

**Statement by the
Representative of the Secretary-General on the Human Rights of
Internally Displaced Persons**

Mr. Walter Kälin

to the 61st Session of the United Nations Commission on Human Rights

Geneva, 11 April 2005

Chairperson,
Distinguished delegates,
Ladies and Gentlemen,

It is a great honour for me and, indeed, a pleasure to address you, the Commission on Human Rights, 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. I had constructive bilateral meetings with some of you and other counterparts and look forward to a good interactive dialogue.

The mandate given to me in last year's resolution involves both a high degree of 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, as well as an increased focus on the human rights of 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 have to remind authorities of their responsibility to respect, protect and fulfill the human rights of the displaced. In this context, I will use, as normative framework, the Guiding Principles on Internal Displacement, which clearly underline that States have the primary duty to provide protection and assistance to internally displaced persons.

Chairperson,

Allow me to briefly remind us why we need a particular focus on IDPs: IDPs are distinguished from other persons by the common types of vulnerability that displacement exposes them to as well by their need for a durable solution to that displacement. Studies on IDPs in recent years have shown that losing one's home means more than a simple loss of property or shelter. It frequently entails consequences such as increased vulnerability to physical violence, in particular sexual and gender-based violence; lack of the basic necessities of life, such as food, water, shelter, clothing, sanitation, as well as the threats of disease and impoverishment; and other difficulties.

Thus, it is the recognition of and concern about a certain set of vulnerabilities, or "protection needs", that justifies a special focus on IDPs. Experience in one country after another shows that such specific needs exist and that they are often inadequately taken into account or simply disregarded.

As we all know, the human rights situation of internally displaced persons in the world today continues to be of serious concern to all of us. As noted in the excellent Global Overview released a short while ago by the Global IDP Project, at the end of 2004 the total number of IDPs created by conflict or human rights violations amounted to roughly 25 million. This figure has remained unchanged for four years, for while hundreds of thousands have been able to return to their homes or find other solutions, equal numbers have been freshly driven out and thrown into misery. Most IDPs, however, are trapped in protracted situations of displacement, able neither to return to their homes nor effectively to put down new roots elsewhere.

Chairperson,

2004 was overshadowed by the dramatic escalation of the conflict in Sudan's Darfur region, which has uprooted close to two million persons, among them some 1.7 million IDPs, since the beginning of the conflict. My predecessor, Francis Deng, decided that his last mission as Representative of the Secretary-General in July 2004, should focus on the plight of the IDPs in that region. His report is before the Commission today. Since my appointment, I have also sought to engage the Government of Sudan, both publicly and privately, about the ongoing allegations of forcible displacement and other abuses in Darfur. I urge that Government of the Sudan to give serious consideration to the report and the recommendations of Mr. Deng, to implement the norms contained in the Guiding Principles, to cooperate with the international community in addressing the plight of the displaced, and to end the climate of impunity in Darfur as well as to cooperate with the international community in bringing those responsible for arbitrary displacement to justice. I look forward to working with the Government in this regard.

On 28 December I issued a press statement expressing sadness at the enormous loss of life by the devastating earthquake and tsunami that struck the South Asia region. In the statement I also expressed my concern about the plight of the more than one million persons displaced by this disaster, and recalled the relevance of the Guiding Principles on Internal Displacement. In March of this year, following the immediate emergency phase of the response, I undertook a brief working visit to Sri Lanka and Thailand to attend an event organized by the Sri Lankan Human Rights Commission in Colombo as well as a seminar hosted by the Regional Office of the High Commissioner for Human Rights in Bangkok. While not an official country mission, I remain grateful to the Governments of Sri Lanka and Thailand for having accepted that I undertake this visit. At this Commission I have devoted a parallel event this past Friday to the issue of human rights protection of IDPs in situations of natural disasters. I was generally very impressed with the overwhelming humanitarian response to the tsunami by Governments, NGOs, National Human Rights Institutions as well as United Nations and other agencies. My main recommendation is that now, in the reconstruction and recovery phase, it is essential

to take a human rights-based approach to the response so as to prevent future possible problems or violations.

Chairperson,

In my report before the Commission I have outlined ways in which the specific needs of those displaced can be addressed and how the protection of the human rights of IDPs can be improved. I have also outlined a basic framework for the actions I can undertake in my capacity. As a human rights "mechanism", I essentially have three main modes of action: (1) advocating and engaging in dialogue with national authorities, (2) fostering appropriate norms and policies at the international and national level, and (3) triggering action by international and regional actors.

I therefore intend to continue the promotion and dissemination of the norms underlying the Guiding Principles on Internal Displacement in my dialogues with national, regional and international actors. In particular, I will advocate with national authorities to develop and implement national laws and policies on IDPs incorporating these norms. I intend to develop a guidebook for legislation and executive rule and policy-making at the domestic level with regard to IDPs. I also intend to strengthen the capacity of national human rights institutions and local civil society to advocate for the rights of IDPs. Through my dialogue with States I also hope to be able to play a role whereby any human rights violations against IDPs are prevented and stopped.

Mainstreaming of the human rights of the internally displaced into all relevant parts of the United Nations system is also a crucial element of my mandate. I have already initiated a dialogue with many parts of the system and will continue my work in this regard. In November 2004, I also signed a memorandum of understanding with the Inter-Agency Internal Displacement Division and the Global IDP Project of the Norwegian Refugee Council to build upon common strengths and avoid any duplication of efforts with these important partners.

I have also decided to continue the cooperation with the research arm of the mandate established by my predecessor. The Brookings Institution / University of Bern Project on Internal Displacement provides me with excellent support outside the UN system, and assists me in conducting important research and other tasks of my mandate. In particular I would highlight a recent publication entitled *A Framework for National Responsibility* which brings together in one document the benchmarks of national responsibility and is intended to assist Governments in fulfilling their responsibilities vis-à-vis IDPs. The publication was presented at a parallel event last Thursday.

As noted, I remain firmly committed to the principle that States have the primary responsibility to provide protection and assistance to internally displaced persons. My country missions will therefore remain a central part of my activities. I am therefore pleased to note the Government of Nepal has accepted that I undertake a mission to that country which will start in two days. I am also grateful for a written invitation from the Government of Serbia and Montenegro, and the positive indications from the

Governments of Croatia and Bosnia and Herzegovina, as I intend to undertake another mission to those countries later this year.

Chairperson,

I was greatly honoured to step into this very important role and look forward to the many challenges it brings. I will need the support and advice of the members of this Commission and look forward to a close working relationship with you.

Thank you.