

**Check against delivery**



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

62nd Session of the General Assembly  
Third Committee  
Item 70(b)

29 October 2007  
New York

Chairperson, distinguished Delegates, Ladies and Gentlemen,

It is an honor to address the Third Committee of the General Assembly on my activities during the past year. I have continued to carry out my mandate to promote the human rights of internally displaced persons (IDPs) through dialogue with governments and other relevant actors, engagement with regional organizations, as well as mainstreaming IDP issues throughout the United Nations. In addition to reporting on some specific country situations, I will focus my remarks on two important issues: the question of when displacement ends and the need to address internal displacement in peace processes.

### Durable Solutions

Protection of internally displaced persons ultimately entails ensuring durable solutions to their displacement including, but not limited to voluntary return to places of origin.

In my missions during the past year, I have found that some governments have made remarkable efforts toward durable solutions for displaced populations. In Uganda, Côte d'Ivoire and Nepal, prospects of peace have triggered returns of some IDPs to their places of origin, while others are not yet ready or do not have the means to do so. I welcome steps taken by the governments concerned to help returnees, but at the same time, feel that more needs to be done to assist returns and ensure sustainability. In Turkey the considerable efforts to find durable solutions for the displaced - notably through the development of provincial action plans and support to the compensation mechanism established some time ago - must continue.

In other countries, particularly in the South Caucasus, where the lack of peace agreements means that return is not yet a real option for many IDPs, governments have taken important initiatives to improve the living situation of marginalized communities who were displaced more than a decade ago. In fact, allowing IDPs to lead normal lives during displacement and safeguarding their right to return are not mutually exclusive goals. I commend the Government of Georgia for its National Strategy for Internally Displaced Persons that was adopted early this year. I encourage it to finalize and implement a comprehensive Action Plan that enhances the rights of IDPs in accordance with the *Guiding Principles on Internal Displacement* and addresses their specific vulnerabilities, for example by providing adequate housing assistance to particularly vulnerable persons, including disabled and elderly IDPs. This Plan should also ensure humanitarian access in all areas and promote dialogue among all parties to the conflict in order to create the political conditions for large-scale return. I thank the Government for having invited me to contribute to both the National Strategy and the Action Plan.

Azerbaijan has invested significant resources to improving the living situation of some 700,000 IDPs pending their return to places of origin. Newly constructed settlements allowed for camps to be closed, and I welcome the plan of the government to close the

remaining camps by the end of the year. I encourage the Government of Azerbaijan to prioritize the creation of livelihoods for newly resettled IDPs, to address the living conditions of urban IDPs, and to take action to end practices that might be perceived as discriminatory for example in the area of education.

Armenia has a real opportunity to remove itself from the list of countries experiencing displacement, provided it undertakes a final, concerted effort to allow the relatively small group of IDPs remaining to return to their place of origin or to integrate in the places to which they were displaced.

There has been considerable concern in recent years with the question of when internally displaced persons attain a durable solution. Unlike refugees, there is no cessation clause for internally displaced persons. They are not conferred a special legal status that could be lifted by a decision by relevant authorities, but remain citizens of their own country, entitled to enjoy the same rights as all other citizens at all times. Over the past few years I developed, together with humanitarian agencies and NGOs, a *Framework for Durable Solutions* with benchmarks to determine when the needs, vulnerabilities and rights violations that may characterize internal displacement may be considered to have come to an end.

Three durable solutions can be distinguished: return to the place of origin, local integration in the areas in which internally displaced persons initially took refuge, and settlement in another part of the country. Displacement ends when one of these durable solutions occurs *and* IDPs no longer have needs specifically related to their displacement. The end of displacement, however, does not occur abruptly. It is a process through which the need for specialized assistance and protection diminishes progressively.

In order to determine whether a durable solution has been achieved both the *process* through which the durable solution has been achieved and the *conditions* of the returnees or the persons who have integrated locally or resettled in another part of the country have to be taken into account.

With regard to the process, it is important that internally displaced persons are able to make an *informed decision* as to which of these options they prefer; that *no coercion* has been used to induce or to prevent return, local integration or settlement elsewhere; and that they can *participate fully* in the planning and the management of these solutions. National authorities must take appropriate measures to establish conditions, as well as provide the means for such durable solutions, and they must grant or facilitate safe, unimpeded and timely access of humanitarian organizations and other actors assisting IDPs in this regard.

Through such a process, a durable solution is finally achieved when former IDPs can fully enjoy their human rights including through conditions of non-discrimination and equal access to legal and physical protection, livelihoods and means of survival, income generation, public services, including education, health services and pensions, political

rights, the right to documentation, freedom of movement, and redress for abuses including property restitution or just compensation.

The *Framework for Durable Solutions* was welcomed by the Inter-Agency Standing Committee Working Group in March 2007 as a means to analyze and address these issues. It is intended to assist governments and international and national actors to devise national legislation, policies and programs that promote the durable solutions to internal displacement, and I urge all relevant actors to make use of this Framework.

### Internal Displacement in Peace Processes

Chairperson, Ladies and Gentlemen,

If I may draw a general conclusion from my missions in the last three years, I would state the following: resolving internal displacement and achieving durable solutions is inextricably linked with achieving lasting peace. And finding durable solutions for IDPs is extremely difficult where peace agreements disregard displacement-specific issues, because internally displaced persons have particular vulnerabilities not encountered by other civilians affected by conflict or by refugees.

It is exactly this relationship between peace and durable solutions, which not only justifies, but in fact requires a focus on IDPs' rights and needs in peace agreements.

Let me give you some examples from my missions:

In the aftermath of a conflict, if militias in areas of origin are not disarmed, or if landmines have not been removed, IDPs will be reluctant to return, or they may be displaced again after return as a result of insecurity. If IDPs are unable to recover their land or property, or if property-related disputes are not adequately addressed, large scale return is unlikely or could inadvertently provoke new tensions. If reconstruction and economic rehabilitation remain insufficient to enable the displaced to resume livelihoods, settlement or return will not be sustainable. And if impunity for those responsible for displacement prevails, and rule of law, including accountability for past crimes, is not established, the prospects for reconciliation between the displaced and those responsible for their displacement diminishes.

The successful return and reintegration of displaced persons is often considered a key indicator of the success of a peace process. Internally displaced persons want to be heard in peace negotiations that are crucial for their future. I am convinced that consultations with IDPs must be strengthened, and I am working on an analysis of good practices and guidelines for the establishment of consultative mechanisms with IDPs. An expert meeting on this topic will be held in Geneva next month.

IDPs are rarely consulted or represented in a peace process for different reasons. They often belong to minority groups and may lack the necessary resources, education and political skills to participate in a peace process. They are often dispersed and lack

organization or official representation. And there may be times when their participation could be harmful to peace talks, as when they are manipulated by one or more parties in peace negotiations.

It is therefore important to develop complementary strategies to ensure that their rights and needs are taken into account in peace negotiations and agreements. One strategy is for international mediators to prompt political leaders to incorporate displacement issues in peace negotiations. Another strategy is to focus on the human rights of IDPs through international, regional and national mechanisms, including my mandate.

A report prepared by the Brookings-Bern Project on Internal Displacement to be launched in conference room 5 over lunch today analyzes the role of IDPs and internal displacement in peace processes. With analysis of more than ten peace agreements, this report identifies displacement-related issues for incorporation in peace agreements, as well as good practices for doing so. It also underlines the necessity to mainstream these issues into peacebuilding activities and emphasizes the unique institutional opportunity offered by the UN Peacebuilding Commission.

Specifically, four areas related to displacement require attention within the text of peace agreements:

- Clear definitions that distinguish between refugees and IDPs, refer to standard international definitions, clarify local terminology, are inclusive in coverage and recognize regional displacement specificities,
- Guarantees of parties' cooperation in the resettlement process, including a commitment to 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 displaced,
- An enumeration of the rights of the displaced persons, including the right to choose among durable solutions and their rights as citizens, including the right to documentation and to participation in post-conflict election and referenda, and
- The definition of an implementation process, including the establishment of a responsible authority, the establishment of a funding mechanism, and procedures for cooperation with the international community in finding durable solutions.

Within the framework of my mainstreaming mandate, I am committed to promoting the incorporation of the human rights of IDPs in peace agreements and the systematic consideration of issues related to IDPs in peacebuilding activities based on the recommendations of the study.

I addressed the Peacebuilding Commission on these issues in May, and I intend to develop a handbook for mediators addressing these areas of concern for IDPs and suggesting wording for peace agreements with clear legal underpinnings. We will draw upon good examples from existing peace agreements.

I am concerned that serious gaps exist in our funding mechanisms for protection, transitory assistance and early recovery activities following the conclusion of peace agreements. These gaps are particularly acute when one can no longer speak of a humanitarian crisis, but the situation remains too volatile for pure development activities. In Côte d'Ivoire, for instance, UNHCR and other organizations may have to close their offices at year-end for lack of donor support. Yet this is a time when such activities are of utmost importance to ensure that on-going returns consolidate the peace instead of plant seeds for relapse. Similarly, as an expert workshop organized by UNHCR and the Brookings-Bern Project on Internal Displacement earlier this year established, we lack appropriate funding mechanisms for situations of protracted displacement, and continue with humanitarian assistance for prolonged periods of times. This may be counterproductive, creating dependency instead of investing in strategies that would enable the majority of IDPs to become self-reliant pending their return, local integration or resettlement.

### Country situations

Turning to country situations not yet addressed, I am pleased to report that several situations have improved over the past 12 months, such as in Nepal, Southern Sudan and Northern Uganda, although the latter situation remains critical.

Yet there are still too many countries with troubling IDP situations. About 25% of the population in the north of the Central African Republic is displaced. Numerous villages were burnt, primarily by state security forces, and the IDPs live in precarious conditions often beyond the reach of humanitarian actors. During my official mission last February, I appealed to the government as well as rebel groups to adhere to the fundamental tenets of international human rights and international humanitarian law and to address the prevailing impunity. I welcome the deployment of a multi-dimensional international presence in eastern Chad and northeastern Central African Republic (CAR) to provide physical protection to the thousands of refugees, internally displaced persons and other civilians in this fragile zone.

Following a recent visit to Afghanistan, I continue to follow the situation with care. I am concerned that displacement is increasing and, moreover, has the potential to increase dramatically, for several reasons. Firstly, hostilities are escalating with a continuing disregard for the principles of international humanitarian law governing the conduct of hostilities. Secondly, I am concerned that the return of refugees from Pakistan and Iran, if not pursued henceforth in a manner that is measured, sustained and voluntary and that allows for true social, economic and political integration, could lead to returning refugees merely becoming IDPs. The fact that humanitarian access is seriously curtailed or even impossible in large parts of the country is also particularly worrying. At the same time, I am heartened by the apparent commitment of the national government, and the international community, to better define the scope and problems of internal displacement in Afghanistan, and I encourage them to develop a coordinated and targeted strategy to address the needs and vulnerabilities of the internally displaced. I will gladly lend my

support to these efforts and hope to return to Afghanistan on mission once these efforts are underway.

I remain extremely concerned about the situation in Iraq with its estimated 2.2 million IDPs, a figure that persistently and steadily increases. Attempts by some authorities at the regional and local level to stop the entry of persons seeking refuge, and the lack of access to those most vulnerable, are deeply troubling. I fear that a humanitarian crisis is in the making in Iraq that will haunt us for a long time.

I hear alarming signals from Somalia, where more than 300'000 persons have been displaced in recent months adding to existing displaced population of 400'000 persons. And I am worried about the situation in East Timor, where more than 10% of the population remains displaced, largely unnoticed by the world and with far too little assistance from the international community.

I look forward to engagement with both national and international actors to address immediate concerns and work toward conditions for durable solutions for IDPs in Sri Lanka. I am concerned not only by the large numbers of displaced due to an intensification of the conflict in the past 15 months, but also by the continuing needs of those displaced for many years. I am grateful to the government of Sri Lanka for its invitation to visit in December, and I am eager to establish a constructive relationship focused on mutual commitment to the prevention and resolution of displacement in Sri Lanka.

While certain returns have become possible over the course of last year in the Democratic Republic of Congo, new displacements continue in the Eastern part of the country, notably in Northern Kivu. These are caused in particular by recent fighting and violence, including systematic rape. The capacities of the government and the international community to assist and protect the displaced remain weak and insufficient. I am grateful for the invitation extended to me by the government of the Democratic Republic of Congo some time ago and hope to conduct a mission there in January 2008.

Finally, I welcome the invitation by the government of Sudan to visit Darfur in spring 2008, a mission I hope to undertake together with my African counterpart, the Special Rapporteur of the African Commission on Human and Peoples' Rights on refugees, asylum seekers and displaced persons in Africa. The situation of roughly 2 million IDPs in Darfur remains one of the most serious in the world. I call on all parties to the conflict and all stakeholders to take full advantage of the upcoming peace talks, as well as the deployment of a hybrid AU-UN force, to create conditions to end violence against the displaced, to allow unimpeded humanitarian access, and to facilitate sustainable return.

Thank you very much.