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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.

[17 May 2010]

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

Renewal of the mandate of the Representative of the Secretary General on the Human Rights of IDPs

During this session of the Human Rights Council, member and observer states will be considering the terms of the renewal of the mandate of the Representative of the Secretary General on the human rights of IDPs (RSG on IDPs), including a change in status to a Special Rapporteur. The Norwegian Refugee Council (NRC) wishes to recall that tens of millions of people are concerned by the mandate of the Representative of the Secretary General on the human rights of IDPs. In 2009, there were an estimated 27.1 million IDPs due to conflicts or violence¹. In 2008 it was estimated that at least 36 million had been displaced by sudden-onset natural disasters that occurred during the same year². The scale of worldwide internal displacement is matched by the complex challenges faced by national and international actors to effectively respond to the root causes and consequences of internal displacement. The NRC therefore encourages states to renew this mandate with a title and terms to ensure an equally strong basis.

The NRC³, including 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 formal⁴ cooperation it has had with the RSG on IDPs in many areas including: promoting respect for the human rights of IDPs, dialogues with and support to governments, civil society and national human rights institutions and the strengthening international response.

During Walter Kälin's two terms as RSG on IDPs, he has developed excellent written guidance and extended dedicated support and capacity strengthening towards governments, national human rights institutions and civil society organisations⁵ on the issue of internal displacement. The NRC also highlights the value of his engagement with the UN in the fields of humanitarian action, early recovery, development and peace building.

The NRC places particular importance on the following:

Promoting national responsibility and the development of national legislation and policies

In the humanitarian context where national authorities are often overwhelmed by emergencies and where international organisations sometimes favour substituting rather than strengthening the capacities of authorities to respond, the RSG on IDPs' dedicated support and capacity-strengthening activities with governments, national human rights institutions and civil society organisations have greatly served to promote national ownership and responsibility for addressing internal displacement. The NRC believes that these activities are critical because they empower national authorities and civil society;

¹ Internal Displacement: Global Overview of Trends and Developments 2009, Internal Displacement Monitoring Centre, Norwegian Refugee Council (May 2010.)

² Monitoring disaster displacement in the context of climate change, Internal Displacement Monitoring Centre, Norwegian Refugee Council and Office of the Coordination of Humanitarian Affairs (September 2009).

³ An international humanitarian NGO with field offices in 16 countries

⁴ Through a Memorandum of Understanding.

⁵ Including through 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

moreover, they influence international actors to similarly engage with national and local stakeholders.

The collaboration of the RSG on IDPs with states, the development of written tools, including the Framework for National Responsibility and Manual for Law and Policy Makers, and the technical support provided to national authorities to develop laws and policies have contributed significantly to strengthening the normative framework protecting IDPs. In 2009, 18 states had adopted a national legal or policy framework, specifically pertaining to the protection of IDPs displaced by armed conflicts and violence. In the Great Lakes region of Africa, the 11 signatory member states have ratified the Pact on Security, Stability and Development in the Great Lakes Region, and so committed to incorporating the Guiding Principles on Displacement into their domestic laws and policies. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa was adopted in Kampala in October 2009 and further recognises the inherent rights of IDPs as set out in the Guiding Principles.

Encouraging and assisting states to incorporating the Guiding Principles into domestic laws and policies in manner that comprehensively protects IDPs requires in-depth understanding of international human rights law as well as applicable international law in situations of armed conflict and disasters. It is crucial for the RSG on IDPs to build on his or her own legal expertise and experience in order to continue supporting states in the development and implementation of legal frameworks at the domestic level.

Strengthening cooperation with the UN to improve the protection of IDPs as a result of conflicts and disasters and to mainstream the human rights of internally displaced into all relevant parts of the system

The RSG on IDPs has contributed significantly to mainstreaming the human rights of IDPs into the UN system. This has been done through the development of close partnerships with the Office for the Coordination of Humanitarian Affairs (OCHA), the UN High Commissioner for Refugees (UNHCR), the UN Development Programme (UNDP) and through participation as a standing invitee to the Inter-Agency Standing Committee (IASC), the primary mechanism for inter-agency coordination of humanitarian assistance.

The humanitarian reform process, which began in 2005, introduced the “cluster approach” which designated UNHCR as the lead in coordinating response on protection, emergency shelter and camp coordination and camp management in conflict settings. The predictability, response capacity, coordination and accountability of the international humanitarian response has been strengthened and, at the start of 2009, the number of IDPs protected or assisted by UNHCR rose (5% from the previous year) to 14.4 million or slightly over half of conflict-related IDPs worldwide.

Despite this improvement, there remain important institutional gaps in the international response to internal displacement. In many countries where there is no or a weak consolidated response by the international humanitarian community, many IDPs live in precarious situations or face important barriers to enjoyment of their human rights. For example, they may have inadequate housing conditions or tenancy rights; they may not be able to access education or other basic health care because they have lost personal identity documents and are unable to replace them; they may be unable to claim property or voting rights because they are unable to travel to return areas; or they may face discrimination in accessing work in areas of displacement. Additionally, international responses to internal displacement situations have largely focused on the provision of humanitarian assistance to IDPs and, to a lesser degree on supporting post-emergency early recovery, peace building and development activities. These gaps must be closed to ensure that a systematic and predictable international response in all countries and situations, whether caused by

conflict/violence or disasters, and in emergencies, post-conflict as well as protracted situations of displacement.

The RSG on IDPs continues to play a crucial role in bringing UN agencies together to close these gaps and the NRC believes that the status of RSG has been important to secure interaction with high-level counterparts in the UN system to foster the achievements made until now. The NRC is concerned that making this a Special Rapporteur position now will weaken the position of the mandate-holder to continue high-level advocacy to promote predictable and comprehensive, human-rights based responses to internal displacement.

In conclusion, the NRC believes that the renewed mandate should retain a strong basis for the next mandate-holder to continue dialogues with Governments, NGOs and other relevant actors; to mainstream the human rights of internally displaced into all relevant parts of the United Nations system; and to engage in coordinated international advocacy and action. In particular, no ground should be lost in terms of her or his scope of action in the following areas:

- Analysis of the root causes of internal displacement, the needs and human rights, prevention, strengthening of protection, assistance and durable solutions for IDPs
- Promotion of comprehensive strategies for prevention, better protection and assistance as well as durable solutions in a manner that takes into account the primary responsibility of States
- Integrating considerations related to age, gender and diversity to ensure that the specific needs of vulnerable sub-groups of IDPs, such as women, children, older persons and disabled persons, are addressed
- Promoting IDP-specific considerations in peace processes, peace agreements, reintegration and rehabilitation processes
- Promoting the protection of IDPs in the context of natural disasters
- Use and promotion of the Guiding Principles and promoting the strengthening of capacities and use of the Guiding Principles in the development of national legislation and policies
- Strengthening cooperation with the UN and regional organisations, including through participation in the work of the Inter-Agency Standing Committee and its subsidiary bodies.

The NRC remains committed to ensuring that the renewed mandate of the RSG on IDPs retains its effectiveness and assures its continued cooperation with the next mandate-holder to promote the human rights of IDPs worldwide.
