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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The protection of the human rights of internally displaced people

The Representative of the Secretary General on the human rights of IDPs (RSG IDPs) Walter Kälin presents his final report to the Human Rights Council during its 13th session after which the mandate will also be discussed for renewal. The Norwegian Refugee Council (NRC), as an international humanitarian NGO with field offices in 16 countries and its Geneva-based centre (the Internal Displacement Monitoring Centre or IDMC/NRC) that focuses exclusively on monitoring internal displacement worldwide, gratefully acknowledges the close and formal¹ cooperation it has had with the RSG IDPs in many key areas including: country visits and reports, the development of practical guidance and capacity-building activities for key national stakeholders.

Achievements

NRC wishes to underscore the numerous achievements that the RSG IDPs has made during his tenure by first highlighting the nature and complexity of this mandate. In 2008, the estimated number of IDPs worldwide included 26 million (in over 50 countries) caused by conflicts or violence and 36 million displaced due to sudden-onset natural disasters². There is no reliable global estimate of IDPs resulting from development and urban planning projects but the number is thought to be higher. The mandate of the RSG IDPs therefore demands monitoring and promoting respect for international human rights law in complex environments including in situations of armed conflict.

Primary responsibility for responding to situations of internal displacement lies with state authorities and no single international organisation has the responsibility for assisting internally displaced people. International response is rather the result of collective action by numerous UN, regional and other international organisations. When new displacement crises overwhelm the capacities of national authorities and civil society organisations, international humanitarian organisations are often the first to respond through material assistance and protection activities. In post-conflict situations and when internal displacement becomes protracted, international human rights and development organisations are often the essential actors that can ensure that the marginalisation and vulnerabilities resulting from displacement continue to be addressed. The mandate therefore requires scope for engaging in crosscutting activities including in the fields of human rights, humanitarian action, early recovery, development as well as peace building.

In the humanitarian context where national authorities are often overwhelmed by emergencies and international organisations may substitute rather than support authorities in responding, the RSG IDPs' dedicated support and capacity-strengthening activities with governments, national human rights institutions and civil society organizations have benefited these actors and also influenced international actors to similarly engage with key national stakeholders. NRC acknowledges the invaluable contributions made by the RSG IDPs including with publications on national responsibility, durable solutions, consultation mechanisms, peace processes, protection in situations of natural disaster, a Manual for Law and Policy Makers, a Guide for Peace Mediators, the provision of technical support to develop law and policy as well as the delivery of law courses and seminars at the regional and national levels.

¹ Through a Memorandum of Understanding.

² 2009 figures are not yet available.

The IDMC/NRC believes that some of the RSG IDPs' valuable achievements relate to the successful mainstreaming of the rights of internally displaced persons into the work of humanitarian and development agencies of the UN system at the policy and operational levels. This has been done notably through the development of close partnerships (at the working and high levels, as well as the country and global levels) with the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and also through his participation as a standing invitee to the Inter-Agency Standing Committee (IASC), a unique forum involving UN and non-UN humanitarian partners and the primary mechanism for inter-agency coordination of humanitarian assistance.

In reference to the renewal of the mandate of the RSG IDPs in the context of the ongoing review by the Human Rights Council of all special procedures mandates, NRC supports the retention of a Representative of the Secretary General (RSG) on the human rights of IDPs. The status of RSG has been important to secure regular meetings with high-level counterparts in the UN system, including the IASC and has been particularly important for the mandate-holder to be effective in the areas of "mainstreaming" the human rights of IDPs into the UN system and engaging in international advocacy.

Challenges

NRC welcomes the RSG IDPs' analysis of challenges faced by States and the international community in responding to internal displacement and supports the recommendations in his final annual report. In particular, NRC would highlight the importance of action and advocacy in the following areas:

Displacement as a result of disasters

There are several gaps to fill including monitoring displacement figures and patterns, ensuring respect for the human rights of the displaced, strengthening national capacities to prevent and respond to disasters and clarifying lead responsibilities between UN agencies.

The invisibly displaced in urban areas and host families

While IDPs in camps are often the most visible, the majority of IDPs are dispersed in urban areas and living in host families and communities in urban as well as rural areas. NRC supports the RSG IDPs' call for interventions on behalf of "displacement-affected communities" to support the families and communities that host or (re)integrate IDPs.

Durable solutions and protracted displacement

NRC shares the RSG IDPs' concern over IDPs living in situations of protracted displacement and the fact that these IDPs are often the most vulnerable within displaced communities including the elderly, the disabled, female-headed households and minorities. NRC supports his call for increased funding for early recovery and development activities and warmly welcomes the (revised) Framework for Durable Solutions as guidance for achieving durable solutions.

Institutional response mechanisms

There remains an important institutional gap in the international (humanitarian and early recovery) response to internal displacement despite the improved predictability of response as a result of the 2005 humanitarian reform process, when UNHCR took the lead on protection, emergency shelter and camp coordination and camp management in conflict settings. Although the reformed “cluster approach” has been implemented in 25 countries, the gap must be closed to ensure that a systematic and predictable international response in all countries and situations, whether caused by conflict/violence or disasters, in emergencies, post-conflict and protracted situations of displacement.

In closing, NRC would once again highlight the importance of this mandate for tens of millions of internally displaced and the numerous national and international actors engaged in their protection and assistance. Under the leadership of Walter Kälin, the mandate of the RSG IDPs has evolved considerably since 1992 – from publishing legal analysis and developing the Guiding Principles to a more practical role that focuses “enhancing the protection on the ground”, notably by mainstreaming human rights of IDPs into all relevant parts of the UN system, engaging in coordinated international advocacy and supporting governments, NGOs and other national/local stakeholders. This is a highly important mandate with which NRC will continue to actively engage and concerning which NRC encourages states to support and renew with equally strong terms for a new mandate.
