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

Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani

Summary

This report details the specific activities of the mandate and the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, during the reporting period, until the end of his tenure on 31 October 2010. It also presents the methods of work, as well as the thematic and priority areas of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, who assumed his mandate on 1 November 2010

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I. Introduction

1. This is the first report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, submitted in accordance with Human Rights Council resolution 14/6 of June 2010. The Special Rapporteur was appointed by the Human Rights Council during its fifteenth session and assumed his mandate on 1 November 2010. The first part of this report records the activities undertaken by the previous mandate holder, Walter Kälin, the Representative of the Secretary-General on the human rights of internally displaced persons, since he presented his last report to the Human Rights Council (A/HRC/13/21). That report described, in particular, the achievements of his mandate as well as key challenges in the area of the protection of internally displaced persons (IDPs).

2. The second part of this report provides a description of some of the issues and challenges with regard to internal displacement which the newly appointed Special Rapporteur has identified and decided to prioritise in the initial phase of his mandate. Nearing its second decade, the mandate on the human rights of internally displaced persons, has made important progress in advancing and gaining broad acceptance for the normative framework now used to understand, protect and implement the rights of this group of persons. This normative framework has its foundations in the Guiding Principles on Internal Displacement, which themselves draw on existing international standards. The mandate has also been instrumental in furthering advancements in this field, by articulating the human rights aspects of certain types or phases of displacement, such as through the Framework on Durable Solutions for Internally Displaced Persons, and the Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (revised).

3. Other contributions by the mandate have included addressing specific issues related to internal displacement, in an effort to enhance either the understanding of normative principles or the practices and policies of States, civil society and the international community. One such issue relates to the consultation and participation of displacement-affected communities in decisions which impact on them. In this regard, the mandate contributed towards the publication of the guide book, *Integrating Internal Displacement in Peace Processes and Agreements*. Through its thematic reports to the Human Rights Council and to the General Assembly, the mandate has also addressed a wide variety of other aspects related to internal displacement, often in order to provide guidance on issues on which there have been significant gaps.

4. These efforts have been undertaken from a mainstreaming perspective, with regard to which the mandate's participation in the Inter-Agency Standing Committee has been instrumental, as well as from a capacity-building and collaborative approach which has prioritised strong links with key United Nations agencies, as well as other international organizations and civil society more broadly.

5. At the level of its engagement with States, the mandate has placed an emphasis on follow-up to its country visits, often in the form of working visits, continued engagement by providing advice on specific issues or developments, and when possible by providing technical support for the development of national policies, legislation or strategies. There is now a momentum towards the development by States of national instruments, which seek to address and protect the rights of IDPs. With the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention), a regional dimension has been added which further consolidates the international legal foundation of the rights of IDPs, but also offers opportunities to address internal displacement issues from a regional and subregional perspective and to develop solutions better suited to specific needs and contexts.

6. The mandate is committed to consolidating the gains made to date, so that the mainstreaming of the human rights of internally displaced persons, capacity building, and sustained engagement with States and regional or subregional organizations remain a priority. At the same time the mandate will also look forward towards emerging issues and remaining gaps, so as to continue improving our response to internal displacement and to ensuring that, as part of that effort, we are also ensuring the protection of the rights of internally displaced persons. Challenges continue to exist in this regard, including, *inter alia*, how to improve our response to situations where internally displaced persons reside outside of camp settings, and how to better address the human rights of internally displaced women as well as communities affected by climate change and natural disasters. These are some of the key issues which the Special Rapporteur has prioritized for the initial phase of his mandate, and on which he will continue to work closely with all counterparts.

II. Achievements and activities of the mandate

A. Strengthening the normative framework on the basis of the Guiding Principles

1. Operational Guidelines on Human Rights in Situations of Natural Disasters (revised)

7. In Special Rapporteur is pleased to inform that the revised Operational Guidelines on the Protection of Persons in Situations of Natural Disasters were formally endorsed by the Inter-Agency Standing Committee (IASC) in October 2010. This document is also presented to this Council as an addendum to this report.

8. These new Operational Guidelines were developed in order to both merge and improve the Guidelines developed by the Representative in 2006, and the accompanying manual developed in 2008.¹ Importantly, the Operational Guidelines now draw on and reflect not only the feedback provided by humanitarian workers working in situations of natural disasters but also input and experiences gathered at a series of workshops organized in different parts of the world in cooperation with the Brookings-Bern Project on Internal Displacement and different Inter-Agency Standing Committee members, and in which some 300 Government officials, humanitarian and development actors, members of security forces and fire brigades participated.

9. The Special Rapporteur believes that the revised Operational Guidelines respond to a need for more concrete guidance on the application of specific human rights to situations of natural disaster. The aim of the Guidelines is to assist Governments, as well as international and non-government humanitarian organizations to ensure that disaster relief and recovery efforts are conducted within a framework that protects and furthers the human rights of affected persons. This includes, *inter alia*, ensuring that human rights principles are integrated into disaster response from the earliest stages, and that measures are taken to ensure that affected persons are consulted and participate in relevant processes. On this basis, the Guidelines provide guidance on how to ensure the protection of four sets of rights in situations of natural disasters, including: rights related to protection of life and physical security; rights related to the essentials of life such as food, shelter, education and health; rights related to housing, land, property and livelihoods; and civil and political rights such as freedom of movement and expression.

¹ Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters, Brookings Bern Project on Internal Displacement, Washington DC, June 2006.

10. The Operational Guidelines will be translated into a number of languages and are expected to be published, with the support of the Brookings-Bern Project, within the next months.

2. Other contributions to normative developments

11. This mandate has contributed to a number of other normative developments over the course of the last year, including through the elaboration of the following: Integrating Internal Displacement in Peace Processes and Agreements: Guide for Mediators;² and the Framework on Durable Solutions for Internally Displaced Persons.³ The Special Rapporteur is pleased to report that both documents have been published and are currently already being used by different actors for a number of purposes, including training events. With regard to the Durable Solutions Framework, the Special Rapporteur is pleased that this document is expected to soon be translated into all official United Nations languages, which will significantly enhance its accessibility to a wider range of actors.

12. In addition to the above, the Representative presented to the IASC working group in July 2010 a discussion paper jointly developed with the Office of the United Nations High Commissioner for Refugees (UNHCR), on internally displaced persons outside camps. Intended primarily to trigger an active discussion and follow-up actions by the IASC and its member agencies, the Special Rapporteur is encouraged by the degree of interest expressed on this issue, as well as the suggested need for concrete follow-up. The suggestions made to date include the need to form a structured working group to advance the issue, and to undertake an initial stock-taking exercise in order to compile and analyse existing practices and tools to address the situation of IDPs outside of camp settings, as well as existing gaps in this regard. The Special Rapporteur urges all relevant actors, including the IASC members and the donor community in particular, to bring more concerted attention and resources to this issue. This will include reviewing and questioning some of our current working methods, strategies and assumptions, and working together to strengthen the effectiveness and responsiveness of the humanitarian community to internally displaced persons outside of camp-type settings.

B. Trainings and other capacity-building initiatives

1. Trainings

13. Throughout the reporting period, the mandate continued to be active in trainings and capacity-building activities. The Representative, co-organized and participated in the annual San Remo Course on the Law of Internal Displacement (7-12 June 2010), which included 22 participants from 13 displacement-affected countries. He also participated in the Regional Workshop: Protecting and Promoting Rights in Natural Disasters in South-East Asia, which took place in Yogyakarta, Indonesia, on 14-15 May 2010. The workshop was organized by the Brookings-Bern Project on Internal Displacement, the All India Disaster Migration Institute, the Center for Security and Peace Studies, and the Gadjah Mada University. It brought together 35 representatives from Government, the United Nations, the Red Cross/Red Crescent Movement and international and national NGOs, and allowed them to share good practices and become familiarized with the Operational Guidelines on Human Rights and Natural Disasters.

² Available at: http://www.brookings.edu/reports/2010/0216_internal_displacement_mchugh.aspx.

³ IASC Framework on Durable Solutions for Internally Displaced Persons (A/HRC/13/21/Add.4). The framework is also available at: http://www.brookings.edu/reports/2010/04_durable_solutions.aspx; www.humanitarianinfo.org/iasc.

2. Other capacity-building initiatives

14. Other capacity-building and technical-assistance initiatives were also undertaken with regard to individual Governments, including Chad, Yemen and Kenya to support their efforts to develop national policies and other initiatives with respect to various aspects of internal displacement.

C. Mainstreaming activities and cooperation with regional and international organizations

15. Mainstreaming activities and cooperation with United Nations and other organizations remain key aspects of the mandate which allow it to both exchange and advance knowledge and good practices in relation to internal displacement. During the reporting period the mandate was active in participating in and bringing policy issues relating to IDPs for consultation within the Inter-Agency Standing Committee (IASC). Of particular note were the Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (A/HCR/16/43/Add.5), which were endorsed by the IASC in October 2010 (see paragraphs 7-10 above for further details), and the working paper on the protection of internally displaced persons outside camps, which was co-authored with UNHCR and brought to the attention of the IASC Working Group in July 2010 in order to promote discussion and encourage practical changes amongst humanitarian actors (see paragraph 12 above) The Representative also provided country briefings to IASC members, such as the briefing on Haiti and Iraq, following his visits to both countries.

16. As the central venue within which to mainstream the human rights of IDPs, the mandate-holder and his staff participated at all levels of the IASC (Principals, Working Group, Task Forces). The Special Rapporteur will continue to actively engage in this forum in order to bring attention to and mainstream the human rights of IDPs within the broader humanitarian agenda.

17. The Office for the Coordination of Humanitarian Affairs (OCHA) and UNHCR, as well as the Office of the High Commissioner for Human Rights (OHCHR) continued to provide regular support towards policy initiatives and the missions of the mandate-holder. This included field support during the preparation and conduct of country missions. In the context of this collaboration, the mandate-holder had the opportunity to also regularly provide expert advice to UNHCR on issues related to internal displacement and to support the mainstreaming of internal displacement issues within the agency, including by participating in thematic or country-specific discussions.

18. These collaborative arrangements have strengthened the capacity and effectiveness of the mandate immeasurably. The Special Rapporteur wishes to express his appreciation for this support to date, as well as his intention to continue this collaboration.

19. The IDP mandate has also cooperated with the Special Representative of the Secretary-General on Children and Armed Conflict on a regular basis. In the course of the reporting period, the mandate holder contributed to a working paper on the rights of displaced children in armed conflict, and participated together with the newly appointed Special Rapporteur at the time, at a side event on the same topic in the margins of the General Assembly in New York in October 2010. With regard to cooperation with the Peacebuilding Commission, the mandate-holder engaged with them on a regular basis, including to coordinate activities with respect to the Central African Republic, and by providing his expertise on IDP related issues in this country at a meeting on 21 July 2010.

20. Complementing the mainstreaming activities detailed above, the mandate holder maintained ongoing cooperation with regional and international organizations. On 26 April

he travelled to Brussels where he held a series of meetings with key counterparts in the European Union, including the Directorate-General of External Relations of the Commission, the Council Secretariat, the Directorate General for Enlargement, the Chair of the Development Committee of the European Parliament, and the Director General of the Humanitarian Aid department of the European Commission (ECHO).

21. In the context of his cooperation with the World Bank, the mandate-holder has been closely involved in the design of their IDP programme, which aims to strengthen the capacity of its national offices to contribute to durable solutions for IDPs, and participated in a review of the program which took place on 17 June 2010.

22. During the reporting period, the mandate also benefited from regular exchanges and cooperation with a number of international and civil society organizations, whether in Geneva, New York or the various countries he visited. He maintained cooperation with the International Committee of the Red Cross (ICRC), both at the Headquarters level, and in the field, and was very pleased once again in June 2010 to participate in an open dialogue session with its representatives in Geneva on issues of mutual concern. The Special Rapporteur expresses his appreciation for the excellent cooperation between the mandate and the Committee to date, and the Vice President's recent invitation to continue the regular dialogue sessions in the future. The Special Rapporteur is also appreciative of the ongoing cooperation between the mandate and other civil society actors, including the Internal Displacement Monitoring Centre (IDMC), and will seek to continue enhancing this close cooperation including through the regular exchange of information, and future projects and possible capacity-building and training activities.

D. Country engagement

Armenia

23. At the invitation of the Government of Armenia, the Representative conducted a follow-up visit to the country on 17 and 18 September 2010. He had visited Armenia in 2007. Many IDPs in Armenia have integrated well into their host communities, but a considerable number still live in difficult circumstances, after nearly 20 years of displacement, while others have not been able to return to their homes in the border regions due to the lack of shelter and livelihood opportunities. Since 2007, the Government has been developing a programme to facilitate the return of internally displaced persons to border regions. During his visit, the Representative had the opportunity to discuss the programme with authorities and make some recommendations on revisions to the project proposal. The Representative also visited IDP communities from Artsvashen in the Dprabak village and the Chambarak town in the Gegharkunik region.

Azerbaijan

24. The Representative carried out a follow-up mission to Azerbaijan from 19 to 24 May 2010 (A/HRC/16/43/Add.2), a country he last visited in 2007. While encouraged by significant progress since his last mission, such as the closing of tented camps, the Representative remained concerned by the protracted nature of the displacement, which continues to affect the human rights of close to 600,000 IDPs, nearly two decades after the initial displacement.

25. The Government of Azerbaijan has provided significant resources towards the improvement of overall living conditions for its displaced population. This has resulted in better housing conditions for a number of internally displaced persons and a significant decline in the poverty rate among this sector of the population over the last five years. However, both old and new problems are affecting their rights, including access to adequate

housing which remains a persistent concern, and health and education rights. Stronger efforts are, in particular, necessary to provide internally displaced persons with livelihood opportunities and to decrease dependency on Government transfers. The Representative encouraged the Government to continue their efforts to address these issues, to reduce both the isolation and the insular effects experienced by some displaced communities, and to promote self-reliance and the full economic and social integration of internally displaced persons. He further stressed the need to increase initiatives and promote mechanisms to engage internally displaced persons in consultative and participatory processes on issues affecting them.

26. The Representative also emphasized the need to strengthen efforts towards achieving a peace agreement, including one which takes the rights of internally displaced persons into consideration.

Central African Republic

27. From 9 to 17 July 2010, the Representative conducted a follow-up mission to the Central African Republic (A/HRC/16/43/Add.4). In the Northwest of the country (Ouham-Pendé and Ouham prefectures), the situation had stabilized and there had been many returns since his last visit. However, those who remained continued to face a humanitarian crisis and were exposed to a general situation of insecurity.

28. In and around Ndélé (Bamingui-Bangouran prefecture), many fled into the bush due to armed clashes and were in need of urgent assistance. The Representative was encouraged by the fact that shortly after his visit military restrictions on humanitarian access in and around Ndélé had been lifted. The Representative received alarming reports about grave acts of violence against the local civilian population committed by the armed forces and rebel groups.

29. In the south-east of the country, thousands of people became displaced due to attacks against the civilian population by the Lord's Resistance Army, which were often accompanied by murder, abductions of children, rape and other atrocities. The Representative called on the Government, together with the international community, to protect the civilian population, including by reinforcing the presence of security forces in the region.

30. In order to build sustainable peace in the country, it is essential that the return and reintegration of the displaced, the process of disarmament, demobilization and reintegration of combatants, and the rights of the 200,000 remaining IDPs are addressed in accordance with the commitments under the Strategic Framework for Peacebuilding in the Central African Republic 2009-2011. In this context, the Representative was encouraged by the recommendations of a workshop he attended to develop a law and a strategy on internal displacement and the preparatory work undertaken since then.

Chad

31. As a follow-up to his mission to the country in February 2009, the Representative attended a workshop on durable solutions for internally displaced persons in Eastern Chad from 16-18 March 2010. Jointly organized by the Ministry of Economy and Planning, UNDP, OCHA, UNHCR and the Representative, the workshop brought together key stakeholders from Government, the international community and civil society to discuss strategies for addressing challenges related to durable solutions. The workshop also addressed the need to ratify the Kampala Convention. The Representative further engaged with the Government by writing a follow-up letter on 30 April providing the Government suggestions on promoting durable solutions in areas of return and local integration. He highlighted that achieving durable solutions for displaced populations is a key element

toward consolidating peace in eastern Chad. A joint strategy to support durable solutions is being developed, based on the recommendations resulting from the workshop, those of the Representative, and the findings of the inter-agency missions covering the different regions affected by displacement. The Special Rapporteur welcomes the fact that Chad became the third party to the Kampala Convention in November 2010.

Democratic Republic of the Congo

32. At the request of the Human Rights Council, the Special Rapporteur and six other special-procedures mandate-holders are to submit a joint report to the Council with regard to the human rights situation in the country. At the time of writing of this report, the Special Rapporteur was elaborating his contribution to this joint report. The Special Rapporteur regrets that the Government of the Democratic Republic of the Congo has not to date apprised the seven Special Rapporteurs of the implementation of their recommendations (see A/HRC/10/59). In addition to the joint report, the Special Rapporteur proposes to engage with the Democratic Republic of the Congo on issues of internal displacement in the framework of the International Conference of the Great Lakes.

Georgia

33. The Representative undertook a follow-up mission to Georgia from 13 to 16 September 2010 (A/HRC/16/43/Add.3); he had previously visited the country in 2005, 2008 and 2009.⁴ This time, he travelled to Tbilisi, Sukhumi and the Gali district. In the course of his visit, the Representative found that the Government of Georgia had made good progress since his last visit, including in the implementation of the Action Plan for IDPs. The authorities have also invested significant resources in the rehabilitation of collective centres and new housing for IDPs. Nonetheless, several challenges remain for the more than 350,000 internally displaced persons. In particular, the evictions related to the closing of certain collective centres should be carried out in accordance with international standards, and accompanied by viable alternatives which do not deprive people of existing livelihoods or access to health services and education. All measures aimed at improving housing conditions should be accompanied by livelihood projects and assessment of their viability, including access to basic services.

34. During this visit, the Representative also sought to assess the situation in the Gali district in Abkhazia, Georgia, and the return prospects of those displaced from that region. The main obstacles to further returns to Abkhazia remain political. Abkhaz de facto authorities remain reluctant to allow any returns to Abkhazia beyond the Gali district. In addition, the prospects of return for those displaced from the Gali district and elsewhere in Abkhazia, Georgia remain low due to security concerns, the lack of adequate housing and livelihood opportunities, and property restitution and compensation issues. The Representative urged the Abkhaz de facto authorities to address these issues. He also called upon the Government of Georgia to ensure that changes currently being envisaged in the implementation of the Law on the Occupied Territories do not adversely impact humanitarian access to the Tskhinvali region/South Ossetia, Georgia and to Abkhazia, Georgia or hinder the return of displaced persons.

Haiti

35. From 11 to 16 October 2010, the Representative conducted a mission to Haiti, where an estimated 1.3 million people were still living in informal camps or settlements in and around Port-au-Prince, nine months after the earthquake of 12 January 2010. The

⁴ See: E/CN.4/2006/71/Add.7; A/HRC/10/13/Add.2; and A/HRC/13/21/Add.3.

Representative identified the absence of guidance by the Government of Haiti on how to reconstruct the devastated city and find durable solutions for those displaced in the aftermath of the earthquake as a key problem, causing prolonged stays in sub-standard camps and creating the risk of a protracted humanitarian crisis.

36. The increasing number of forced evictions of IDPs was a subject of particular concern. The Government needs to ensure that there are no forced evictions without due process and that no IDP is evicted without being offered a reasonable alternative place to live.

37. Furthermore, pre-existing patterns of violence against women and children were being replicated in the camps. It is necessary to increase the presence of both the Haitian police and the United Nations Stabilization Mission in Haiti (MINUSTAH) in the camps. The Representative also called on the Government to send a clear signal to the police and the justice system that ending widespread impunity for the perpetrators is a priority.

38. As regards humanitarian assistance, a certain shift is necessary. While some needs are displacement-specific and need to be addressed in the context of the existing camps and informal settlements, other urgent needs such as access to health, water, sanitation and education are common to many people living outside camps and should be addressed through a neighbourhood approach. This will provide access to basic services to all the affected population, and will reduce the risk that people are drawn into unsustainable camps.

39. The Representative also urged the Government of Haiti, as a matter of priority, to endorse and communicate publicly a plan on how to provide durable solutions for those in the camps and to inform and consult with the displaced on its implementation. He called on development donors to support flexible, early-recovery funding such as smaller-scale neighbourhood reconstruction projects, which will provide hope and much needed livelihoods.

40. Shortly after the Representative's visit, a major cholera epidemic broke out, which will keep the country in a humanitarian crisis for a longer period and affect the IDP population in particular. Humanitarian donors and the international community at large therefore need to remain strongly engaged in Haiti.

Iraq

41. The Representative carried out an official visit to Iraq from 26 September to 3 October 2010 (see A/HRC/16/43/Add.1). He was encouraged by the progress and commitments made to date by the Government of Iraq to address the humanitarian and human rights situation of internally displaced persons, including the adoption of a national policy on displacement, commitments made with regard to IDPs in the context of the universal periodic review, and their continued engagement with the international community on internal-displacement issues.

42. The scale and complexity of the internal displacement situation in Iraq, however, require that these efforts by the Government of Iraq and the international community be strengthened and consolidated in the form of an inclusive and comprehensive action plan which addresses both the immediate humanitarian needs and human rights of displacement-affected communities, as well as a strategy to achieve durable solutions for the estimated 1.55 million Iraqis remaining in displacement in the country (since 2006). Approximately 500,000 persons, a majority of whom are believed to be IDPs are currently living in very difficult and hazardous conditions in informal settlements in Baghdad and other cities. An action plan should also be developed and implemented in close collaboration between federal authorities and the Regional Government of Kurdistan (KRG) in order to ensure that

it includes protection and assistance, as well as longer-term solutions for the estimated 30,000 internally displaced families presently living in that region.

43. The Representative stressed the importance of resuming the registration of IDPs (stopped in February 2009) throughout Iraq – which will facilitate the urgently needed social assistance to the most vulnerable IDPs and also the identification and implementation of durable solutions for the different groups of IDPs. In the immediate, he also called on competent authorities to take urgent measures to improve basic living conditions and access to essential services, as well as to renew a moratorium on evictions from informal settlements until a strategy is developed which provides viable long-term solutions and housing alternatives in line with international standards become possible for these persons.

44. The Representative underlined that finding durable solutions to internal displacement in the country is an essential part of peace-building in Iraq, and that such a process should be inclusive of and include consultations with all communities affected by displacement. In order to be successful, a durable solutions strategy must also consider and provide for the full range of durable solutions including return, local integration or settlement in a different location. He cautioned that regional and federal authorities must remain vigilant and ensure that the human rights of internally displaced persons are not adversely affected by a number of political or economic factors or by activities which must remain non-political such as the upcoming national census exercise. He further called on the Government of Iraq and the international community to provide sufficient resources to address the human rights and social challenges created by the various waves of displacement in the country, and to include displacement issues in all relevant development plans and programs, including in particular the next National Development Plan.

Kenya

45. From January to March 2010, the Representative supported the development of a draft national policy on internal displacement in Kenya by providing technical support to the Government-led Protection Working Group on Internal Displacement, under whose auspices the policy was developed. The Representative was impressed by the variety of different actors actively participating in the process, including representatives from the IDP community, and commends the Government of Kenya for its efforts to incorporate the Guiding Principles on Internal Displacement (Guiding Principles) (E/CN.4/1998/53/Add.2) into its domestic legislation and for striving to meet its obligations under the 2006 Protocol on the Protection and Assistance to Internally Displaced Persons (Great Lakes Protocol). He further encourages the Government of Kenya to adopt the draft policy and begin the process of its implementation.

Somalia

46. The Representative followed up on his visit to Somalia last year (14-21 October 2009) by participating in meetings of the United Nations Somalia operation, held in Nairobi in March 2010. At the time the humanitarian space in south and central Somalia had shrunk to an extent to which the World Food Programme had to suspend its operations. Severe constraints on humanitarian access and security risks for humanitarian workers remained a major challenge for operations in Somalia. The Representative urges the international community to focus its efforts and attention on this very serious long-standing humanitarian crisis.

Yemen

47. The Representative's visit to Yemen from 4 to 10 April 2010 came at a time of transition from armed hostilities to a fragile ceasefire agreement. Limitations on humanitarian access to parts of Sa'ada, Amran and Al-Jawf governorates continued to

hinder the efforts of the United Nations and other humanitarian organizations to reach IDPs in those areas and to monitor return movements.

48. The displacement situation warranted continued humanitarian assistance to all displaced persons, both in and outside camps, but such assistance was jeopardized by a lack of humanitarian funding. The Representative commended the approach of the humanitarian community, which sought to address the needs not only of the displaced living in camp settings, but also of those living in scattered settlements and rented apartments in host communities. He recommended that humanitarian assistance be complemented by small-scale livelihood projects in displacement areas, in order to limit dependency on assistance.

49. Durable solutions for the displaced were hampered by continuous insecurity, fear of reprisals and overall uncertainty with regard to the ceasefire, as well as the destruction of homes and lands, and the existence of landmines. If left unaddressed, these manifold obstacles may result in a protracted displacement situation. Support and genuine alternatives to return, such as local integration, are necessary for those who are not in position to return in the near future.

50. The Representative appreciated the Government's efforts to develop, together with the United Nations and with the technical support provided by this mandate, a comprehensive national strategy on internal displacement which seeks to improve the lives of displaced persons, promote the creation of durable solutions and prevent future displacement. He commends the Government for its efforts and encourages the timely adoption of the strategy, as well as its implementation in Governorates hosting large numbers of displaced persons.

III. Looking forward: addressing new challenges and consolidating gains

A. Working methods and focus of the mandate

51. In line with Council resolution 14/6 and the established working methods of the mandate, the Special Rapporteur believes it is important to continue to emphasize and strengthen the mainstreaming of the human rights of internally displaced persons, including the development of normative frameworks, and to maintain and reinforce follow up and capacity building activities. These have been cornerstones of the mandate and have enabled it to contribute to both conceptual and normative advances, and to engage with relevant actors, and most notably, Governments, for the adoption and implementation of national policies, strategies and legislation in line with the Guiding Principles. As part of these capacity building efforts, the mandate will also continue to actively engage in workshops and training programs such as the San Remo Course on the Law of Internal Displacement which has proven to be an excellent vehicle to bring together Government authorities involved in IDP issues. The mandate will further seek to add a regional dimension to capacity building activities, by promoting region-wide approaches and mechanisms for different types of internal displacement situations, particularly where specific regional priorities are identified with regard to the human rights of internally displaced persons.

52. In the same spirit, the mandate aims to continue to pursue and strengthen the solid cooperation already established between the mandate and United Nations organizations. In this regard, the Special Rapporteur will continue to participate and contribute positively to the work of the Inter-Agency Standing Committee, to collaborate with United Nations Country Teams and to work closely with the Emergency Relief Coordinator, OCHA, OHCHR and UNHCR. Civil society organizations, international as well as national, and displacement affected communities will of course remain key counterparts for the mandate.

53. A central component of this mandate consists in following situations which have or can potentially trigger internal displacement and humanitarian crises. The Special Rapporteur is committed to engage with States and communities affected by such situations at every stage, including in the prevention of forced displacement, during the displacement phase itself, and in the search for durable solutions. In this context, and in line with resolution 14/6, he stands ready to cooperate with Governments, affected communities, relevant United Nations agencies and other relevant stakeholders, to address the human rights protection, assistance and development needs of internally displaced persons, including through country visits and continued engagement with regard to the implementation of the recommendations resulting from such visits.

54. In addition to the above, the Special Rapporteur has identified a number of priority areas and themes for the initial part of his mandate. These include a regional focus on the African Union Convention for the Protection and Assistance of Internally Displaced Persons, natural disasters and climate change, women and internal displacement, and internally displaced persons outside camp settings.

B. Priority areas and themes

1. African Union Convention on Internal Displacement

55. As the first, and thus far only, legally binding regional instrument on internal displacement, the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) in October 2009 is a major achievement. It represents the will and determination of African States to address the problem of internal displacement in Africa, which is home to 12 million internally displaced persons, and over 40 per cent of all IDPs worldwide who have been displaced due to conflict or violence.⁵

56. In addition to the legal significance of the adoption of this instrument, the Convention is all the more significant for the comprehensive manner in which it addresses internal displacement. It provides guarantees against forced displacement, standards for the protection of persons during the displacement phase, as well as with regard to durable solutions. It also covers a broad range of possible causes of displacement, including conflict, human rights violations, natural or man-made disasters and development projects.

57. Since its endorsement, a total of 29 of the 53 African Union Member States have signed the Convention and three States, namely Uganda, Sierra Leone and Chad, have ratified it. However, in order to enter into force and become legally binding, the Convention must be ratified by a minimum of 15 countries. The Special Rapporteur strongly urges all African States to ratify the Convention, even if they are not presently affected by displacement. The Convention will ensure that these countries too are prepared and can provide protection to their populations from forced displacement, as well in the event of a natural disaster. Moreover, it is now vital that African Member States follow through and conclude the process which began with the adoption of the Convention, by speedily signing and ratifying the Convention so that it may actually come into force.

58. The next steps, to which the IDP mandate will wish to contribute, are therefore to actively promote the ratification by States of the Convention and to continue to assist in putting in place policy and legislative frameworks which will ensure its implementation at the national level. The Special Rapporteur is encouraged by the fact that a number of African States have already developed or are in the course of developing national laws and

⁵ IDMC: <http://www.internal-displacement.org/kampala-convention>.

policies to address the issue of internal displacement, many of which are based on the Guiding Principles.⁶ This has been reinforced by the 2006 Protocol on the Protection and Assistance to Internally Displaced Persons (Great Lakes Protocol)⁷, which requires Member States to incorporate the Guiding Principles into domestic legislation. This mandate has already had a practice of engaging with States, including African States, in the development of national IDP policies and legislation. Most recently, it provided technical assistance earlier this year to Kenya in the elaboration of a draft national IDP policy.

59. The mandate intends to continue to actively engage with African States on the ratification and implementation of the Kampala Convention in a number of ways, including: by holding regional consultations and workshops with concerned States; providing technical advice and assistance in the formulation of national policies and legislation implementing the Convention; and by developing generic tools on the Convention intended to provide guidance on specific aspects related to its domestic implementation. The latter could include annotations and commentary to the Convention, which can render more explicit the content and implications of its provisions and in this manner also assist its application and interpretation by States. A fuller description of the content of the Kampala Convention could also draw on the link between the Guiding Principles and the Convention, as well as its integration and references to international humanitarian, criminal and human rights law.

2. Natural disasters and climate change

60. This mandate has been specifically tasked with addressing situations of internal displacement caused by natural disasters. It is an issue which the mandate has already done significant work on, most notably, in the form of the revised Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, which have recently been adopted by the Inter-Agency Standing Committee (A/HRC/16/43/Add.5) and a thematic report on the protection of internally displaced persons in situations of natural disasters submitted to the Human Rights Council in 2009 (A/HRC/10/13/Add.1). At least 36 million people were displaced by sudden-onset natural disasters in 2008, including over 20 million displaced by climate-related, sudden-onset disasters, according to a report by OCHA and the Internal Displacement Monitoring Centre. This does not include slow-onset disasters such as drought and sea-level rise, which will also trigger important displacements. By contrast, 4.6 million people were newly internally displaced during that year by conflict and violence.⁸ As a further aspect of its work on internal displacement, this mandate will seek to address more specifically the human rights implications and dimensions of climate-induced internal displacement.

61. Although much attention has been devoted to the scientific evidence of climate change and the preventive and mitigation measures necessary to stop or manage this phenomena, relatively little attention has been paid to date on the human rights implications of climate change and even less to finding durable solutions to climate-induced forced

⁶ Countries which have either already or are the course of developing national laws and policies based on the Guiding Principles include, inter alia: Angola, Burundi, Liberia, Sierra Leone, Sudan, Uganda, and Kenya. IDMC: <http://www.internal-displacement.org/kampala-convention/making-it-real>.

⁷ Adopted by the Member States of the International Conference on the Great Lakes.

⁸ According to the findings of a study by the United Nations Office for the Coordination of Humanitarian Affairs and the Internal Displacement Monitoring Centre, Monitoring disaster displacement in the context of climate change (September 2009). Available at: [http://www.internal-displacement.org/8025708F004CFA06/\(httpPublications\)/451D224B41C04246C12576390031FF63?OpenDocument](http://www.internal-displacement.org/8025708F004CFA06/(httpPublications)/451D224B41C04246C12576390031FF63?OpenDocument).

displacement.⁹ Yet, as pointed out by an OHCHR report in 2009, very tangible rights are potentially impacted by climate change including, inter alia, the right to life, water, food, health, and housing. In this context, internally displaced persons remain entitled to the range of human rights, including protection from arbitrary displacement, and to rights related to housing and property restitution which are so vital to durable solutions.¹⁰ It is estimated that many millions of people may be forcibly displaced due to climate change in the coming decades.¹¹

62. Practical issues, including housing, land and property rights and livelihood, which are all necessary for sustainable and durable solutions, will become even more dominant issues in this type of displacement. Indeed, with the irreversible effects (in the immediate future) of certain phenomena such as the loss of arable land or biodiversity, finding durable solutions for displaced communities may become a key challenge. Adopting a human rights approach to climate change-induced displacement provides an internationally accepted framework within which to begin a dialogue and identify rights based solutions for these difficult issues. However, further work is necessary in this regard.

63. The IDP mandate has helped to trigger and shape the IASC analysis of the humanitarian implications of climate change, which resulted in shared terminology on different affected populations and a common understanding of the normative frameworks for their protection and the legal and institutional gaps. This work culminated in joint advocacy efforts on the humanitarian implications of climate change in the 2009 Copenhagen negotiations on a United Nations Framework Convention on Climate Change.¹² The Special Rapporteur will continue to work closely with all stake holders to explore and develop the connections between existing frameworks on climate change, international human rights law, the Guiding Principles and other relevant guidance documents or instruments – with the objective of contributing to a clearer conceptual foundation and normative framework. The mandate will also continue to work with counterparts at all levels in order to strengthen the response to the many human rights challenges posed by climate-induced displacement, including through mutual knowledge sharing, which is considered a key aspect of addressing climate change issues.¹³

64. Human rights obligations engage State responsibility before disaster strikes as well in its aftermath. In the case of climate change and environmental destruction, due diligence

⁹ Displacement Solutions (German Federal Ministry for Economic Cooperation and Development, and the German Agency for Technical Cooperation (GTZ)), *Climate Change Displaced persons and Housing, Land and Property Rights: Preliminary Strategies for Rights-based planning and Programming to Resolve Climate-Induced Displacement*, 2009, p. 6. Available at: http://www.displacementsolutions.org/files/documents/DS_Climate_change_strategies.pdf

¹⁰ Report of the High Commissioner for Human Rights on the relationship between climate change and human rights, A/HRC/10/61, 15 January 2009, para, 8-15, 57.

¹¹ *Climate Change Displaced persons*, p.6.

¹² See Forced Displacement in the Context of Climate Change : Challenges for States under International Law, Paper submitted by the Office of the United Nations High Commissioner for Refugees, in cooperation with the Norwegian Refugee Council, the Representative of the Secretary General on the Human Rights of Internally Displaced Persons and the United Nations University to the 6th session of the Ad-Hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA 6) from 1-12 June in Bonn, 19 May 2009; and working paper on “Climate change, migration and displacement: Who will be affected?” submitted by the informal group on Migration/Displacement and Climate Change of the Inter-Agency Standing Committee (IASC), 31 October 2008 to the secretariat of the United Nations Framework Convention on Climate Change, available at <http://unfccc.int/resource/docs/2008/smsn/igo/022.pdf>

¹³ IASC, 78th IASC Working Group Meeting: IASC Task Force on Climate Change: Progress Report and Way Forward, 27 October 2010, WO/1010/360/7, p.3.

obligations should prevail in order to prevent or mitigate the impact of natural disasters and the deterioration of environments necessary to human life and to the particular way of life of certain groups such as indigenous peoples, and persons with pastoralist or nomadic lifestyles. It is worth highlighting that these groups of persons as well as vulnerable groups, such as those suffering from chronic poverty in the developing world, are expected to be the most affected by climate change, natural disasters, and the ensuing displacement (see A/HRC/10/13/Add.1, paras. 22, 65, 66, 73).

65. In addition to the individual and collective responsibility of States to put in place adequate preventive and mitigation strategies, such as measures relating to climate change adaptation and disaster risk management, States also bear responsibility for securing the human rights of persons affected directly or indirectly by related events. Amongst other things, this includes addressing food crisis brought on or aggravated by loss of arable land, droughts, floods, and loss of biodiversity, but it also entails putting in place systems of social protection for persons who have become landless, homeless, deprived of livelihoods – and more often than not also internally displaced. Humankind has more recently had an important role to play in exacerbating the onset of both natural disasters and climate-related developments, and from a human rights perspective we must assume our responsibility to address the serious human rights impact on individuals and communities.

3. Women and Internal displacement

66. The Human Rights Council resolution 14/6 extending this mandate, requests the Special Rapporteur to “integrate a gender perspective throughout the work of the mandate, and to give special consideration to the human rights of internally displaced women and children, as well as of other groups with special needs, such as older persons, persons with disabilities and severely traumatized individuals affected by internal displacement, and their particular assistance, protection and development needs”. As part of carrying out this aspect of the mandate, a special focus will be given to exploring more specifically the situation of internally displaced women and girls, including in various types of internal displacement situations.

67. The Guiding Principles on Internal Displacement explicitly call on States to provide protection for women and girls, including by safeguarding them from gender-specific violence and by ensuring their rights to equal access to services and participation in assistance programs. Yet, we know that abuses against displaced women and girls continue to be perpetrated with impunity in many parts of the world, and that many do not have adequate access to key rights and services, or to adequate physical, legal or social protection. While efforts have been made to strengthen legal protection for displaced women who are survivors of sexual and gender-based violence, more needs to be done both at this level, as well as in terms of concrete assistance so that these women and their families can rebuild their lives and durable solutions be found together with them. Assistance without durable solutions will never be sufficient to improve their situation and their vulnerability to further abuse and human rights violations.

68. Women and girls can be especially vulnerable to forcible displacement, are at further risk during the displacement phase itself, and often remain exposed to serious human rights violations even once they have ostensibly found a solution to their displacement. This continuous vulnerability often stems from their pre-existing situation, as well as the more general social and economic status of women in the country and the community.

69. Sexual and gender-based violence is frequently used as a tactic of war to forcibly displace civilians in order to achieve military or political objectives, to punish communities for their political allegiances, or as a way of conducting inter-ethnic fighting. The impunity that accompanies these crimes is such that armed actors sometimes return to conduct mass rapes on survivors a second time, even after displacement. The risk of this type of violence

during displacement is well documented and occurs in the context of both conflict and non-conflict induced displacement situations. Women are also particularly affected by the breakdown of basic infrastructure, given their role as care-givers, and when assistance is insufficient they often face the dilemma of having to subject themselves to sexual exploitation in order to feed their children. Once the reasons for displacement have ended, women are rarely included in peace processes or decisions relating to their future, so that durable solutions fail to take into account what would actually enable these women to rebuild their lives.

70. Ongoing efforts in the context of Security Council resolutions 1325 (2000), 1820 (2008) and 1888 (2009), which seek, inter alia, to strengthen women's participation in decision-making and their agency in conflict prevention, early recovery and governance, as well as in ending conflict related sexual violence and impunity, are important in the context of internal displacement. Equally relevant to the situation of women and girls in internal displacement situations are a number of other instruments, including the International Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the fundamental guarantees provided for in international humanitarian law. Despite these frameworks, the international community has paid insufficient attention to the particular human rights situation and solutions for women and girls in the specific context of internal displacement. The Special Rapporteur proposes to devote particular attention to exploring the gender dimensions of internal displacement, including by strengthening links with the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other relevant bodies and organizations, in order to address the specific human rights violations and discriminatory practices which impact on women and girls at every stage of the displacement process, and by examining alternative solutions and prevention strategies which would be especially effective for them.

4. Internally displaced persons outside camps

71. Of the 27 million IDPs in the world today,¹⁴ the vast majority live outside the types of settings, namely IDP camps and settlements, which we have come to associate with displacement situations. Indeed, the majority live in either urban or rural settings either by their own means in rented accommodation for example, or with host families. In some situations, IDPs merge with homeless or landless sections of the population in shantytowns and squatter areas. The capacity of the humanitarian community to address the specific needs of these displaced populations, as well as the particular impact and needs of host communities, however remains inadequate. A variety of reasons have converged to promote expertise and mechanisms that provide humanitarian assistance in camps and settlements, while ad hoc responses generally remain the norm with regard to IDPs outside of camps - sometime referred to as the 'invisible displaced' due to the difficulty in identifying and assisting them once they have become part of the general population.

72. Assisting IDPs in these diffuse settings can often be more complex and technically challenging than servicing a compact camp of internally displaced persons; the latter are frequently much less mobile and remain in camp for predictable periods of time, they represent a consolidated group of persons which one can identify and monitor more easily for assistance and protection needs, and the provision of assistance is facilitated by the fact that it takes place in a set location. While practices to effectively assist IDPs outside camp settings already exist among international and national actors in many countries, challenges

¹⁴ IDMC, at: [http://www.internal-displacement.org/8025708F004CE90B/\(httpPages\)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000](http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000)

include consolidating and systematizing good practices, and more broadly adapting humanitarian responses to IDPs to different types of non-camp settings.

73. Improving our effectiveness and responsiveness to internally displaced persons outside of camps represents not only a humanitarian challenge whose time has come, but also raises a number of dilemmas and opportunities. One aspect which can be perceived as a dilemma is the question of whether and how to specifically assist internally displaced persons in the context of residents of local communities similarly in need. Such situations can occur in the aftermath of conflict-induced displacements as well as in the case of natural disasters, where the displaced merge within host communities which, while not displaced, may have for example lost their livelihoods. At the same time, municipalities and local resources may be placed under increased pressure from the influx of new residents.

74. The Special Rapporteur believes that while the displacement-specific needs of IDPs must be addressed, a community based approach which also addresses the needs of displacement-affected communities and host families is necessary in such situations, and that more predictable systems and standards should be established for this purpose. More clearly established response systems in such settings could have the added benefit of acting as a “push” factor from camps – compelling more persons to avoid resorting to camps or settlements or to move from camps in order to find alternative arrangements and begin the process of reintegration into mainstream society.

75. Assistance to displacement-affected communities may however, require a different approach to humanitarian assistance, so that the concept of assistance extends to include early recovery and development interventions, such as those related to the rehabilitation of key infrastructure necessary for basic services, such as water, sanitation, health and education. In the same vein, communities of return, resettlement or local integration will often require similar assistance in addition to efforts related to livelihoods and reconciliation measures. Situations characterized by mass destruction and displacement either due to conflict or natural disasters, such as the case of Haiti, are examples of the need to think beyond camps and to support all displacement-affected communities; a strategy which will also avoid situations of protracted displacement where IDP residents are unable to leave for lack of alternatives, and where impoverished neighbours sometimes join the camp in order to have access to the basic services that it provides.

76. The mandate will seek to continue to dialogue and work with all relevant actors, including the members of the IASC, within which this issue was raised for discussion earlier this year, in order to improve the humanitarian response and the search for durable solutions for IDPs and displacement-affected communities.
