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HUMAN RIGHTS COUNCIL

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Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Representative of the Secretary-General on the human
rights of internally displaced persons, Walter Kälin* ****

Addendum

**High-level conference on “Ten years of the Guiding Principles on Internal
Displacement - achievements and future challenges” (Oslo, 16 and
17 October 2008): summary of the Conference Chair**

* Late submission.

** The attached report is circulated in the language of submission only.

**HIGH-LEVEL CONFERENCE ON “TEN YEARS OF THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT - ACHIEVEMENTS AND FUTURE CHALLENGES” (OSLO, 16 AND 17 OCTOBER 2008):
SUMMARY OF THE CONFERENCE CHAIR**

1. The purpose of the high-level conference titled “**Ten years of the Guiding Principles on Internal Displacement - achievements and future challenges**” was to assess the accomplishments and shortcomings of the Guiding Principles on Internal Displacement over the last 10 years, and to chart a way forward for national and international decision-makers, including relevant States, United Nations bodies, regional organizations and civil society actors. Specifically, the conference sought to generate increased political will to incorporate the Guiding Principles into national, regional and global frameworks and to encourage progress towards their practical implementation.
2. The conference reaffirmed the Guiding Principles as an important framework for upholding the rights of internally displaced persons (IDPs) and was encouraged by reports from a number of States that the Guiding Principles had been incorporated into national laws and policies and that a variety of actors have found them useful in promoting IDP rights.
3. However, the conference emphasized that increased political and financial commitment is needed to ensure the full protection of IDPs. States are encouraged to develop or strengthen their policies to include: (a) preventive measures to avert displacement, (b) crisis-mitigation procedures, to be activated once displacement has occurred, and (c) durable solution frameworks.
4. There is an urgent need for humanitarian and development actors, Governments and financial institutions to work together to ensure durable solutions to displacement. Joint approaches are also required to address the challenges resulting from the increasing scale and complexity of forced displacement, and to ensure that the standards set by the Guiding Principles are met.

Achievements of the Guiding Principles

5. Participants in the conference emphasized that the Guiding Principles have become a key point of reference for the development of normative frameworks for the protection of IDPs in domestic laws and policies. For example, IDP policy of the Government of Uganda is based on the Guiding Principles, on international humanitarian law and on its national Constitution. These serve as a guide for government institutions, humanitarian and development agencies while providing assistance and protection to internally displaced persons. In Georgia, the Ministry of Refugees and Accommodation has consulted international representatives to ensure that the actions of the Government are in compliance with the standards of the Guiding Principles, as outlined in the IDP State Strategy Plan of Action. In Turkey, the Government has incorporated the Guiding Principles into its strategy document and used them as a basis for its Compensation Law. With the help of the United Nations, the model used to develop the Van Province plan of action for IDPs is now being expanded to cover other provinces. Examples from Mozambique and the Maldives were also given, confirming the relevance of incorporating the Guiding Principles into national legislation in situations of displacement resulting from natural disasters.

6. At the regional level, the Organization of American States and the Council of Europe have recommended to their Member States the adoption of the Guiding Principles through national legislation. In Africa, the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons includes a legal obligation for signatories to incorporate the Guiding Principles into domestic law.

7. The essential role of the judicial system and civil society organizations in promoting the Guiding Principles and monitoring commitments and obligations of national authorities was highlighted in the context of Colombia.

8. The conference provided an occasion for the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, to launch a new resource publication, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*. This manual, developed by an international group of legal experts, provides practical guidance for bringing relevant domestic laws in line with the Guiding Principles. Furthermore, this accessible guide promotes ownership of the Guiding Principles by the Governments of States affected by displacement.

9. During the discussion, it became apparent that the Guiding Principles were operationally valuable for actors engaged in providing protection and assistance to IDPs. From the point of view of humanitarian agencies, the Guiding Principles have shaped humanitarian and protection operations. They also provide the primary reference from which humanitarian and protection standards and practices are developed. The Office of the United Nations High Commissioner for Refugees (UNHCR) affirmed that the Guiding Principles had become an extremely relevant protection instrument, in the absence of binding instruments, and that operational responsibilities of UNHCR in relation to displaced persons have been developed based on the Guiding Principles. The Emergency Relief Coordinator highlighted the role of the Guiding Principles in helping to develop partnerships, and therefore, better preparedness and responses. ICRC expressed its conviction of the relevance of the Guiding Principles, stating that they were as pertinent during and after an armed conflict as in situations of internal strife, complex emergencies or natural disasters; in certain instances they provide more specific guidance than international humanitarian law. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that the Guiding Principles had proven to be useful in a variety of situations and that they had been shared with all its offices.

10. With respect to displacement resulting from natural disasters, the conference affirmed that the Guiding Principles provided a useful framework for disaster risk reduction, the mitigation of displacement, and ending displacement after disasters. In situations of disaster-induced displacement, protection risks are often underestimated. In disaster-prone countries, the Guiding Principles should be used to build closer partnerships between Governments, aid providers and civil society, as part of the disaster prevention framework. At the onset of a disaster, the International Organization for Migration (IOM) noted, the role of the Guiding Principles is in serving as a checklist to develop a response strategy which ensures that all proper planning and responses are carried out.

Challenges ahead

11. Despite the considerable achievements outlined above, major challenges to the realization of rights of IDPs remain. The number of people who have been forcibly displaced from their homes is estimated at 1 per cent of the world's population. Moreover the number of IDPs continues to increase, primarily as a result of the growth in disaster-induced displacement related to climate change, but also because of situations of protracted displacement. These usually occur as a result of unresolved conflicts, lack of political will amongst national Governments, or insufficient support by international actors. In many countries, significant gaps between policies and practice are observed, especially in relation to durable solutions.

12. The conference noted that a majority of States affected by internal displacement remained unable or unwilling to take on their responsibilities for protecting IDPs. In the worse cases, the humanitarian space required to prevent displacement or to provide protection to IDPs is limited as a result of obstruction by Governments or non-State actors. In reality, the "responsibility to protect" concept has been of limited value in the protection of human rights of IDPs, as a number of States remain more committed to the doctrine of national sovereignty when it comes to dealing with internal displacement.

13. It was felt that the current legal and normative protection framework needed to be re-examined in the light of the new categories of forced migrants as a result of climate change-related disasters or long-term environment degradation.

14. With an increasing number of IDPs residing in urban areas, States and protection agencies must seek new, appropriate means of providing them with adequate protection and assistance, as their requirements are different from those of people in camp settings or in rural areas. The appropriate durable solutions also need to be considered, as urbanization affects choices and opportunities. For example, after IDPs have adapted to urban livelihoods, return to rural homes is often no longer an option.

15. With respect to international protection, humanitarian reform has contributed to better predictability in humanitarian responses. The fact that UNHCR now takes the lead in protecting IDPs in situations of armed conflict has significantly improved leadership of coordination of protection. Nevertheless, as stressed by the Emergency Relief Coordinator, humanitarian actors risk having their credibility undermined if greater care is not given to ensure equality of attention to different IDP populations in protracted crises.

16. In situations of disaster-induced displacement, protection leadership remains inadequate at the institutional level, as the responsibility for international coordination is divided between UNHCR, UNICEF and OHCHR, all of which have concerns about their capacity to take on this additional responsibility.

Recommendations

17. **The Guiding Principles should be incorporated into national legislation so as to promote their implementation and accountability for the protection of IDPs. The publication of the Manual for Law and Policymakers on Protecting Internally Displaced Persons will be a useful resource to Governments as it provides a guide for policymakers to**

bring relevant domestic laws in line with the Guiding Principles in a practical way. National authorities not only have a responsibility to develop legislative frameworks, but also to ensure that laws and policies are implemented.

18. Effective partnerships are required to meet the twin challenges of preventing displacement and of ending displacement. These partnerships should be developed amongst States; between States and civil society; between States and financial institutions; between States, civil society and international protection and assistance agencies; and between international humanitarian agencies and development agencies.

19. More efforts need to be made to prevent displacement, through effective disaster-risk reduction and emergency preparedness, and through conflict prevention. In parallel, sustained efforts need to be made to end displacement. Both areas of action should be accompanied by coordinated political commitment of all influential actors, as well as by adequate and predictable resourcing.

20. Planning for durable solutions must start soon after displacement occurs so as to facilitate the transition from humanitarian assistance to development through effective early recovery strategies. Following the ongoing field testing of the framework for durable solutions, the focus should be on implementing the framework, from an early stage in the humanitarian response.

21. Political dialogue, including peace negotiations, needs to ensure that IDPs' voices are represented and heard on all issues which affect them. Experience shows that early and sustained dialogue on issues relating to access to land, housing and property is essential to the identification of durable solutions.

22. In disaster-prone countries, the Guiding Principles should be used to build closer partnerships between Governments, aid providers and civil society, as part of the disaster prevention framework. At the onset of a disaster, the Guiding Principles should be used as a checklist to develop a response strategy to ensure that all proper planning and response are carried out.

23. With an increasing number of IDPs residing in urban centres, States and protection agencies must seek new, appropriate means of providing them with adequate protection and assistance, as their requirements are different from those of people in camp settings or in rural areas.

24. Finally, it is important to develop mechanisms to ensure the participation of IDPs in political processes, in decisions affecting their lives during displacement, and in developing and implementing solutions to bring an end to their displacement. Their participation is a precondition to the implementation of the Guiding Principles.
