

**Keynote Address by Walter Kälin, Representative of the United Nations
Secretary-General on the Human Rights of Internally Displaced
Persons**

**Panel on IDP Issues and the Marsh Arabs
The AMAR London Conference
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Baroness Nicholson, representatives of governments, ladies and gentlemen,

I appreciate this opportunity to address the Amar London Conference, which has brought together with us representatives of the Marsh Arabs whose people have suffered mass displacement and egregious human rights violations under Saddam Hussein's regime. Marsh Arab representatives have come to this meeting to voice their aspirations and concerns and hear the views of international and national partners who support the sustainable return or integration in other locations of internally displaced persons in Iraq. Durable solutions for the Marsh Arabs and other displaced populations are essential to the stability and reconstruction of the country and a major measure of the commitment of the new government to human rights, pluralism and democracy.

Since consultation with displaced persons is important to reconstruction and recovery, I urge everyone present to take account of the issues and concerns raised by Marsh Arab representatives and work to integrate them into policies and programs developed on displaced persons in Iraq.

Forced displacement is one of the more insidious assaults on human rights. It generally breaks up the immediate family, cuts off important social and cultural community ties, terminates stable employment opportunities, deprives children, expectant mothers, and the sick of access to food, adequate shelter or vital health services and makes the displaced population especially vulnerable to acts of violence and to impoverishment. Not only does the displacement itself often entail multiple violations of human rights but the aftermath of displacement can also have the effect of undermining the rights of the displaced, their ethnic identity and their dignity.

The case of the Marsh Arabs of Iraq is a particularly cruel example of forced displacement. From their habitat along the lower Tigris and Euphrates rivers, their own government brutally and deliberately uprooted hundreds of thousands. Massive hydrological engineering projects, coupled with the shelling and burning of Marsh villages, the poisoning of fishing grounds and the assassination and abduction of local leaders, destroyed the habitat of the marshes and reduced the total of Marsh Arabs to a fraction of their earlier numbers.

The human rights violations and damage done to the Marsh people and their 5000-year old culture and habitat must be acknowledged. Acknowledgement is important to ensuring that such crimes do not occur again. With a new government in formation in

Iraq, it is an opportune time for national and international partners to work together to ensure that assistance, protection and reintegration and development support as well as compensation are provided to the Marsh Arabs and that their return or integration in other parts of the country accord with international human rights standards.

Internally displaced persons, it must be emphasized, like all other persons in the country where they reside, are entitled to a broad range of civil, political, economic, social and cultural rights. One does not lose one's rights or one's citizenship because one becomes internally displaced. International law stipulates that internally displaced persons may not be discriminated against because they are displaced or because they are of a particular ethnic or social origin, religion or political opinion. They have the right to request and to receive assistance from their government, which has the primary responsibility to protect and assist internally displaced populations.

To better understand the rights of internally displaced persons, we must look to the Guiding Principles on Internal Displacement, the international community's recognized standards for internally displaced persons, which have been circulated at this meeting in Arabic. They set forth the rights of internally displaced persons and the obligations of governments toward these populations. They should become the centerpiece of the national and international response to internal displacement in Iraq.

The Principles cover all phases of displacement – prior to displacement, during displacement and during return or resettlement and reintegration. They are based upon international humanitarian and human rights law and provide guidance to governments, international agencies and non-governmental organizations in dealing with internally displaced persons.

The Principles open with a description of internally displaced persons as those who have been forced or obliged to flee or leave their homes or places of habitual residence as a result of armed conflict, generalized violence, violations of human rights or natural or human-made disasters and who have not crossed an internationally recognized state border. The two main features of internal displacement are coercive or involuntary movement, and remaining within national borders. The Marsh people are a classic case of internal displacement – having been forced from their homes and uprooted within their own country.

The Guiding Principles first affirm that governments are supposed to prevent and avoid conditions that might lead to displacement. People have a right *not* to be arbitrarily displaced. When no alternatives exist, governments are expected to take measures to minimize the displacement and its adverse impact.

The Principles also set forth the civil, political, economic, social and cultural rights of persons once they are displaced and tailor these rights to the specific needs of the internally displaced. For example, displaced people, like the Marsh Arabs, often need personal identification documents that may have been denied to them or lost as a result of displacement. After the Principles affirm the right of internally displaced men and

women to recognition before the law, they state that the authorities must issue or replace the needed documents. The authorities must also protect the displaced from being forcibly returned or resettled to places where their life, safety, liberty and or health might be in danger. Indeed, displaced persons must be protected against violence, land mines or other security risks, and should be provided with essential food, potable water, basic shelter and housing, medical services and sanitation essential to their survival. Displaced persons have the right to education, to employment opportunities and to take part in the political and economic life of the country. Particularly vulnerable groups among the displaced require special attention -- children, expectant mothers, women heads of household, persons with disabilities, and elderly persons. Overall, the Principles provide a comprehensive minimum standard for the treatment of internally displaced persons.

The final section of the Principles deals with protection during return or resettlement and reintegration. This section is particularly pertinent to the Marsh Arabs situation today. It provides that the displaced have the right to freely choose between voluntarily returning to their home areas in safety and dignity or remaining or moving to another part of the country. Whichever option they choose, the national authorities are expected to facilitate their reintegration.

In the case of return, this means creating an environment that will prove sustainable, whether they are internally displaced persons or refugees. In particular, this means:

- Security, both for inhabitants of the area and for humanitarian and development workers, including de-mining and conflict resolution mechanisms for local disputes
- Services for those returning, such as clean drinking water, sewage disposal, primary education, health services and household building materials.
- Documents to enable returnees to access basic services.
- Materials to enable returnees to regain their livelihoods, such as seeds, tools, livestock and fishing nets.
- Establishment of mechanisms for the resolution of land and property disputes. Indeed, the Guiding Principles provide that governments must assist the displaced to recover their property and possessions lost during displacement. When this is not possible, they must provide or assist the displaced in obtaining compensation or another form of just reparation. Later today, we will hear how the Iraqi Property Claims Commission is processing claims and whether the Marsh Arabs are finding this process useful to make claims in cases of homes and property from which they were evicted.

Without sustainable returns, serious humanitarian problems can arise in areas of return as well as tensions due to competition over scarce resources and services. Most important is that consultations be held with the displaced and with local communities to discuss returns and how best to prepare areas for returns. Consultations also should be held with displaced persons who reside in urban areas or villages close to the Marshlands who may need support with skills training, education, income generating projects and protection from discrimination.

The Guiding Principles can help governments like Iraq, international agencies and displaced persons in developing policies and programs to promote effective solutions for displaced people. Since they were presented to the United Nations 1998, the Principles have gained considerable international recognition and authority. UN resolutions acknowledge them as “an important tool” and “standard.” The heads of government assembled in New York for the World Summit in September 2005, including Iraq, formally recognized them as “an important international framework for the protection of internally displaced persons.”

Governments like Iraq now need to incorporate the Principles’ provisions into national legislation and national policies. United Nations Secretary-General Kofi Annan has called upon member states to accept the Guiding Principles as the basic international norm for the protection of internally displaced persons and to promote the adoption of these principles through national legislation. A growing number of governments, including Angola, Burundi, Colombia, Peru, the Philippines, Sri Lanka and Uganda, have adopted laws or policies based on the Guiding Principles. Others like Turkey, Georgia and Nigeria are considering doing so. The Government of Iraq, in collaboration with the United Nations, is in the process of developing a National Policy on Displacement and Durable Solutions. It is important that this policy provide broad protection for the displaced, encompassing their survival needs, their physical security and their basic civil, political, economic, social and cultural human rights, in accordance with the provisions of the Guiding Principles. Later today, we will hear more about the national policy being developed in Iraq. I would like to take this opportunity to urge Marsh Arab representatives to monitor this process closely and make sure that the concerns of their communities are fully taken into account in the documents that are drafted and adopted.

To assist governments and lawmakers in preparing effective laws and policies on internal displacement, I have begun a process, together with legal experts from different parts of the world, of developing a manual for legislators and policymakers. It should be ready by the end of this year and will provide detailed guidance on how best to draft laws and policies to fully reflect the content of the Guiding Principles. The manual will address subjects such as humanitarian assistance; basic services and social security; shelter, resettlement and adequate housing; remedies for deprivation of rights in housing, land and property; employment and economic activities; education; movement related rights; political participation; documentation; and family life. All these issues must be covered in a comprehensive law and policy.

To ensure that the Marsh Arabs fully participate in the development and implementation of a national policy, there will need to be clear consultation mechanisms which give all sectors of the Marsh Arab community the possibility to express their fears, hopes and wishes. There will also need to be training so that they better know and can effectively advocate for their human rights. Around the world, groups of displaced persons are becoming empowered by learning about their rights and the obligations of local and national authorities to them. They are increasingly using the Guiding Principles as a tool

for measuring their conditions, monitoring the national and international response and advocating for their rights.

Today and tomorrow's meetings are the beginning of a process to hear some of the voices of the Marsh Arabs. It is my hope that their concerns will come to light so that they are better understood by national and international actors and more fully integrated into the thinking and plans for Iraq's recovery. It is also my hope that the representatives of the Marsh Arabs will gain from the conference's discussions and use the information and tools made available to advocate for their rights and ensure that their communities benefit from the policies and programs being undertaken at the national and international levels to restore the Marshes and rebuild Iraq.

Thank you.