they structured? and what do they do?* However, I am aware that all ambitious books have limitations and this one is no exception. My intention is not to denounce the noble and well-intentioned efforts of the humanitarian community to assist vulnerable people. Instead, this book marks the beginning, not an end, of a discussion. All I seek is a sober moment of pause for scholars, students and practitioners to take stock of the major events, processes and actors pertaining to IDPs over the last 100 years.

Deconstructing Internal Displacement

To take on this task of analysing the IDP Regime is to invoke a particular sort of approach. Internal displacement is, like many things in this world, a social construct, that is, not an apolitical concept, designed to serve 'objective' interests. Rather, it is the embodiment of a series of interests, ideas, values, biases, prejudices and cultures, that are multilayered and have fluctuated across time and space. As Shapiro cautions when textualising global politics:

> It is the dominant, surviving textual practices that give rise to the systems of meaning and value from which actions and policies are directed and legitimated. A critical political perspective is, accordingly, one that questions the privileged forms of representation whose dominance has led to the unproblematic acceptance of subjects, objects, acts, and themes through which the political world is constructed.[33]

As I mentioned earlier, the pain endured by hundreds of thousands of people in northern Uganda greatly affected me. However, I slowly came to realise that my passions were distorting and even blinding my critical focus. I was more concerned with measuring the results of the IDP Regime against the standards of what it was *supposed* to be doing, rather than what it *actually* did. The

events in northern Uganda were not a series of unintended consequences or unfortunate by-products of well-intentioned people and bureaucracies, but, in practice, the *real* consequences. Similar events occurred within the IDP camps in Haiti in 2010, following the hurricane that claimed more than 150,000 lives. During the UN-led relief effort, a humanitarian economy also developed, which, among other problems, made searching for and securing funding more important for aid agencies than assisting the thousands of people who were dying from cholera.[34] This pattern thus led me to further question what happens differently due to the IDP Regime that would not or could not happen without it? A critical discourse analysis was thus urgently needed to uncover the operations of power at its centre.

My plan here is not to completely refute or rectify the IDP Regime. Like in the aforementioned case of ADHD, 'well'-intentioned plans, structures and institutions can very quickly and easily take on a life of their own that soon enough overtakes the original intentional practices. The approach adopted here treats such an outcome as neither an incomprehensible mistake, nor the trace of a yet-unveiled intention, but as a riddle, a puzzle to be contemplated and solved. While it is true that many of the ideas about IDPs and displacement are indeed false, and it will be necessary from time to time in the discussion to point this out, the main thrust of this study is not to show that the internal displacement paradigm is wrong, but to show that the institutionalised production of certain kinds of knowledge about internal displacement has important effects. The production of such knowledge plays a vital role in the production of specific sorts of structural change. Therefore, winding through these pages will be a vivisection of its conceptual apparatus: an investigation of how specific ideas about internal displacement are generated in practice, and how they are put to use; and a demonstration of what they end up doing, of what effects they end up producing. In a nutshell, the IDP Regime generates its own form of discourse, and this discourse constructs various objects of knowledge that come to form a wider superstructure of truth. This superstructure then justifies particular types of interventions, which have logical outcomes, the main one being the expansion and entrenchment of humanitarian aid and coercive state power upon an alternate legal category of citizens, within an alternate legal physical space, by an alternate external entity, for indefinite periods.

Multiple Discourses and Multiple Interpretations

The critical questions that surfaced when I first came into contact with this new regime encountered resistance along the way, which explained why they had gone unanswered for so long. The first problem I experienced – from attending forced migration workshops, conferences and lectures – was that there

existed conceptual and theoretical division and even confusion, due to the circus of disciplines and discourses. The scholarly work on internal displacement is predominantly divided along the lines of ethnographic studies on the lived experiences of displaced people;[35] the political and socio-economic complexities of displacement and its categorisation;[36] or attempts to afford IDPs legal and humanitarian protection through durable solutions.[37] The IDP Regime is not a single or unified concept. Given this state of affairs, I chose to embark on developing a broad ecumenical framework for thinking about the dynamics of the IDP Regime which drew upon various theoretical schools, including the constructivist scholarship on norms, discourse theory and political geography, all of which contribute something important to our understanding of internal displacement.

I began to notice that simply attempting to define precisely what internal displacement consisted of was not as simple as it seemed. Internal displacement was rather akin to the famous Rorschach inkblot test, used in psycho-analysis to interpret and determine a person's emotional functioning in order to detect any thought disorders by the way the subject perceives the ink images. As such, a major constraint to researching IDPs stemmed from the multiple interpretations, depending on the given actor (legal, humanitarian, academic or military). All discourses, disciplines and sub-fields would ultimately imprint their own biases, belief systems and prejudices, 'to see what they wanted to see'. This conundrum existed because within the lived experience and studies of forced migration, the dimensions of culture, society, the economy and politics all co-existed on the same immanent field of interaction. This was significant because how the IDP was interpreted was not exclusive to any one actor or discipline, and would invariably give rise to tugs of war over the implementation of a given policy or programme by any given actor.

Each discourse operates as a double-edged sword. Allow me to illustrate. The legal discourse primarily regards the protection of IDPs as a distinct category, under the black letter of national and international humanitarian law (IHL), as a definitive measure of progress.[38] However, this may lead to purely symbolic protection, with lawyers having no conception of political dynamics within fragile states, by the way in which repressive governments can easily enact laws and regulations designed to marginalise and displace entire communities from the social contract. This was the case in Nazi Germany with the introduction of the Nuremburg Laws in 1935 that institutionalised racism and anti-Semitism to make Jews second-class citizens. Or similarly in Apartheid South Africa between 1948 and the 1970s, where more than twenty-five laws were passed to define and enforce segregation and deny black people access to the state. Furthermore, in many situations, it is not the absence of law that creates or fuels internal displacement, but rather the failure or inability to uphold existing laws that generates the grievances that cause political unrest. Similarly,

the intellectual and academic discourse seeks to research and produce knowledge through research centres, publications, lectures and public debate, which can better assist and direct policy towards the identification and protection of IDPs.[39] However, this has created a knowledge-power complex that may in the end objectify the IDP as a special category devoid of agency and citizenship, who, like refugees, simply exists to be moved, fed, housed, inoculated, and one day returned home.

The humanitarian discourse concerns the physical protection of vulnerable people arising from conflict-induced displacement, either through a human rights-based or a needs-based approach (water, shelter, food, sanitation).[40] Despite this, humanitarian aid, while having altruistic intentions, has on many occasions resulted in catastrophic failures which have caused more damage. The big concern surrounding the humanitarian discourse on IDP protection is the wider problem of the industrialisation and commoditisation of relief, which challenges the stated selflessness of aid agencies and their ability to be neutral in war zones.[41] A notable case of this conflict of interest was Operation Lifeline Support in southern Sudan in 1983. This intervention was originally designed to assist famine victims, but quickly became complicit in the Sudanese government's counter-insurgency operation against the Sudan People's Liberation Army (SPLA). The famine, which displaced more than one million people, was the result of a scorched earth policy in which animals were killed, crops destroyed and wells poisoned by government-sponsored militias. By inviting the aid community into the country, the government in Khartoum was able to escape blame by creating the perception that the famine had simply been a drought-driven natural disaster that had befallen the country.[42] Similarly, in Zaire in 1994, following the Rwandan genocide, more than one million refugees were residing in camps in Goma. However, the need to maintain presence and funding resulted in many humanitarian organisations feeding and aiding the perpetrators of the genocide, who had fled and regrouped in the camps.[43]

Sitting at the same table as the legal, academic and humanitarian discourses is the military discourse of internal displacement, which has a very different approach. It does not recognise displacement as a unique global crisis, but instead as a military tactic concerned with the control of the civil populace through forced evacuations and concentration camps, in an attempt to deny rebel groups a resource base, in counter-insurgency warfare.[44] This discourse, however, does not recognise or respect the previous three, due to the cold military imperative required to protect the state from all threats. Internal displacement is simply a quick and efficient means to an end. This was employed by the British against Boer communities in the Second Boer War of 1898;[45] the United States in Vietnam with the Strategic Hamlet Program against the North Vietnamese infiltration of South Vietnam between 1967 and 1972;[46] the Indo-

nesian government with Operation Terpadu against the Free Ache Movement separatists in 2003;[47] and finally in Sri Lanka following the Tamil Tiger defeat in 2009 with the creation of 'High Security Zones' to security vet 100,000 Tamil civilians.[48] Finally, the development discourse is concerned with the imperative to create open and equitable societies that reduce the propensity for displacement through poverty and war by the employment of 'good governance' mechanisms which can facilitate infrastructural development and economic development.[49] However, this can itself cause development-induced displacement through the construction of communications, transportation and energy infrastructure, which can leave hundreds of thousands stranded and destitute.[50] In Western India, the Narmada Valley Development Project, which began in 1979 and is hoped to be completed by 2025, seeks to build more than three thousand hydro-electric dams, across 1,200 km of the Narmada river. However, it was reported that over 1.5 million people would be displaced from their homes, with untold ecological damage across the three states of Gujarat, Maharashtra and Madhya Pradesh.[51]

This diverse arena of IDP knowledge, laws, policies and practices, while having their own issues, when combined run the risk of becoming entangled in a web of divided and competing interpretations and experiences which can create misgivings, stalemate situations or even unintended consequences. In Turkey, for instance, there has been a deliberate synergy between development-induced displacement and counter-insurgency displacement. Between 1993 and 2002, the government in Ankara began large-scale development projects in the form of dams in order to displace Kurdish Workers Party (PKK) separatist fighters from the territory they had captured between 1985 and 1993.[52] The dams were intended to become a wall designed to obstruct PKK penetration of Turkish borders. Operations involved first 'smoothing the space' through forced evacuations and destruction of villages, then the appropriation of the land, then finally the building of eight dams in the mountain regions of Tunceli/Dersim and Hakkari, which were fierce zones of fighting. Despite the clear violations of human rights under the 1988 Decree No. 285, President Turgut Ozal argued that 'such cities … must be turned into centres of attraction for the population currently in the countryside'.[53] Furthermore, the legal discourse on IDPs concerned with protecting people within their own borders may be distorting the protection of refugees under international law and having a negative effect on humanitarian actions. Lawyers and relief actors are now torn between, on the one hand, advising displaced people that they have the right to leave war zones and seek asylum in other states under the 1951 UN Refugee Convention, and on the other hand, maintaining that people have a right to remain within their sovereign borders and not be displaced under new UN IDP protection principles and guidelines. This norm confusion can be seen with the UNHCR, which lobbies some states to accept refugees fleeing fragile states, while simul-

taneously intervening in other fragile states to protect their citizens and rebuild their domestic structures in order to halt mass exodus.

The academic discourse on IDPs, in attempting to alert the world to a growing crisis, may have unintendedly engaged in ad hoc global triage. Indeed, what is the metric and hierachy of suffering and morbidity between the thirty-three million IDPs who have no food, shelter, sanitation or medical provisions, and the 800 million people living in extreme poverty on less than $1.90 a day?[54] While IDP proponents argue that many are residing in urgent conditions of war and natural disaster in fragile or collapsed states, the counter argument is that the global poor are equally displaced from 'peaceful' states that have little or no presence in their lives. Rather than asking the question 'Who is displaced?', it may be more apt to ask 'Who is *not* displaced?'. This problem came to light in Colombia, where there exist more than six million urban IDPs, who have suffered over five decades of violence in a three-dimensional conflict between the state, rebels and drug cartels.[55] Civil society groups and international actors managed to pressure the Bogota government in 2008 to create a national IDP policy that granted them access to goods and services, and this was hailed by many as a success.[56] However, this move generated considerable anger among millions of rural and urban Colombians, who felt abandoned and could not see the logic of designating and privileging a sub-national category of citizens who existed in identical conditions to themselves.[57]

Historicising Internal Displacement

The inability to engage in interdisciplinary dialogue predominantly stems from the failure to properly historicise the IDP Regime. There is, however, little discussion or analysis of how, when and why internal displacement became a shibboleth of our time. Its origins and evolution are rarely connected to further innovations, developments and trends, with the past and present unconnected. Alternatively, it is treated as an unprecedented phenomenon which simply fell out of the sky to the alarm of the international community in the post-Cold War era. An example of this comes from two IDP proponents, Thomas Weiss and David Korn, in their work *Internal Displacement: Conceptualisation and Its Consequences*, which hailed the formulation of the IDP concept as a positive international achievement, in line with the arguments and slogans that profess that 'People Matter and Ideas Matter'. For Weiss and Korn, the plight of voiceless victims was brought to the attention of the international community. They trace the origins, actors, politics and problems that shaped the modern IDP discourse, arguing that:

The phenomenon of internal displacement and the conceptualisation of sovereignty as responsibility – including the various dimensions of international protection – have had substantial normative, legal, and operational consequences during what, by historical standards, represents a remarkably brief period of time (1992–2005). They are: the recognition of the category itself; the acceptance of the Guiding Principles on Internal Displacement; the promotion of national and international protection for IDPs; and the integration of internal displacement into the machinery of donors, IGOs, regional organizations, and NGOs. The mandate of the representative provided the platform, and the PID [Project on Internal Displacement] provided the intellectual firepower and institutional base.[58]

They begin their analysis with the historical background to the IDP problem from 1992–1993. They then give an account of factors which led to the UN publication of two seminal books, *Protecting the Dispossessed* and *Masses in Flight*, and the formulation of the Guiding Principles on Internally Displaced People from 1993 to 1998. They document how Francis Deng, the first UN Special Representative to the Secretary-General on Internal Displacement from 1992 to 2004, attempted to address the institutional shortcomings within the UN with regard to IDPs, and conclude with his legacy. While they state very clearly that their intentions are not to provide an appraisal of the effects of the IDP discourse for protection and assistance operations on the ground,[59] I aim to document how the actual consequences and experience of this conceptualisation for states, aid agencies and displaced populations in complex emergencies challenge the perceived achievements. Weiss and Korn only observed the IDPs' suffering, without recognising these unintended consequences. There is a whole dimension of internal displacement not analysed, and airbrushed out of their analysis. For the authors, the 'conceptualisation' and birth of internal displacement stemmed from the valiant efforts of Francis Deng, as the heroic figure who worked tirelessly in his efforts to reconcile the suffering on the ground with bureaucratic politics in New York and Geneva. The concern here is historical amnesia, as many of the current policy, legal and scholarly debates and contestations about IDPs predate the 1990s and 2000s. More importantly, the origins and evolution of IDP protection are inseparable from the geo-politics of refugees. The IDP literature treats the rise of displacement as a self-contained crisis borne out of civil war and state collapse, through the 'discovery' of large numbers of destitute people. The problem with such an approach is that it does not connect IDPs to wider global or historical forces, in addition to the glaring fact that the simple 'discovery' of large numbers of suffering people as the basis for the creation of a new protection regime could be argued in favour of any social pathology, whether it be war, disease, crime, poverty, sexism or racism.

By re-historicising current ideas and practices, I hope to paint a very different picture of internal displacement, which will reveal hidden and shifting

agendas of both states and international organisations. The debates concerning the protection of refugees and people suffering within their own sovereign borders began in earnest in the 1930s under the League of Nations, which was battling to resolve the crisis of refugees flowing from Nazi Germany. The heated debates among member states of the League then continued in the infant United Nations, within the 3rd Committee of the Council of Economic and Social Affairs in the late 1940s, when proposals were made to create the UNHCR. This was in order to cope with the unprecedented legal conundrum arising from the vast numbers of European refugees after World War II who were stateless and in need of international protection. Mass internal displacement erupted throughout the Cold War in the 1950s, 1960s and 1970s in the Third World as a result of superpower proxy wars, decolonisation and national liberation struggles. However, many were largely ignored, with the UNHCR sidelined and struggling to be relevant and survive. The 1980s and 1990s, however, became the watershed, with the rise of barrier restrictions to asylum, massive refugee repatriation and the push for in-country protection, with the UNHCR adapting to assist IDPs amid the worry of its imminent demise. The 2000s witnessed a complete shift, with IDP issues overshadowing refugees on the global stage through the doctrine of the Responsibility to Protect, all of which was instrumental to the UNHCR's survival and dominance. All in all, the work of Weiss and Korn represents one planet in a galaxy of competing agendas, geo-political games, international organisations and fragile states.

Structure and Outline

The book is organised into three sections. The first section details the *History of the IDP Regime*. Chapter 1 documents the origins of the IDP Regime from 1930 to 1950, as an outcome of the geo-politics of refugees. Chapter 2 is an exposition of how the UNHCR has been at the centre of IDP conceptualisation in an attempt to achieve survival and dominance from 1980 to 2010. Chapter 4 then extends this argument to focus on the evolution of the IDP Regime through an analysis of how refugee norms were carefully redesigned to emerge as IDP norms that could eclipse the 1951 Convention and contain refugees. More specifically, I demonstrate the politics behind the use of numbers, labels and sovereignty. The second section observes the *Structure of the IDP Regime* through a critical discourse analysis. Chapter 5 delineates the nature, logic and effects by outlining the discursive reproductions of power, privilege and paternalism at its heart. The third section then applies such findings to understand the *Impact of the IDP Regime*. Chapter 6 sets the stage through an appreciation of the political economy of war in Uganda from 1994 to 2010. From this vantage point, the chapter traces how the government used the IDP Regime to

manage its retention of power within the context of a counter-insurgency campaign conducted within a lucrative civil war. Chapter 7 introduces and applies the Foucauldian concept of Heterotopia, which seeks to expose how power is instilled into physical space. Chapter 8 explicates the true and practical effects of the IDP Regime by understanding how the IDP camps became spaces of discourse where relief and state actors could manage and secure their interests. Chapter 9 chronicles how such actions culminated in the suffering of more than two million people for over ten years, through a number of overlapping vicious cycles generated and justified by the humanitarian camp economy that was acting in tandem with a counter-insurgency strategy. The final chapter concludes and considers implications. I discuss implications for the study of state societal relations, sovereignty and the accountability of international organisations, and then turn to the practical import of my findings.

The Argument

The book's contribution, or so I hope, lies in analysing the history, structure and impact of the IDP Regime, to show readers how it has been a mechanism for accommodating a series of interests and prerogatives at three levels (see Figure 0.2). The history of the IDP Regime was not simply about the discovery of destitute masses who shared the same characteristics as refugees and had no protection under international law, but a geo-political game. The old frameworks of the 1951 Convention had limited the interests of the powerful, with new ones thus required to replace it, to manage and contain refugee flows, calm domestic pressures and conceal xenophobia while upholding international human rights obligations through the right to remain. This further authorised international interventions into the domestic affairs of weak states. The structure of the IDP Regime in the first instance depoliticised and technicised internal displacement, while at the same time reproducing existing power structures of Western paternalism, humanitarian privileges and the control of destitute masses through the refugee protection system. Such structures worked to create an alternate category of people, residing in an alternate territorial space, protected by an alternate external actor, employing an alternate set of laws and guidelines. The impact of the IDP Regime was witnessed in Uganda, the test case for IDP policies, where it bolstered a fragile state in its retention of power by becoming fully incorporated into the political economy of civil war. By camouflaging the counter-insurgency practices of the government, in order to maintain its shining international image, it lubricated and stabilised a highly precarious patronage system. In addition, it secured the privileges and status of the relief industry operating within complex emergencies through a camp-based system that created a series of overlapping vicious cycles.
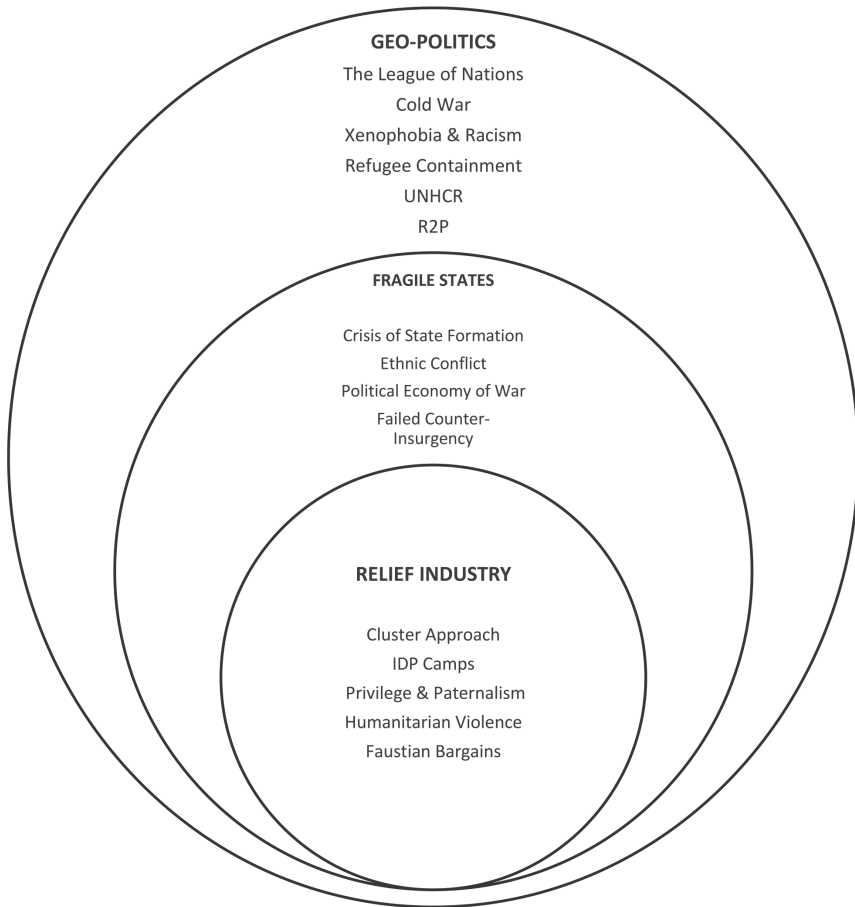
GEO-POLITICS
The League of Nations
Cold War
Xenophobia & Racism
Refugee Containment
UNHCR
R2P

FRAGILE STATES
Crisis of State Formation
Ethnic Conflict
Political Economy of War
Failed Counter-
Insurgency

RELIEF INDUSTRY
Cluster Approach
IDP Camps
Privilege & Paternalism
Humanitarian Violence
Faustian Bargains

Figure 0.2. • The Politics of Internal Displacement. © Frederick Laker

Implications

Notwithstanding the fact that the historical and institutional evolution of the IDP Regime features centrally in the analysis, the practical and theoretical concerns raised in this book seek to transcend the complexities of internal displacement, to touch upon the significant contemporary debates in international politics. While the discipline has stretched its empirical tentacles beyond the hard security issues of war and peace to encompass a range of themes including the global economy, environment, human rights and international trade, relatively little attention has been directed towards the international politics of forced migration, with only isolated pockets employing forced migration as an

appendage and symptom for more traditional military threats of ethnic cleansing, genocide, peacekeeping and regional stability. Thus, according to Betts, forced migration 'touches upon issues relating to international cooperation, globalisation, global public goods, ethnicity, nationalism, sovereignty, international organizations, regime complexity, security, the role of non-state actors, interdependence, regionalism, and North-South relations'.[60] The IDP Regime marks the complete transformation of International Organisations into global welfare organisations, as fragile and warring states are able to officially hand over entire sections of their population to these external caregivers for indefinite periods, harking back to the practice of the United Nations International Administration of War Torn States in the 1990s. This concern flows into the debates surrounding the crises of citizenship in many developing nations by the way the IDP Regime has reconfigured and distorted state-societal relations. It has masked and legitimised state predation and the created sub-categories of citizens, in already divided states. Although the lessons derived in this book offer no panacea, it is my hope that they might aid scholars and practitioners in facing uncomfortable facts and questions about the relationship between the geo-politics of asylum, the humanitarian relief industry and the dynamics of fragile states and civil wars.

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of medical and other humanitarian assistance needed to sustain life in IDP camps. In particular, the Prosecution alleges that the crime of extermination was committed by, inter alia, 'destruction of the means of livelihood, forcible transfer into harsh desert conditions and/or IDP camps, obstruction of humanitarian aid, and the affirmative fostering of insecurity among those forcibly displaced'. ICC-02/05-01/09, 12 July 2010.

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