

**Check against delivery**



**Statement by Mr. Walter Kälin  
Representative of the Secretary-General on the human rights of in-  
ternally displaced persons**

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Chairperson, Distinguished Delegates, Ladies and Gentlemen,

Over the past year, in certain contexts, such as Uganda and Nepal, conditions have changed enough for the better, for looking for durable solutions, for internally displaced persons to start leaving their places of temporary residence and to begin their journeys home and undergo the process of reintegration, reconciliation and reconstruction. In other contexts sadly, such as in Darfur and in Iraq, the number of internally displaced continues to grow. Their governments, together with the international community, seem unable or even unwilling to sufficiently protect their lives and well-being. As the Representative of the Secretary General, charged with the protection of their human rights, I am saddened to witness such desperate situations, where so many innocent lives are lost or cut short by disease, lack of food and violence; where people instead of leading productive lives that would benefit their societies as a whole, become a burden, because they are reduced to requesting assistance and protection, instead of being the self-sufficient citizens they once were. Throughout my missions I have been struck by a seemingly constant refrain from internally displaced persons who, through their displacement, feel marginalized or discriminated against. In the same way a detainee does not ask to be tortured, the internally displaced persons did not ask to become displaced. They did not flee to other places in order to face the challenge of rebuilding a new life from scratch, having left everything else behind. They are victims of forced or arbitrary displacement.

The member States of the United Nations have asked my mandate to offer advice to the international community and to individual States, on how to better protect the human rights of internally displaced persons. As you have been able to see from my submissions to the former Commission on Human Rights and to the Human Rights Council, as well as to this august Assembly, I have endeavoured to propose policy guidance and practical tools, in the hope that these contributions can help those who are primarily responsible for the protection of the internally displaced, to better fulfil their duties. The fact that the Guiding Principles on Internal Displacement have found their recognition in the World Summit Outcome Document in 2005, and that I have received an increasing number of invitations from Governments and organisations for assistance is highly encouraging.

At the end of my report to this General Assembly, I conclude with several observations and recommendations, the result of my two years in the service of the mandate. Allow me to review some of them, in the light of my recent missions.

- The **need for national laws and policies** to provide for the protection and assistance to IDPs and for national focal points:

This need is obvious in countries facing large numbers of conflict induced displacement. However, internal displacement is not only caused by armed conflict, but also by the consequences of natural disasters. If the appropriate policies and coordination mechanisms are not in place, no country in the world is in the position to handle adequately the massive displacement that can occur quite quickly in the event of a natural disaster. I therefore encourage all Governments to establish the necessary legal and policy frameworks in accordance with the Guiding Principles; and -- at a minimum -- designate a national focal point for the attention and protection of IDPs.

I have just returned from the 2<sup>nd</sup> International Course on IDP Law in Sanremo, to which governments from 19 countries have sent 22 representatives. This course, started in 2005 at my initiative and is designed to help them think through the policy needs for the establishment of a system designed to protect and assist IDPs. I am also pleased to announce that the drafting of a Manual for legislators and policy makers is advancing well and that it might be ready towards the end of next year following wide consultation with relevant stakeholders.

Turning to recent developments, I commend in particular the efforts undertaken by the Governments of Turkey and Georgia by which they have started to address the situation of the internally displaced in their countries by establishing a national framework and policy. My working visit to Uganda in July 2006, during which I also participated in a national conference designed to address obstacles for the implementation of the Ugandan National IDP Policy, as well as my role in the First Regional Conference on Internal Displacement in West Africa that was held in Abuja in late April 2006, are examples showing that many countries are taking my call seriously; of course, I hope that this interest will turn into actions directly benefiting the IDPs. Laws and policies are not self-executing. They must be implemented both fairly and effectively, and there must be mechanisms for IDPs to appeal to the authorities. At the same time, laws and policies are a good starting point. I particularly welcome the efforts undertaken by the Governments in the Great Lakes region and the African Union to incorporate much of the Guiding Principles into binding domestic or regional law.

- The **need to pay particular attention to the potentially more vulnerable groups** within the IDP population, who may have additional needs, such as child- and woman-headed households, older persons, people with disabilities, or members of indigenous or ethnic groups that are traditionally marginalized and who are hardest hit by the loss of their homes:

This may entail special protection measures during their displacement and targeted assistance, including when supporting these groups to find durable solutions. It probably does not come as a surprise that traditionally marginalized elements of society are more often than not, the people who are most likely to constitute the largest percentage of the internally displaced population. In many other instances, I have seen that women and child-headed households or older persons all too often are overlooked. In other situations indigenous and other minority communities are not receiving the specific protection and humanitarian assistance that would respond to their particular needs. One of the best ways to ensure that their specific needs are being met is through close consultation with the affected to determine jointly what their needs are and what the most appropriate response would be. In order to help find appropriate responses on how to consult with the affected people at all stages of their displacement, I have commissioned a study and hope to be in a position to report back to you on it next year.

In my missions and visits to Côte d'Ivoire, Turkey and to Colombia, the disproportionate representation among the displaced of socially marginalized or shunned groups proved to be true once again. Whether it is people who are considered not to be part of mainstream society, or – as in Colombia - are from indigenous or Afro-Colombian communities, these were the ones most affected by internal displacement and in need of more culturally sensitive forms of humanitarian assistance.

- The **need to find durable solutions:**

To find sustainable solutions for the displaced is often the biggest challenge of all. Among the obstacles, allow me to highlight the following ones:

- The need to ensure that the rights and needs of IDPs and returnees are considered during and in the outcome of peace negotiations and transitional arrangements:

In this spirit I wrote letters to the parties currently at the negotiating table in Nepal and about the future of Kosovo, but also to the government of newly independent Montenegro reminding them of the needs of the IDPs and of their responsibility to ensure that they were not overlooked, if only to ensure that problems caused by displacement would not become the source of future conflicts because they were not, or not properly addressed.

- The need to recognise that land and property issues are a central element to fostering the long-term sustainability of solutions to displacement:

In Colombia, in Côte d'Ivoire and in Uganda, just to name a few places I have visited during this year, the question of land tenancy, property and possession will be central should a durable solution be found for the several millions of IDPs concerned. Many of the problems are systemic, such as informal land titles, lack of recognition for traditional forms of land-ownership, an overburdened state registration system that is hopelessly out of date, or lack of land-reform measures addressing inequities or the problem of landless populations. While it is true that whole populations can be affected by these problems, it is no less true that internally displaced persons are even more vulnerable and powerless to react and confront them.

Furthermore, I have observed that all too often these issues are left until the last moment to be settled. I encourage countries to start taking appropriate measures to address and regularise land and property issues as early on as possible.

- The need to recognise that displacement does not end from one day to another:

It would be more accurate to say that displacement can be considered ended when the internally displaced person has found a durable solution to his or her situation and has access to means that would reinstate the rights that have been violated or, where appropriate, access to reparation or compensation. The end of displacement must therefore be considered a gradual process, which is linked to the results of a successful peace building and reconstruction effort.

➤ **The need for international support:**

I call on the international community, the UN and regional organisations to strengthen its support to Governments of countries with internally displaced persons. They have an important role to play.

- The United Nations agencies and IASC country teams should continue their efforts to implement the cluster approach in a bid to provide more predictable assistance to IDPs and accountability to the international community. I furthermore encourage the IASC members to ensure that the protection of internally displaced persons, as well as other operational policies, is consistent with a rights-based approach, as has been done with the adoption of the IASC Operational Guidelines on Human Rights and Natural Disasters in June 2006.
- Regional organisations are encouraged to continue their efforts to address internal displacement in the regional context and to promote the application and implementation of the Guiding Principles on Internal Displacement through the adoption of laws and policies in their respective regions. .
- Finally, I call on donors to support national governments in addressing not only the humanitarian crisis caused by internal displacement, but also the reconstruction of their countries and the search for durable solutions. Once a national government has shown its commitment with appropriate laws, policies and budgetary allocations, the sheer magnitude of the displacement often makes outside aid essential. Helping Governments to effectively implement their laws and policies so that the rights of the displaced are protected and durable solutions found for them must be a joint responsibility.

Thank you very much.