

Publication

Subversion or reinvention? : dilemmas and debates in the context of UNHCR's increasing involvement with IDPs

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The Statute of 1950 deliberately excludes persons who have not crossed an international border from UNHCR's competence and yet, nearly half the people assisted by UNHCR today are internally displaced. This important evolution rests in part on the restrictive and impractical nature of UNHCR's original Statute, which necessitated a mandate extension. Additionally, UNHCR's reorientation is a product of underlying post-Cold War political and international sociological factors, in particular the emergence of international humanitarianism, the erosion of the principle of absolute sovereignty, the emergence of 'new wars', and asylum fatigue. Undoubtedly, UNHCR's involvement with IDPs is contentious. Critics claim that it lacks a legal basis and that it ultimately undermines the institution of asylum. Proponents highlight that in many of today's complex emergencies it is impossible to distinguish between people who have crossed an international border and those who have not. In this context, UNHCR should act pragmatically based on humanitarian necessity, as opposed to rigid normative criteria.

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