

The Politics of Internally Displaced Persons: Reconfiguring Citizenship in Contexts of Internal Displacement

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ABSTRACT

This paper explores the migration-citizenship nexus with reference to the phenomenon of internal displacement. Focusing on the case of Ukraine, it questions the way in which citizenship has become restrictive practice to manage politically sensitive subjects through politics of “sovereign discrimination”. This theoretical research suggests that the transformation of a social construct into a permanent status for political purposes can produce an alternative dimension of citizenship. The results of this analysis highlight the correspondence between the state’s bureaucratic responses to situations of internal displacement and the identity-formation process, which is characterized by social exclusion.

Introduction

In 2014, Ukraine experienced its most mournful chapter in post-Soviet history with the annexation of Crimea in March and the armed conflict that began in April in eastern Ukraine. Based on the Internal Displacement Monitoring Centre's estimates, the global number of internally displaced people (IDPs) has almost doubled since the beginning of the millennium, reporting over 41 million people internally displaced at the end of 2018¹. Although the 2030 Agenda for sustainable development recognizes IDPs as vulnerable group that needs to be properly empowered as expressed in the fundamental human rights documents at the international level, the large category of internal forced migrants continues to receive minor attention when compared to more politically attractive categories such as refugees or labor migrants. Primary responsibility for the protection and assurance of the rights of IDPs through normative legal framework lies within national governments. In accordance with international standards on humanitarian assistance, countries experiencing internal displacement should adopt national policies in order to tackle the displacement crisis and provide support to IDPs just like to other citizens. According to the United Nations High Commissioner for Refugees (UNHCR) Guiding Principles on Internal Displacement, the status of displaced person does not limit individuals from enjoying the whole spectrum of human rights².

Sociological studies and interviews with IDPs have shown that when they are being denied the right to political participation, this has repercussions on their sense of belonging, as they often report to feel alienated by being considered some kind of "second-class citizens", forgotten by their own state³. This paper explores the migration-citizenship nexus with reference to the phenomenon of internal displacement. Hence, very little research has been done to provide a detailed analysis of how internally displaced persons (IDPs) actually challenge the traditional definition of citizenship. Building on the debate between forced migration and refugee scholarship about the efficacy of the international approach to the protection of IDP rights, I use international relations' securitization theory to problematize the forced-voluntary dichotomy's stickiness in situations of protracted displacement. This study tackles the way in which citizenship has become restrictive practice to manage politically sensitive subjects through politics of "sovereign discrimination". Against this background, I investigate how IDP

¹ IOM, World Migration Report 2020 (2019): 43.

² UNHCR, Guiding Principles on Internal Displacement, UN doc. E/CN.4/1998/53/Add.2 (United Nations, July 1998): principle 1, first comma.

³ Natalia Beketova, "Invisible voters: electoral participation of internally displaced persons", accessed May 6, 2020, <https://medium.com/@ms.natalia.beketova/invisible-voters-electoral-participation-of-internally-displacedpersons-8f32fbf5bdfb>; Viktoriya Sereda, "'Social Distancing' and Hierarchies of Belonging: The Case of Displaced Population from Donbas and Crimea", *Europe-Asia Studies*, Vol. 72, Issue 3 (2020): 424; Ganna Sokolova, "Ukraine's invisible voters", accessed May 10, 2020, <https://www.opendemocracy.net/en/odr/ukrainesinvisible-voters/>.

status questions state-citizenship relations by problematizing the separation of IDPs from other human rights' victims as conceptualized in the United Nations' Guiding Principles on Internal Displacement.

This research suggests that the transformation of a social construct into a permanent status for political purposes can produce an alternative dimension of citizenship. Paradoxically, categorizing IDPs as "more deserving citizens" legitimizes modern nation-states to turn citizenship policy from a protection mechanism into a mechanism of protection. By looking at the traditional understanding of citizenship through the lenses of constructivist theory of IR, the state-nation-territory triad upon which the concept of citizenship rests is not called into question by IDPs, as on the contrary it happens with refugees and asylum seekers. However, the concept of citizenship itself becomes promptly securitized as a state's sovereignty is challenged from the outside. In this perspective, I propose the case study of Ukraine to test the hypothesis about the shift of citizenship policy into practices of "identity management".

More specifically, I ask the following questions: what are the main narratives used by the Ukrainian government to support a securitized approach to internal displacement? To what extent does the existence of an IDP protection framework legitimize the reference to them as social category? Do they identify themselves with this assigned category? The results of this analysis highlight the correspondence between the state's bureaucratic responses to situations of internal displacement and the identity-formation process, which is characterized by social exclusion. This paper has two objectives. First, it discusses the shortcomings arising from the fluid conceptualization of IDPs, eventually presenting a critical assessment of the legal constraints faced by IDPs compared to non-displaced persons. Finally, it brings a valuable contribution to the nascent strand of academic research focused on mechanisms of controlled citizenship for those retaining the status of IDP, marking a step in the direction of integrating the study of identity construction-mechanisms into the debate about reconfiguration of citizenship in contexts of internal migration.

Although the umbrella concepts of exclusion and inclusion are closely interrelated⁴, the second one started to gain wider attention only recently following the publication of the United Nations (UN) 2030 Sustainable Development Goals, which stress the need to rescue those who are left behind, including IDPs⁵. The social inclusion literature insists on the benefits generating from involvement of all the members within the society in decision-making process. In this sense, it has been argued that before being an instrument for the people, civic participation is a duty of democratic citizenship which is able to create feelings of inclusion, identity and a sense of self-determination⁶. The fact of being entitled to

⁴ Hilary Silver, "The Contexts of Social Inclusion", DESA Working Paper No. 144, ST/ESA/2015/DWP/144 (October 2015): 1-30.

⁵ UNGA, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (21 October 2015): paragraph 4, 23.

⁶ Bruno S. Frey and Alois Stutzer, "Beyond Outcomes: Measuring Procedural Utility", Oxford Economic Papers, vol. 57, issue 1 (January 2005): 90-111.

submit their concerns to authorities, in turns it influences the attitudes of the group towards the government. If disenfranchisement occurs, this would discourage IDPs from resettling in a new community. Unlike non-resident citizens and non-citizen residents who are discriminated on the basis of temporary absence and nationality respectively, franchise restriction for IDPs is rooted in the conceptual formulation of the “IDP label” that will be examined in the next section.

IDPs: What’s in a name? A critical analysis of internal displacement

Forced displacement is a phenomenon that has evolved parallelly with the historical events. Following the atrocities of the Second World War, the ratification of the UN Convention on the Status of Refugees of 1951 gave legal status to refugees who were fleeing political persecution, violation of human rights and mass atrocities in their countries of origin. In a refugee condition, the home country fails to protect citizenship rights, and for this reason their protection is competence of the international community. ‘Alienage’ is the core element that links the rights of refugees to international law, and it creates a set of obligations for states receiving refugees. With the subsequent creation of the Protocol, the international refugee regime was disciplined by a legal framework firmly based on the principle of territorial sovereignty. Although the world community started to take note of the infringements to international standards for the protection of human rights after the publication of the UDHR in 1948, the historical context was not yet ready for allowing international assistance to what later became labelled as ‘internally displaced persons’. With the increased number of academic publications on internal displacement, the forced migration literature started to put the accent on the ‘refugee-like’ difficulties that IDPs have to face even though they do not cross international borders. However, the reason for not including IDPs into the 1951 Convention was one of pragmatic nature⁷, merely due to the ‘impenetrability of sovereignty’.

As the global world order started to crumble in the late 1980s, internal displacement was the product of the developing nation-state system and the progressive erosion of the concept of territorial sovereignty. How to explain the rapid outnumber of IDPs compared to refugees that led internal displacement at the forefront of international attention? Multiple intertwined factors were reconducted to the upsurge of the preoccupation with the IDP global crisis. Based on the possible causes that influenced the end of the confrontation between the two world powers throughout the Cold War⁸, nationalist tendencies inevitably set the stage for the spread of internal wars and state breakdown that resulted in the

⁷ David Turton, “The politics of internal displacement and options for institutional reform”, in DEP-Deportate, Estuli, Profughe, Rivista telematica di studi sulla memoria femminile, vol.17, università Ca’ Foscari (Venezia, 2011): 2-24.

⁸ Adam Roberts, “An ‘Incredibly Swift Transition’: Reflections on the End of the Cold War”, in The Cambridge History of the Cold War, ed. Melvyn P. Leffler and Odd Arne Westad, vol.3, Cambridge University Press (New York, 2010): 513-534.

displacement of millions of people within the borders of their own states and consequent violation of human rights. Against this background, asylum applications in Western European governments suffered a terrible increase in the early post-Cold War period, exactly when the ideological confrontation with the Soviet Union was no longer of political interest for Western states. Because of the unsustainability of such flows of asylum seekers, European governments introduced restrictive measures to discourage application requests, indirectly giving rise to illegal traffic of migrants and people smuggling. In addition, European states masked their decreasing interest in respecting their refugee protection responsibilities by applying the so called ‘strategy of containment’, i.e. confining forcibly displaced migrants inside their own country through the protection of the ‘right to remain’ of those who, most probably, would have qualified as refugees.

With the extinction of the bipolar order, the Helsinki Final Act signed in 1975 as the conclusion of the Conference on Security and Cooperation in Europe contributed to the globalization of human rights. In fact, the standards that were set by the ‘third basket’ on cooperation in humanitarian field were a direct encouragement to the legitimacy of human right dialogue beyond borders. After the spread of internal conflicts that challenged the protection of human rights standards, the phenomenon of internal displacement finally questioned the concept of territorial sovereignty: in other words, the violation of citizens’ rights by their own government potentially allows for the legitimate intervention into one state’s territorial sovereignty. Several key events in the early 1990s such as the Gulf War, civil war in Sri Lanka, ethnic wars which followed the breakup of former Yugoslavia, separatist conflicts in post-Soviet states, they all signaled to the international community the urgency (and the underlying interest as well) to address the IDP crisis. The international community assisted to systematic violations of human rights without having a regulation that specifically addressed the victims of ‘the right to remain’. In the midst of the reconfiguration of nation-states through bloody conflicts, the principle of territorial sovereignty was still a sensitive topic of discussion. Thus, national governments followed ad hoc measures to assist those people who fled persecutions and shelling just like refugees did. No consensus on the global dimension of internal displacement was met by international and regional actors until a number of documents started to draw attention to this gap⁹.

Although no specific UN agency was set to tackle the issue of internal displacement and even though IDPs rapidly outnumbered refugees, they had been only to a limited extent on the UN agenda through assistance activities of UNHCR. It was not until the last decade of the 20th century that the international

⁹ Roberta Cohen, “Developing an International System for Internally Displaced Persons”, *International Studies Perspectives*, vol. 7, Issue 2 (May 2006): 87-101; ECOSOC, “Report on Refugees, Displaced Persons and Returnees” (1991): paragraph 118; UNGA, Vienna Declaration and Programme of Action of the World Conference on Human Rights, A/CONF.157/23 (July 1993): paragraph 23; Regional Refugee Instruments & Related, San Jose Declaration on Refugees and Displaced Persons (December 1994): 5.

normative framework for the protection of forcibly displaced persons inside their own countries was developed. In 1992, Dr. Francis Deng was appointed as Representative of the Secretary-General for Internally Displaced Persons, a newly introduced post that officially confirmed the soon-to-be international dimension of IDPs protection regime. Finally, the Guiding Principles on Internal Displacement were issued in 1998 by a team of independent experts chaired by Walter Kälin, an international human rights lawyer and the successor to Dr. Deng in 2004. The rationale behind this set of norms was to acknowledge and address the needs of IDPs caused by their forced displacement condition. In order to answer to the lack of international normative framework on the pressing issue of internal displacement, the thirty points-document was intended to fill the gap in the international practice towards the internally displaced.

As the terminological choice suggests, the Guiding Principles do not take a legally binding approach to internal displacement, thus leaving the question of the protection of the rights of IDPs partially answered. The nature of such a document is one of a behavioral kind, namely that the aim pursued by the submitting group of drafters was to provide a model to national governments on how to respect human rights standards in contexts of internal displacement¹⁰. The content of the Guiding Principles is a combination of international humanitarian and human rights law that have been tailored to address the specific needs of IDPs. Reformulated, IDPs protection regime was the final outcome of a ‘deductive exercise’ of more or less implicit international humanitarian and human rights principles that had to be narrowed down to a group of reference.

Although the Guiding Principles are anchored to international law, they have not been negotiated by States: just by comparing them to hard law such as the Refugee Convention, the not legally binding character of this document can be easily tested. On the contrary, in order to be conceived as soft law instrument, this document should have rested on the consensus of States without making them responsible in case of violation of international law. However, the fluid dimension of IDPs’ protection framework was proposed by a team of legal experts according to the personal will of Dr. Deng: this decision further complicates the attribution of a definite legal status to the document, potentially labelling the Guiding Principles as ‘even softer than soft law’¹¹. Arguably, instead of expanding on gray areas regarding prevention of internal displacement and assistance to IDPs in international law, the hybrid nature of the document turned the IDP crisis into a rather unsolved issue. By analyzing the objectives and the structure of the normative framework on internal displacement, the forced migration

¹⁰ Walter Kälin, “How Hard Is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework”, in *Recent Commentaries about the Nature and Application of the Guiding Principles on Internal Displacement*, ed. The Brookings-CUNY Project on Internal Displacement (The Brookings-CUNY Project on Internal Displacement, April 2002): 1-8.

¹¹ Kälin, “How Hard Is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework”: 7.

literature is divided between scholars who support the international response to internal displacement, although recognizing the limitations of the IDP protection regime due to its informality, and those who question the efficacy of the international approach to protection of IDPs' rights.

The debate about whether the Guiding Principles represent an “appropriate” framework for the protection of IDPs and whether they will be incorporated into governments' domestic legislation has been drawing significant attention, especially at a time when forced migration and climate change were turned by nation-states into security issues. Against this background, the erosion of state sovereignty is symptomatic of the increasingly violent regional secessionist tendencies where borders are being contested, eventually turning into a low-intensity confrontation, e.g. a ‘frozen conflict’, in which the parties are no longer engaged in zero-sum policies. As complex dynamics and conflicting interests make conflict resolution more complicate, national governments are often reluctant to protect the rights of IDPs' due to the lowering political will to engage in long-term solutions to internal displacement. Confronted with the spread of new forms of “silent” migration, Dr. Deng coined the expression “sovereignty as responsibility” to call upon the involvement of the international community and to restate the necessary formulation of an international framework for the protection of IDPs.

According to the drafter of the Guiding Principles Walter Kälin, technical issues in human rights treaty-making and specific aspects related to internal displacement influenced the final decision against the adoption of a comprehensive legal framework like a treaty or a declaration. Because of the pressing threats faced by IDPs, the Representative Dr. Deng stressed the immediate need to apply a normative framework to address internal displacement both at the international and national level. On the contrary, opting for the negotiation of a treaty that would have rested on international human rights law just as much as the Guiding Principles do could have raised some perplexities about the validity of customary law. Indeed, Kälin argues that the non-binding character of IDPs protection regime represents an advantage as governments dealing with internal displacement would be more prone to incorporate specific provisions resting on international standards into their domestic law¹². Since 2005, the UNHCR became the global leader in the protection of IDPs in addition to the founding mandate for the assistance to refugees. In this context, the Guiding Principles were referred to as “the basic international norm for protection of IDPs”¹³.

Besides the extensively cited formal-informal dichotomy when discrediting the Principles, international relations literature explored the ‘implicit’ attribute applied to the notion of regime¹⁴. If norms and

¹² Kälin, “How Hard Is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework”: footnotes n.16-17-18.

¹³ UNGA, Report of the Secretary-General, In larger freedom: towards development, security and human rights for all, A/59/2005 (2005); UNGA, Res 60/1, “2005 World Summit Outcome”, A/RES/60/1 (2005): para. 132.

¹⁴ Stephen D. Kranser, “Structural Causes and Regime Consequences: Regimes as Intervening Variables”, International Organization, vol. 36, no. 2 (1982): 185-205; Donald J. Puchala and Raymond F. Hopkins, “International Regimes: Lessons

international organizations as recognized as the only features to the concept of regime, then the latter is seen as a “social institution defined by states and other actors’ pattern of behavior”¹⁵. Thus, the assertion that the Guiding Principles are less likely to be enforced based on their nonbinding classification is a misleading one, as their legal nature is implicit in international law. The essence of the Guiding Principles as a ‘behavioral guide’ to situations of internal displacement is stated in the third paragraph of the introduction. In the explanatory text, Kälin commented the following: “this guidance is mainly provided by synthesizing the many applicable but very general norms of international human rights and humanitarian law into clear principles and by highlighting those more concrete aspects of guarantees that are of special significance for the internally displaced”¹⁶. The applicability of already existing human rights principles and humanitarian law to the separate legal framework regulating internal displacement inevitably poses the question of the international community’s concerns with IDPs. Based on the abovementioned assertion, why do IDPs need to receive specific attention through a separate protection regime compared to other human rights victims? IDPs advocates generally highlight that victims of displacement face refugee-like threats and therefore their problems should be addressed in a specific document¹⁷. In the introduction to the Guiding Principles, IDPs are defined as

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 border¹⁸.

According to refugee scholarship, this definition presents two main points of contention. Firstly, it is argued that the Principles emphasize the circumstances that make a large minority of IDPs of particular concern to the international community rather than providing a clear definition of internal displacement, thus opening the latter to a wide range of interpretations¹⁹. It should be kept in mind that IDPs do not retain a legal status: in this sense, the expectation that IDPs intended as separate group should enjoy formal protection which comes from being holder of citizenship rights is somehow an ambiguous matter of discussion, as it will be presented in the following section. Secondly, the specific terminology chosen to refer to subjects of internal displacement, i.e. the passive condition (displaced) over the legal status (refugees), undermines the chances for receiving international protection, eventually proving wrong the

from Inductive Analysis”, International organization, vol. 36, no. 2 (1982): 245-275; Gary Goertz, *International Norms and Decision-making: A Punctuated Equilibrium Model*, (Lanham, Maryland: Rowman & Littlefield Publishers, 2003).

¹⁵ Phil Orchard, *A Right to Flee: Refugees, States, and the Construction of International Cooperation* (Cambridge: Cambridge University Press, 2014): 30.

¹⁶ Walter Kälin, “Guiding Principles on Internal Displacement Annotations”, *Studies in Transnational Legal Policy* No. 38 (Washington, DC: The American Society of International Law and The Brookings Institution, 2008).

¹⁷ Roberta Cohen, “UNHCR: Expanding its Role with IDPs”, *Forced Migration Review*, October Supplement (2005): 9–11; Walter Kälin, *Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced*, UN Doc. E/CN.4/2006/71 (2006).

¹⁸ Kälin, “Guiding Principles on Internal Displacement Annotations”: introduction comma 2.

¹⁹ Turton, “The politics of internal displacement and options for institutional reform”: 5.

original claims made about IDPs similarities with refugees. Hence, the IDPs protection regime is soft law, meaning that the protective efforts of the international community discriminate between IDPs and other victims of human rights' violations because, theoretically, the latter do not face displacement-related issues. Refugee lawyer James C. Hathaway views this demarcation line with skepticism: is Kälin reference to the "different threats"²⁰ experienced by IDPs synonym of greater ones too? He believes that internal displacement should not be regarded as a consequential condition that legitimizes the elevation of IDPs above non-displaced victims, beginning from the simple fact that general principles of international human rights law are used for the protection of both of them.

It follows that IDPs should not enjoy a preferential treatment compared to non-displaced persons, and what is more, the enforcement of the Guiding Principles is the result of the privileging application of universal international human rights and humanitarian law²¹. Since the publication of the Guiding Principles, IDPs became the "new game in town", attracting the attention of international, regional and non-governmental organizations²². With the global IDP crisis expanding, the international community had to confront itself with the deliberately universally conceived IDP definition. The IDP dilemma showed the little preoccupation of IDPs advocates to provide a comprehensive definition of internal displacement, which in turn resulted necessary in order to address a clearly identifiable empirical referent. Against this background, the Guiding Principles' bureaucratic conceptualization of IDPs as a more or less homogeneous group overshadowed the existing differences at the social, economic and demographic level that are intrinsic to the issue of internal displacement. Consequentially, the presentation of IDPs in quantitative rather than qualitative terms compromises the effectiveness of the international community's response to IDP emergencies. Nevertheless, there has been an increased willingness to single out IDPs as a special category of "people in need" or "people of concern"²³.

By exploring potential conditions for the designation of one agency with permanent responsibility for IDPs, scholar David Turton warned about the risks arising from focusing on IDPs as vulnerable citizens deserving for special attention compared to others²⁴. He argued that the IDP label generates multiple unintended and undesirable consequences, eventually restricting the scope of internal displacement's complexity to a narrowly focused technical problem that needs to be solved. In the attempt to evaluate

²⁰ Walter Kälin, "Internal Displacement and the Protection of Property", Swiss Human Rights Yearbook, vol. 1 (2006a): 175-185.

²¹ James C. Hathaway, "Forced Migration Studies: Could We Agree Just to 'Date'?", Journal of Refugee Studies (Oxford University Press, 2007): 349-369.

²² Internal Displacement Monitoring Center, "Guest blogger Elizabeth Ferris describes 'the dangers of mainstreaming IDPs into oblivion'", accessed May 25, 2020, <https://www.internal-displacement.org/expertopinion/guest-blogger-elizabeth-ferris-describes-the-dangers-of-mainstreaming-idps-into>.

²³ Erin Mooney, "The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern", Refugee Survey Quarterly, Vol. 24, Issue 3 (UNHCR, September 2005): 9-26; Orchard, A Right to Flee: Refugees, States, and the Construction of International Cooperation: 15.

²⁴ Turton, "The politics of internal displacement and options for institutional reform": 10.

pros and cons of the international community's flexible response to the IDP crisis, Turton deconstructs the IDP concept and presents its respective underlying criticalities. Thus, homogenization, stigmatization, localization and partiality are reported as the main effects of the IDP label. This short theoretical framework which analyzed the international preoccupation with the protection of IDPs prefigures the problematization of IDPs as a distinct social category. The comparative literature on migration has been dealing extensively with processes of 'othering' and discourses of identity formation in cases of international migration²⁵. In the context of European forced migration studies, the topic of refugees and asylum seekers' identity construction for nation-building purposes became a hot topic following the securitization of the so called "migration crisis"²⁶. Yet, very little attention has been devoted to IDPs' self- and external categorization and negotiation of belonging in the aftermath of displacement²⁷. Hence, IDPs' experiences of discrimination are closely linked and generally attributable to their condition of "being displaced". The tendency to categorize others is often quite useful.

Generally speaking, categorization provides us with information about the characteristics of people who are part of determined social groups²⁸. Although the process of categorization occurs naturally and on a daily basis, we tend to forget that it is a social construction, and therefore, the individuals inside an assigned category do not necessarily identify themselves with it. Thus, the way in which we categorize has profound social and political implications for those individuals associated with the categories and for their interpersonal relations with others²⁹. Following an analytical approach, I unpack the challenges connected to the designation of IDPs as social category. As it was previously observed, the conceptualization of IDPs as "particularly vulnerable group" based on their refugee-like displacement was formalized in the Guiding Principles. Although they do not represent a legal category, the existence of a protection framework devoted to them legitimizes the reference to IDPs as social category. However, the application of the IDP category in international humanitarian discourses on internal

²⁵ Tania Bulakh, "'Strangers Among Ours': State and Civil Responses to the Phenomenon of Internal Displacement in Ukraine" in *Migration and the Ukraine Crisis. A Two-Country Perspective*, ed. Agnieszka Pikulichka-Wilczewska and Greta Uehling (E-International Relations Publishing, 2017): 49-61; Kari Burnett, "Feeling like an outsider: a case study of refugee identity in the Czech Republic", Research Paper No. 251, (UNHCR, 2013); Kateryna Ivashchenko-Stadnik, "The Social Challenge of Internal Displacement in Ukraine: The Host Community's Perspective" in *Migration and the Ukraine Crisis. A Two-Country Perspective*, ed. Agnieszka Pikulichka-Wilczewska and Greta Uehling (E-International Relations Publishing, 2017): 25-48; Katrina M. Powell, "Rhetorics of Displacement: Constructing Identities in Forced Relocations", *College English*, Vol. 74, issue 4 (2012): 299-324.

²⁶ Harris Mylonas, *The Politics of Nation-Building: Making Co-Nationals, Refugees, and Minorities* (Cambridge, Cambridge University Press, 2012); Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft* (Minneapolis, MI, University of Minnesota Press, 1999); David Turton, "Forced Displacement and the Nation-State" in *Development and Displacement*, ed. Jenny Robinson (Oxford University Press, 2002).

²⁷ M. Jan Holton, *Longing for Home: Forced Displacement and Postures of Hospitality* (Yale University Press, 2016); Viktoriya Sereda "'Social Distancing' and Hierarchies of Belonging: The Case of Displaced Population from Donbas and Crimea".

²⁸ American Psychological association, *Stereotype accuracy: Toward appreciating group differences*, ed. Yueh-Ting Lee, Lee J. Jussim, and Clark R. McCauley (American Psychological association, Washington, DC, 1995).

²⁹ Cathrine Brun, "Hospitality: Becoming 'IDPs' and 'Hosts' in Protracted Displacement", *Journal of Refugee Studies*, Vol. 23, No. 3 (Oxford University Press, 2010): 337-355.

displacement is a divisive topic. As long as the right to protection is concerned, two approaches are indeed observed: a first one that can be drawn from the Guiding Principles on one side, which understands IDPs as a subcategory of people who need privileged assistance, and a more inclusive and impartial one (referred to as “International Committee of the Red Cross approach”), which operates following the logic of “the most urgent emergencies first”, on the other side.

If the first argues for a specific focus on IDPs and their traumas, the second one warns against the recognition of IDPs as separate category from non-displaced human rights’ victims: actually, this separation might seem quite odd due to the fact that the principle of equality is a pillar of humanitarian intervention. What is more, the needs of IDPs are shaped on the basis of international human rights just like non-displaced people; therefore, the humanitarian principle of assistance from an inclusive approach reveals the inconsistency of the IDP category and the central role played by displacement per se. Studies on conflict-related migration have been only partially successful in the deconstruction of the forced-voluntary dichotomy’s stickiness in migratory decisions³⁰. Stemming from this sharp division, internal displacement comes to be seen as a temporary phenomenon, which in turn frames the question of IDPs in quantitative terms and equates the solution of their condition to the return home. However, situations of protracted conflict or lack of desirable security guarantees reveal the paucity of this assumption. When displacement becomes a permanent condition, then the Guiding Principles’ approach to IDPs as a separate category of concern could reveal itself as a double-edged sword. Indeed, the ambiguity looming around the temporal character of internal displacement impacts negatively on the conceptualization of IDPs as a distinct social category. IDPs protection regime stipulates that “displacement shall last no longer than required by the circumstances”³¹, thus it does not specify common criteria for “solving the IDP issue” in condition of protracted displacement. In this sense, the reconfiguration of ‘home’ as a more metaphysical concept was suggested instead of the locally-configured nature of displacement³². From a theoretical point of view, the lack of consistency at the heart of the IDP category becomes evident as we try to establish when a person should not be considered an IDP anymore. A growing body of work suggests that the investigation of the negative outcomes of social categorization, e.g. prejudice, discrimination and stereotyping has been dealing with the case of IDPs³³.

³⁰ Marta Bivand Erdal and Ceri Oeppen, “Forced to leave? The discursive and analytical significance of describing migration as forced and voluntary” in *Aspiration, Desire and the Drivers of Migration*, ed. Carling J. and Collins F., *Journal of Ethnic and Migration Studies*, Vol. 44 Issue 6 (2018): 981-998.

³¹ UNHCR, *Guiding Principles on Internal Displacement: principle 6 comma 3*.

³² Erin Mooney, “Bringing the end into sight for internally displaced persons?”, *Forced migration review* 17 (May 2003): 4-7.

³³ Raymond Inkabi Nwalieli, “Internally Displaced Persons-IDPS Stereotypes and Perceptions in Nigeria”, *Young African Leaders Journal of Development*, Vol. 2, Article 6 (November 2018); Oksana Voytyuk, “Stereotypes in Ukrainian Society Related to Internally Displaced Persons from Donbass”, *Przegląd Politologiczny*, Issue 3 (Uniwersytet Adama Mickiewicza, 2019): 93-106.

In social science, the use of coding for the analysis of the interaction between different groups helps to uncover levels of social distancing by host communities towards IDPs. Empirical research showed that ascribing someone the status of an IDP could paradoxically turn into a potential trigger for discrimination: hence, separating IDPs from their co-citizens as envisaged by the Guiding Principles' approach reduces the prospects for integration, eventually installing into the former group a sense of 'permanent impermanence'³⁴. Based on a territorially-centered conception of belonging, i.e. the idea that every person naturally belongs to a place or to a group for which has a particular emotional connection, IDPs are seen as an abnormality to this order³⁵. Against this background, traumas caused by external identification as distinct category can generate a feeling of being 'out of place' within the borders of the state where they are citizens. Here, the construction of IDPs' self-identity is influenced by external entities such as the state and the local community, thus their sense of belonging is constructed through exclusion³⁶. In this way, symbolic boundaries can transform into social boundaries that marginalize IDPs through social practices of differentiation and control³⁷.

Eventually, groups may identify themselves with categories initially formulated by others³⁸. In contexts of fragmentation of territorial sovereignty, categorizing IDPs as a separate group might create different layers of citizenship. In fact, is not uncommon for a state to undermine IDPs self-conception as citizens through burdensome administrative and social policies. For instance, state authorities regularly question IDPs inclusion into the national community when checking on their status: for IDPs, paperwork is not merely the material instrument to claim their benefits. In the case of displacement within the borders of a state, IDPs documentation works as proof of citizenship that is subject to authentication, thus requiring IDPs to prove they are equally deserving citizens. Accordingly, internal displacement de facto precludes "full citizenship" status and holds political connotation. In sum, categorizing IDPs on the grounds of their displacement as envisaged by the Representative Dr. Deng's assumptions generate politico-legal ambiguities that call the notions of control and order as regulatory mechanisms of state governance into question. In emergency conditions that are known as "state of exception", the state is allowed to intervene by suspending legal norms in order to maintain the rule of law³⁹. In countries undergoing internal displacement, the distinction between exception and normality is blurred as the state is interested in limiting the rights of a politically sensitive category like IDPs. Building on the previous

³⁴ Cathrine Brun, "Permanent impermanence: dilemmas of long-term displacement in Sri Lanka", in *Researching Internal Displacement: State of the Art*, ed. Forced migration review, Conference report (Norway, 2003): 22.

³⁵ Liisa H. Malkki, "National Geographic: The Rooting of Peoples and the Territorialization of National Identity Among Scholars and Refugees", *Cultural Anthropology*, vol. 7, issue 1 (1992): 24-44.

³⁶ Montserrat Guibernau, *Belonging: Solidarity and Division in Modern Societies*, edited John Wiley & Sons (Cambridge, 2013).

³⁷ David Newman and Anssi Paasi, "Fences and neighbours in the postmodern world: boundary narratives in political geography", *Progress in Human Geography*, vol. 22, issue 2 (1998): 186-207.

³⁸ Richard Jenkins, *Social Identity* (London; New York: Routledge, 2008).

³⁹ Giorgio Agamben, *State of Exception* (Chicago, IL: University of Chicago Press, 2005).

inquiry into the side effects of categorization, the next section continues by exploring how the IDP status questions state-citizenship relations.

IDPs politics: the other side of the securitization of citizenship

Literature of political theory reveals that citizenship and nationality are often used interchangeably to express the legal bond between an individual and the state. The emergence of the nation-state and the concept of Westphalian sovereignty shaped the geographical and political dimension of citizenship, which in turns is characterized by a defined national identity. In the project of the modern state, territorial borders were functional as in-out criteria for the attribution of membership into the political community, i.e. the recognition of entitlements and protection mechanism. Hence, demarcation lines are set in order to determine who to include and, accordingly, exclude from citizenship rights. Furthermore, questions of border management and immigration control fall under the competence of a state, which objective is to secure its sovereignty as well as to mark the national identity firm. Consequentially, the right to nationality as codified in the UDHR implies that states have the duty to fight against statelessness and prevent deprivations of nationality. Traditional understanding of citizenship underscores the centrality of equality among citizens, thus indirectly mentioning a state's commitment to its obligation towards everyone in its jurisdiction.

However, the geographical and political space notions at the center of traditional definition of citizenship point out the fragility of citizenship in relation to nation states' ability to protect human and citizen rights⁴⁰. Anthropologists have been arguing that the global dimension of human rights paradigm poses a threat to state sovereignty: this observation stems from a general tendency to see the protection of fundamental rights closely linked to the notion of nationality, thus forgetting the universal character of human rights. In this sense, the literature reports a growing detachment of rights and nationality that is well explained in Hanna Arendt's understanding of nationality as "the right to have rights"; in other words, having the legal status of citizen becomes the precondition to enjoy the full spectrum of human rights⁴¹. Formal citizenship, and the ability to exercise the rights associated with it, poses a challenge to human well-being in the 21st century. The case of large-scale forced migration offers significant evidence in this sense. Refugees and asylum seekers who are displaced beyond internationally recognized borders are not under the jurisdiction of their state of origin, therefore they represent a

⁴⁰ Tania Bulakh, "Entangled in Social Safety Nets: Administrative Responses to and Lived Experiences of Internally Displaced Persons": 9.

⁴¹ Hannah Arendt, *The Origins of Totalitarianism* (New York, NY: Schocken Books, 2004).

challenge to ‘the national order of things’, a temporary aberration to the normality of citizenship and the state⁴².

Moreover, they break the state-nation-territory triad upon which the conventional notion of citizenship is based, becoming victims of the mutually exclusive jurisdictions of sovereign states. In this regard, international law imposes obligations on states with the aim to prohibit discrimination of foreign nationals with legal status. In a context of increased international mobility, the adequacy of the abovementioned triad defining citizenship is called into question: hence, shifts in spatiality of the political community point out the criticalities of the legal and substantive dimension of citizenship, which risks to be transformed from a protection mechanism into a mechanism of protection. Finally, forced migrants are often pictured by nation-states as a security threat based on their identity: in this sense, citizenship policy is turned into a practice to manage the migrant identity as a security issue.

Securitization of migration literature understands the role of the state in the construction of ‘threatening identities’: by framing migrants into state-determined categories, e.g. legal or illegal migrants, narratives linking citizenship to national identity as are used by the state to legitimate exceptional policies for the control of migrants. Indeed, the particularistic and exclusive dimension of citizenship together with the politics of identity are at the heart of what is known as ‘securitization of the inside’, meaning that citizenship has become a restrictive practice built on the verification of identity⁴³. Thus, the transformation of citizenship into identity management implies that the state can act through politics of “sovereign discrimination” to consolidate the vulnerability of stateless people and constrain access to a specific set of social and political rights. As long as internal migration is concerned, comparative migration and security studies have rarely questioned to what extent the securitization of citizenship has an impact on IDPs. Hence, the tendency to see citizenship as a security issue is based on the juxtaposition of citizens, whose rights and benefits come from being legal subjects living on the territory of a certain state, and refugees on the other side, whose identity is perceived as a threat to internal stability.

When it comes to IDPs, they are seldomly taken into consideration because they physically move inside their own state, which theoretically does not put them on the same level as stateless people. However, if a state experiences challenges to its territorial integrity, e.g. separatist tendencies and/or external occupation, what follows is a situation of exceptionality where citizens are forced to flee and register as IDPs in a different local community. In times of uncertainty followed by population changes, the state

⁴² Lyla Mehta and Rebecca Napier-Moore, “Rewriting Citizenship in Displacement: Displaced People’s Struggles for Rights”, *Indian Journal of Human Development*, Vol. 5, No. 2 (2011): 413-440.

⁴³ Benjamin J. Muller, “(Dis)qualified bodies: Securitization, Citizenship, and 'Identity Management'”, in *Securitizations of Citizenship*, ed. Peter Nyers (New York: Routledge, 2009): 77-93.

introduces administrative measures such as IDP registration to reorganize society: in practice, the pursuit of more security initiated by the state confirms a securitized approach to citizenship in which IDPs citizen rights are often restricted. Similar to refugees, the narrative of IDPs threatening identity is exploited for political purposes, namely to delimit the ethnonationalist unity of a state. Put differently, IDPs are seen as a threat to domestic stability especially in contexts of armed conflicts in which the national question is a thorny issue.

In the previous sections I have analyzed the tension between internal displacement and the traditional notion of citizenship from a theoretical point of view; what is evident overall is the tendency to constrain the integration of IDPs in the host communities, thus questioning core membership rights such as the right to vote. Election observation literature identifies national governments as responsible for the protection of IDPs right to elect their representatives⁴⁴. To summarize, citizenship appears to be a fluid concept that is not only managed, but also reconfigured by the state. In the case of internal displacement, national authorities are reluctant to recognize “full citizenship” to IDPs as prior to the occurrence of their movement; however, they continue to be part of the state order, experiencing a kind of “controlled citizenship” that fuels marginalization and in turns lowers confidence in the state⁵⁶. In the next chapter, I will outline the set of hard and soft law concerning voting rights in general as well as highlighting specific provisions addressing, both directly or indirectly, IDP electoral participation.

Conclusions

With the upsurge of forced migration studies concurrently with the rapid increase of IDPs worldwide, the debate about whether IDPs should be considered as a separate category although they do not enjoy legal recognition was opened. As long as the case of IDPs in Ukraine is concerned, the exclusive dimension of citizenship is eventually evidenced in its transformation from a protection mechanism into a mechanism of protection. Paradoxically, the state passes from being the granter of citizens’ most basic human rights into the main violator of the same. In an exceptional situation like the factual loss of territorial sovereignty, identity verification measures are legitimized by the state authorities for a limited time, thus turning citizenship into what the literature has defined as “identity management”. As a consequence of discriminatory policies aimed at providing “more security”, IDPs are perceived as a temporary aberration to the conventional notion of citizenship; therefore, instead of receiving the necessary protection that their condition necessities, they have to prove that they are indeed just as much deserving as other non-displaced citizens.

⁴⁴ Election Observation and Democratic Support, “Handbook for European Union Election Observation“, 3rd edition (Luxembourg: Publication Office of the European Union, 2016).

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