



**STATEMENT BY THE REPRESENTATIVE OF THE
SECRETARY-GENERAL ON THE HUMAN RIGHTS OF
INTERNALLY DISPLACED PERSONS**

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Chairperson,
Distinguished Delegates,
Ladies and Gentlemen,

It is a great honour for me and, indeed, a pleasure to address the Third Committee of the General Assembly today for the first time in my capacity as the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, following my appointment in September 2004.

The mandate entrusted to me last year by the Commission on Human Rights in its resolution 2004/55 (reiterated by Commission on Human Rights resolution 2005/46) ensures both continuity with the work of the previous Representative of the Secretary-General on internally displaced persons, Francis Deng, to whom I would like to pay tribute for his accomplishments, as well as an increased focus on the human rights of internally displaced persons (IDPs). Let me stress that I am firmly committed to faithfully implementing this mandate. In doing so, I hope to be able to meet the expectations of the Secretary-General who encouraged me to be a strong advocate for the IDPs in my dialogues with governments and act as “their voice” when I remind authorities of their responsibility to respect, protect, and fulfill the human rights of the displaced. My activities are based on the Guiding Principles on Internal Displacement, which have been recognized by your Heads of State and governments “as an important international framework for the protection of internally displaced persons” in the 2005 World Summit Outcome (A/60/L.1, para. 132). These Principles clearly underline that States have the primary duty to provide protection and assistance to internally displaced persons, and I welcome your “resolve to take effective measures to increase the protection of internally displaced persons” as expressed in the same solemn declaration. Such measures would include implementing the Guiding Principles at the domestic level and incorporating their content into national laws and policies. In this regard, regional organizations play an important role, and I am particularly encouraged by ongoing work on strengthening the legal frameworks for the protection of IDPs in the Great Lakes region, the African Union and the Council of Europe as well as the discussions undertaken by ECOWAS and SADC. I also commend the various countries that have undertaken steps to implement the Guiding Principles in their national legislation and policies, or which are presently in the process of doing so, such as Turkey, Nigeria, and Nepal. I stand at their disposal should they, and others, request any kind of advice or aid in the drafting and formulation of these laws and policies.

Chairperson,

It is sad to realise that, despite all efforts, this past year has not seen a substantial reduction of conflict-induced internally displaced persons. Darfur has been highlighted in the media with reportedly over 2 million IDPs, next to Northern Uganda that has up to 1,5 million IDPs. There are many other situations however, that tend to be overlooked by the media, or have been forgotten. I am thinking of countries like Nepal with an incipient IDP problem that has not yet been fully recognised by the government or the international community, or others like the Balkans, Southern Caucasus or Peru, where persons displaced a long time ago tend to be forgotten.

Given the dramatic impact of several major natural disasters, such as the Tsunami, the Hurricanes Katrina, Rita, Stan, and Wilma, as well as the recent earthquake in the Himalayas, the international community has become increasingly aware of the assistance and protection needs of the virtually millions of human beings displaced by natural disasters. Whereas the international community has been slow or reluctant to recognise that these people as IDPs, there is an emerging acknowledgement that their human rights may be jeopardized and that their protection needs are long term.

This last year has also shown that even development activities such as town planning and slum rehabilitation activities may lead to displacement and ensuing human rights problems if not properly undertaken. Events in cities such as Harare teach us that while it may be fully legitimate and often necessary to upgrade and modernize dilapidated urban spaces, it is of utmost importance to use modalities that fully respect human rights. I reiterate my willingness to assist governments in this regard.

Chairperson,

The past year has shown several changes in the humanitarian response landscape, which should be of advantage for the assistance and protection of internally displaced persons. The cluster approach adopted by the Interagency Principals on 12 September 2005 should help to fill the various gaps that had been identified in the Humanitarian Response Review. As representative of the Secretary General on the Human Rights of Internally Displaced Persons, I welcome this development and look forward to the implementation of these decisions. I

particularly commend the agreement given by UNHCR to take the lead on the protection of IDPs in certain complex emergencies. In all cases, the cluster approach should enhance the responsibility and accountability of relevant humanitarian actors, ensure better coherence of their approach, and thus allow for a more predictable response in cases of emergencies.

Chairperson,

In accordance with my mandate, my activities of this past year have been focused on dialogues with governments and other relevant actors on how best to improve the protection of the rights of IDPs as well as to mainstream the human rights of IDPs in the UN system.

Concerning my dialogue with countries, I would like to recall my missions and working visits to Bosnia, Croatia, Nepal, Serbia-and-Montenegro, including Kosovo, Southern Sudan, Turkey, and the region affected by the Tsunami in this year. I am in contact with the relevant authorities to travel to Azerbaijan, Colombia, DRC, Maldives and Nigeria in the coming year, as well as possibly Western Africa.

To date my mandate has been well received by the countries with which I have engaged in dialogue as well as by various international agencies engaged in protection and assistance to internally displaced people. This can be evidenced by the amount of spontaneous invitations received for missions, working visits and consultations I have received. I am glad to report that my dialogue efforts have been met with an open door and I am grateful to the governments concerned for their frank and constructive attitudes.

On my side, I have consistently tried to involve the UN system in the preparation and follow-up to my missions and country visits, in order to ensure a more coherent approach to the IDP challenges. Thus I am in constant contact not only with OHCHR, but also with OCHA, in particular its Internal Displacement Division, and now UNHCR, at headquarters level, but also with the UN country teams and field presences. Dialogue with donors is also important to me.

Allow me to highlight certain recommendations that have come out of my missions and dialogues with the countries in the past year.

As regards Nepal, I urge His Majesty's Government of Nepal and its forces, as well as the Communist Party of Nepal-Maoists, to strictly respect international human rights and humanitarian law, so that people are no longer forced to leave their homes in search of peace and security. I call on the government to acknowledge the existence of large-scale displacement and its primary responsibility for protecting and assisting those displaced persons who remain inside Nepal. I also welcome the efforts undertaken by the UN country team to comprehensively address the plight of IDPs in its recently launched CAP. I sincerely hope that donors will support the planned activities generously. Nepal is a case where we are early enough to avert a looming humanitarian crisis, if we act decisively now.

Regarding Croatia, Bosnia-Herzegovina and Serbia-and-Montenegro, which I visited, including Kosovo, three messages are particularly important to me: (1) A concerted and quick effort is needed so that, ten years after Dayton and six years after the end of the conflict in Kosovo, durable solutions are found for those most vulnerable persons, including traumatized survivors of atrocities, sick and disabled persons, female-headed households, elderly without family support, ethnic minorities or persons in need of witness-protection who still linger in collective shelters many of which have been neglected in recent years and should be closed. In this context, I remain very worried about the situation of the Roma IDPs, in particular children, in Northern Mitrovica/e who are living in such highly lead-infected areas that their health is very seriously affected. I recognize the complexity of the situation but fail to comprehend in the light of the emergency involved, why this situation has not yet been solved. (2) While in Bosnia-Herzegovina and Croatia many internally displaced persons were able to return, it is of utmost importance to address the many obstacles that affect the sustainability of return, many of which have their roots in the disregard for the human rights of returnees as well as the continued impunity for those responsible for war crimes and crimes against humanity. A vigorous implementation of the 2005 Sarajevo Declaration on the return of refugees in the region will also help to solve the problems of internally displaced persons. And (3), I call on the authorities concerned, as well as the international community, to ensure that whatever the outcome of the status discussions on Kosovo or of the possible referendum on the future of Montenegro, the rights of the IDPS—including the citizenship rights of those among them who are not properly registered—are carefully safeguarded.

During my recent mission to Southern Sudan, I found that much more must be done to provide the necessary protection and assistance to the IDPs returning to their homes in Southern Sudan. The Sudanese authorities concerned, including the government of Southern Sudan, the international agencies and the donors must act now and massively expand their presence in all parts of the South, provide the necessary relief and protection, and start to (re)construct the necessary infrastructure. Failing this, huge humanitarian and protection needs are already foreseeable, and can easily transform into a full-fledged humanitarian crisis. I also encourage authorities concerned, in particular in the State of Khartoum, to abstain from measures of relocation that would prematurely trigger returns to Southern Sudan, before it is in a position to receive large numbers of returnees in a manner that is consistent with their rights.

Chairperson,

Allow me to conclude with highlighting some future challenges, as I see them right now:

The effectiveness of the new humanitarian architecture remains to be proved. Timely implementation of the cluster approach, the allocation of appropriate resources together with rapid decisions concerning which countries should be the pilots for this approach, will give us the means to assess whether the IDPs indeed will be better protected and assisted.

Achieving full integration of a rights-based approach into the work of the range of UN agencies and partners involved in protection and assistance of IDPs entails changing certain operational and donor mindsets, and therefore constitutes a further challenge.

I see a further need for conceptual clarification concerning the assistance and protection needs of IDPs in the aftermath of a natural disaster. Whereas the mandate of the Representative of the Secretary-General on Internally Displaced Persons originally focussed mainly on conflict-induced displacement, the refocusing of my mandate on human rights of IDPs also brings the plight of disaster induced IDPs stronger into the protection and assistance fold. It remains to be examined whether their needs are similar or differ strongly from those of conflict induced IDPs and, if so, what other institutional or legal responses are needed or warranted in the light of the Guiding Principles on Internal Displacement. In this regard, I would like to highlight the work that I have commissioned on the concrete implementation of the human rights of IDPs in natural disasters, in order to give guidance to people in the field working for the assistance and protection of these IDPs.

Given the announced changes to the human rights system and the current debates on the possible establishment of a Human Rights council, the future roles and space of independent experts, such as myself remains to be seen. In any case, today I can only say although my time and resources are too limited to do full justice to this mandate that has been entrusted to me, I remain confident that we, the independent experts, together with you, the governments, can effectively contribute to improving the life of human beings all over the world by addressing and protecting their human rights.

Thank you very much.