

**No Durable Solutions for the Displaced without Sustainable Peace --  
No Sustainable Peace without Durable Solutions**

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Mr. Chairman, Ladies and Gentlemen,

*“There can’t be peace because the leaders of this country have turned war into business and they have an interest in keeping it going.”*

*“If I had a representative at the peace talks, that person would have come back during the recess and explained to us what had happened there, [...] And he would have also listened to our views in preparation for the next session.”*

These are just two views on the present peace negotiations in Juba expressed by internally displaced people in Northern Uganda and quoted in a study published last week by Oxfam.<sup>1</sup> My discussions with IDPs in countries affected by displacement in Africa -- such as Côte d’Ivoire, Sudan and CAR -- indicate that these opinions are widely shared among internally displaced persons in many countries with peace processes: They feel alienated and excluded from negotiations whose very outcome will determine whether they will be able to return to their villages or remain in congested camps or miserable and overcrowded settlements.

In fact, getting to peace in a country or region affected by armed conflict and finding durable solutions for displaced populations are closely intertwined.

On the one hand, finding durable solutions for IDPs is extremely difficult not only where peace cannot be reached, but also where peace agreements disregard displacement-specific issues. If, as I have seen in Southern Sudan, militias in IDPs’ places of origin are not disarmed or relocated, the displaced will not return for lack of safety or, if they do return, insecurity may prompt a second displacement. Similarly, if property related disputes in places like Northern Uganda are not addressed, or if reconstruction and economic rehabilitation remain insufficient to enable the displaced to resume economic livelihoods, return will not be sustainable. In the absence of reconciliation between the displaced and those responsible for their displacement – a process currently under way in Côte d’Ivoire - or in the absence of justice and accountability for past crimes

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\* Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons. This statement is largely based on: The Brookings Institution—University of Bern Project on Internal Displacement, *Addressing Internal Displacement in Peace Processes, Peace Agreements and Peace-Building*, September 2007, available at: <http://www.brookings.edu/fp/projects/idp/idp.htm>.

<sup>1</sup> *The building blocks of sustainable peace, The views of internally displaced people in Northern Uganda*, Oxfam Briefing Papers 106, September 2007, pp. 13 and 14.

– something strongly demanded for example by IDPs in Northwestern CAR – the displaced will struggle to move past these wrongs, to restart a new life, and to rejoin the mainstream of society.

On the other hand, we must recognize that failure to consider IDP concerns may jeopardize the sustainability of peace in the country. If IDPs are not able to recover their land or property or otherwise find solutions allowing them to live decent lives, and when they feel that they have suffered injustice, the prospects for reconciliation diminish. If IDPs are unable to find durable solutions, their potential for contributing to economic reconstruction and rehabilitation is limited and poverty reduction becomes more difficult. Similarly, the exclusion of IDPs from political participation can reinforce feelings of marginalization and therefore undermine a new government's claim legitimacy. In contrast, resolution of such issues can be a positive force for social rehabilitation and thus lasting peace.

This relationship between peace and durable solutions for IDPs not only justifies but in fact *requires* a focus on IDPs' rights and needs in peace agreements, as well as their participation in peace processes.

Peace agreements should explicitly address issues of displacement by

- Using clear definitions that
  - distinguish between refugees and IDPs
  - refer to standard international definitions,
  - clarify locally-used terms,
  - are inclusive in coverage, and
  - recognize regional displacement specificities;
- Guaranteeing the cooperation of the parties to the agreement in the process of finding durable solutions for the displaced, including a commitment to guarantee safety and security both during and after return, specific language on how security will be provided, and sanctions against those who would violate the rights of the displaced;
- Specifically enumerating the rights of displaced persons, including
  - their right to choose between voluntary return, local integration or resettlement elsewhere in the country;
  - their rights as citizens including the right to documentation and to participation in post-conflict elections or referenda; and
  - the right to have their property restituted; and
- Defining an implementation process, including
  - the establishment of a responsible body,
  - the definition of a funding mechanism, and
  - procedures for cooperating with the international community in finding durable solutions for the displaced.

Africa offers us examples of best practices in this regard. The *Great Lakes Pact* and its *Protocol on Internally Displaced Persons*, together with the *Protocol on Property Rights of Returning Persons* and

the *Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination*, as well as the Burundi peace agreement, address displacement issues in a comprehensive way. Other agreements in Africa -- including those relating to Southern Sudan, Liberia and Sierra Leone -- also deal with internal displacement, albeit insufficiently in some cases. These agreements provide a wealth experiences and lessons learned that should be fruitful for on-going and future negotiations regarding Northern Uganda, Darfur and other situations.

However, taking up displacement issues in peace negotiations is not sufficient. Internally displaced persons want to be heard and have a voice in such negotiations. In order to find solutions that really respond to the needs of the displaced, IDPs must be consulted. They rarely sit at 'track one' negotiating tables for reasons such as the high level character of such processes, the marginalization of IDP populations, or the fact that IDPs may be perceived as "spoilers." Nevertheless, specific efforts should be made to include IDPs one way or another (*e.g.* as observers or through formal consultations) wherever possible. Where this is not possible, participation in 'track-two' and 'track-three' peace processes may be an alternative. The participation of displaced women in the All-Party Burundi Women's Peace Conference held in Arusha in July 2000 is a good example.

Finally, and especially where IDP participation is not possible, effective or desirable, it is important to develop complementary strategies for representing their interests in peace processes. One such strategy is for international mediators to prompt political leaders to incorporate displacement issues in peace negotiations, but consultation with IDPs is critical. A second complementary strategy is to focus on the legal rights of IDPs through the invocation of international, regional and national mechanisms, including through my mandate as Representative of the Secretary-General on the Human Rights of Internally Displaced Persons.

The on-going peace processes for Northern Uganda and Darfur provide an opportunity to put into practice what I propose here. I am convinced that addressing displacement-related issues in sufficient detail -- including the rights of IDPs -- and listening to IDPs in the process of elaborating these agreements will greatly contribute not only to finding durable solutions or IDPs, but also to finding a peace that is stable and sustainable *precisely because* it provides justice to the millions displaced by these conflicts.

Let me conclude by congratulating UNHCR for having taken this initiative and provided us with an excellent background paper. UNHCR has been instrumental in putting refugees on the agenda of peace negotiators and in some cases, such as in Central America in the late 1980s, even serving as one of the key players. I would very much welcome if UNHCR would play a similarly strong role for internally displaced persons as an advocate for their rights in on-going and future peace-processes. We the international community, the governments and the IDPs need your strong voice, your engagement and your dedication.

Thank you.