



General Assembly

Sixty-fifth session

Official Records

Distr.: General
7 December 2010

Original: English

Third Committee

Summary record of the 24th meeting

Held at Headquarters, New York, on Thursday, 21 October 2010, at 10 a.m.

Chair: Mr. Tommo Monthe (Cameroon)

Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.



The meeting was called to order at 10.10 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/65/336)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/65/369, A/65/280, A/65/280/Corr.1, A/65/340, A/65/256, A/65/119, A/65/227, A/65/227/Add.1, A/65/224, A/65/257, A/65/156, A/65/171, A/65/263, A/65/285, A/65/322, A/65/287, A/65/258, A/65/207, A/65/223, A/65/282, A/65/281, A/65/321, A/65/273, A/65/222, A/65/274, A/65/288, A/65/310, A/65/255, A/65/254, A/65/260, A/65/260/Corr.1, A/65/261, A/65/162, A/65/259, A/65/87 and A/65/284)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/65/391, A/65/367, A/65/370, A/65/364, A/65/368 and A/65/331)

1. **Mr. De Schutter** (Special Rapporteur on the right to food) said that his report (A/65/281) addressed the relationship between the right to food and access to land and security of land tenure. It was based on responses from States to a questionnaire regarding measures that they had taken to ensure equitable access to land, as well as on briefs prepared by several non-governmental organizations and consultations and workshops held in India, Malaysia and Mali.

2. The overall picture that emerged was troubling. The right to food was threatened by unprecedented environmental degradation, industrialization and urbanization, compounded in recent years by increased competition between food and energy crops and speculation on farmland by private investors. Certain measures adopted to mitigate climate change under the Kyoto Protocol Clean Development Mechanism and the Reducing Emissions from Deforestation and Forest Degradation scheme also affected access to land for certain populations, particularly forest-dwelling, often indigenous groups. The consequences of those trends and measures for millions of farmers, fisherfolk and indigenous peoples was in many cases dramatic. In recent months, he had been closely monitoring the issue of large-scale acquisitions and leases, and in an addendum to his report to the Human Rights Council in March 2010 (A/HRC/13/33/Add.2), he had listed

11 basic principles of human rights applicable in such situations that he hoped would inspire the human rights monitoring bodies, particularly the Committee on Economic, Social and Cultural Rights, to watch them more closely.

3. The report examined what should be done to ensure that the above pressures did not undermine the right to food. While security of tenure was crucial, it should not necessarily take the form of titling schemes, which had in the past been appropriated by local elites and could make titling unaffordable for the poorest or merely confirm existing inequities. Where titling led to the creation of a market for land rights, land sometimes became concentrated in the hands of the few who could afford to buy it. A better approach would be to encourage communal ownership systems, to strengthen customary land tenure systems and to reinforce tenancy laws, as recommended by the Commission on Legal Empowerment of the Poor and the African Union Framework and Guidelines on Land Policy in Africa. A growing number of countries, including Benin, Burkina Faso, Ethiopia and Madagascar, had successfully implemented low-cost, accessible schemes for recording use rights rather than full ownership. In addition, in order to protect women and outsiders to the community, such as pastoralists, it was important to keep a close watch on access to land at the local level.

4. Where land distribution was highly unequal, land redistribution might be desirable for reasons of both efficiency and equity. It had the potential to contribute not only to food security but also to economic growth, the empowerment of women and the reduction of rural poverty. However, as past failures had demonstrated, it was not sufficient simply to redistribute the land. It was also necessary to assist the beneficiaries by investing in or promoting the infrastructures required to process, package and market their crops.

5. At its thirty-sixth annual session in October 2010, the Committee on World Food Security had urged continuation of the inclusive process of developing the Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources. He hoped that his report might inform that process and that, in time, the links between access to land and enjoyment of the right to food by those who depended on land for their livelihoods would be fully recognized.

6. **Mr. Berti** (Cuba) said that the right to food was a global priority. He asked how Member States could

ensure respect for the right to food through land redistribution measures, while taking into account specific national situations. He asked the Special Rapporteur to expand on his recommendation that indigenous peoples should be provided with access to land and other natural resources in order to respect their right to food and how Member States could implement that recommendation.

7. **Mr. Vigny** (Switzerland) said that transparent and non-discriminatory land tenure systems were essential to ensuring the right to food and other human rights, such as the right to adequate housing. He shared the view that titling procedures were not sufficient to ensure sustainable land use or respect for human dignity: town and country planning and social policies should be adopted to ensure non-discriminatory access to resources and to avoid large swathes of land being used for purely economic gain to the detriment of meeting the population's food needs. He asked how international human rights bodies should consolidate the right to land as recommended in the report and whether existing human rights instruments offered sufficient protection or whether new ones were needed. Lastly, he wondered what contribution the Special Rapporteur had made to the development of the voluntary guidelines, of the Committee on World Food Security.

8. **Ms. Nemroff** (United States of America) said that the financial contributions made by her Government as part of its development policy were aimed at adopting a common approach on agricultural development and food security and combating the root causes of hunger and malnutrition. However, her Government did not share many of the interpretations of human rights instruments given in the Special Rapporteur's report. The right to food was subject to progressive realization for those States that had accepted it as a legally binding human right. There was no internationally recognized right to land, particularly for indigenous peoples, and her delegation disagreed with the report's assertion that the right to food required land redistribution policies and restrictions on property rights. Preferring customary land rights over private land rights would limit smallholders' ability to move from poverty to prosperity. A notable example of failed agrarian reform based on land redistribution was Zimbabwe.

9. Secure access to and control of land and land-based resources, through transparent and equitable land tenure and property rights systems, was critical to

women's economic empowerment, food and energy security, adaptation and mitigation of climate change, and natural resource management. Her Government had provided significant support for legal and regulatory reforms, clarification and formalization of land and property rights, conflict resolution, institutional capacity-building and land-related outreach, to great effect in low- and middle-income countries. She asked whether land redistribution policies could, in some cases, exacerbate food shortages.

10. **Mr. Huth** (European Union), noting that the report raised concerns that planting forests as part of emissions-reducing projects in developing countries could result in the eviction of local populations, asked what mechanisms should be introduced to reconcile the right to adequate food with environmental concerns. The need to respect and strengthen customary systems of tenure was also highlighted by the report, but the Special Rapporteur had acknowledged that safeguards must be put in place to ensure that the community did not enforce controls arbitrarily or discriminate against members of society, particularly women; he asked what safeguards were suggested.

11. Finally, with regard to the Action Plan adopted at the recent high-level meeting on the Millennium Development Goals, he asked what actions were necessary to follow up on the progress made towards attaining Goal 1.

12. **Ms. Hu Miao** (China) said that many of the observations in the report by the Special Rapporteur were of great interest to countries endeavouring to develop their economies while upholding human rights. In that context, she drew attention to the recent land reforms carried out by China, which had substantially boosted the country's agricultural production to enable it to feed 22 per cent of the world's population from 7 per cent of its arable land. Expressing her delegation's agreement with the Special Rapporteur's conclusions regarding the relationship between land reform and economic growth, she asked how a country could strike the right balance between the need to develop its economy and infrastructure and, on the other hand, to preserve the agricultural land necessary to ensure food security for its population.

13. **Ms. Ratsifandrihamanana** (Food and Agriculture Organization of the United Nations (FAO)) said that together with the 2004 Right to Food Guidelines, the

Food and Agriculture Organization of the United Nations (FAO) had also produced a fact sheet on the right to adequate food, developed in conjunction with the Office of the High Commissioner for Human Rights, which provided an overview of national, regional and international accountability and monitoring mechanisms and reflected the close link between human rights and achieving Millennium Development Goal 1. Other information materials and tools on the right to food, developed by FAO and available on its website, included a legal database, an online glossary, an assessment checklist and a methodological toolbox with guidance on how to integrate the right to food into legislation, monitoring and assessment activities, budgeting and education. The Special Rapporteur's 11 principles on large-scale land acquisitions and leases sought to overcome the remaining obstacles to the right to adequate food; however, she asked how those principles could ensure that right in developing countries.

14. **Mr. Mohamed** (Maldives) said that the report had failed to emphasize adequately all the devastating effects of climate change, which had manifested themselves in a number of ways, including changes in rainfall patterns, increases in extreme weather conditions, pollution and soil infertility. According to a report by Oxfam, yields from rain-fed crops in some parts of Africa could be halved by 2020 as a result of climate change, putting 50 million more people worldwide at risk of hunger.

15. The fishermen and farmers of the Maldives had already been affected by rising sea levels, which had led to more food imports, thus increasing food insecurity and prices. Therefore, he asked the Special Rapporteur to give his recommendations on an international legal framework to address the threat climate change posed to food security and to make sure that climate policies were based on a human rights approach that would protect land users. He also wished to know what help international bodies would provide to Member States to encourage more sustainable agricultural methods and to ensure that environmental conservation did not have a negative impact on the right to adequate food.

16. **Mr. Feleke** (Ethiopia) said that the right to food was a priority for his Government and that guaranteeing land use rights not only increased food security but also contributed to better land and soil

conservation efforts. Therefore, the process of issuing land certificates would continue.

17. **Mr. Hetanang** (Botswana) noting the interpretation of some human rights instruments regarding access to land given in the report, said that he would appreciate more information on the practical steps that could be taken to bring about agrarian reform. His delegation had difficulty with the recommendations made in the report regarding indigenous peoples' right to land and called for further reflection by the Special Rapporteur on that issue.

18. **Mr. De Schutter** (Special Rapporteur on the right to food) said that the impact of climate change on humanity's ability to feed itself in the future was central to his work and would be the main topic of his next report to the Human Rights Council. It was vital to prepare for the transition to low external input, regenerative agriculture. The projections of the Intergovernmental Panel on Climate Change, cited in the Oxfam report, predicted that crop yields would decrease by between 12 and 16 per cent by 2080, solely as a result of the changes in temperature. The impact of the increasing incidents of extreme weather, such as flooding or drought, which were causes of considerable concern for farmers around the world, had not been factored into those calculations. The international community could help to improve the situation through massive transfers of technology, which would encourage farmers in developing countries to adopt sustainable farming methods, as unsustainable farming practices were currently responsible for 33 per cent of all greenhouse gas emissions.

19. As for how to improve security of land tenure, he said that he considered the approach adopted by the Committee on World Food Security in preparing the voluntary guidelines to improve the governance of tenure of land and other natural resources to be very promising; it had been an inclusive process, involving Governments from both hemispheres, international organizations, the private sector and civil society organizations, including farmers' organizations. If a consensus could be reached on the recommendations, which he hoped would be inspired by his report, then it would be very difficult for Governments to ignore guidelines adopted with such legitimacy.

20. With regard to safeguarding customary land tenure and preventing abuses of those systems, he

acknowledged that there was a risk that persons from outside of the community and women, especially widows, could be marginalized if the allocation of land rights was decided by customary means. Therefore, States must monitor local-level decisions and provide constitutional safeguards, so that customary land tenure mechanisms, which he considered to be the best way to proceed, were not open to abuse by local communities. Madagascar and Ethiopia were among countries that had implemented successful decentralized customary land tenure procedures, which were overseen by central authorities.

21. Concerning the relationship between the right to food and access to land, he agreed largely with the remarks made by the representative of the United States of America. However, he considered certain aspects of the right to adequate food to be subject to immediate realization, particularly in cases where persons had been deprived of food sources they had traditionally used, such as in cases of land evictions. He acknowledged that there had been many problems with land redistribution schemes in Africa and Latin America that had not been well thought out. However, similar policies in Asia had been very successful as they focused on providing support to smallholders, developing production capacity, providing access to credit and markets, and implementing rural development schemes. In his view, between 60 and 70 per cent of the cost of agrarian reform policies should be dedicated to providing support to help farmers improve production and only 30 to 40 per cent should be concerned with land redistribution.

22. Regarding policies to eradicate hunger and malnutrition in line with Millennium Development Goal 1, he said that a vicious circle existed, whereby small-scale farmers were unable to earn enough and thus migrated to urban areas to join the increasing number of urban poor who needed cheap food. Therefore more support was needed to make small-scale farming viable, which, in turn, would create better conditions for policies to be introduced to improve the situation of the urban poor. The policy of producing more food in order to make it cheaper for urban populations had been shown to be short-sighted.

23. He did not consider the 11 principles to address the human rights challenges to large-scale land acquisitions and leases to be voluntary or best practices, but rather the result of a correct understanding of human rights, particularly the

International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights. The Committee on Economic, Social and Cultural Rights and other treaty bodies should monitor how States managed large-scale land investments, based on his proposed principles.

24. Finally, in response to the concerns raised by China on the need to protect farmers, while at the same time encouraging industrialization and building infrastructure, he admitted that there was no easy answer. States should ensure that the most fertile land was not used for industrial purposes and should provide just compensation to farmers when they were deprived of access to land they had previously cultivated. Population displacement should occur only when those concerned had given their free, prior and informed consent, a right recognized in the Declaration on the Rights of Indigenous Peoples. He called for that right to be extended to all persons who depended on the land for their livelihoods, especially in cases where individuals had no other source of revenue or social security protection.

25. **Mr. Lumina** (Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights) said that, on the tenth anniversary of the adoption of the Millennium Development Goals, he would focus on progress towards achieving Millennium Development Goal 8. That Goal called for the creation of a global partnership for development with three main targets, one of which was dealing comprehensively with the debt problems of developing countries. As the outcome document (A/65/L.1) of the September 2010 Summit on the Millennium Development Goals underscored, Goal 8 was central to the achievement of the other seven. Yet progress on that Goal had been mixed. To preserve the progress that had been made and to move forward, action was required in four main areas.

26. First, it was time to rethink conditionality and debt relief. Despite claimed reforms, the Bretton Woods institutions continued to make debt relief and concessional loans contingent on stringent privatization and trade liberalization conditions, which were known to be largely counterproductive. In 2002, the United Nations Conference on Trade and Development (UNCTAD) had reported that rapid and extensive trade liberalization by the least developed countries in the

1990s had led to increased unemployment, wage inequality and poverty. And according to a recent report (E/2010/50) by the Department of Economic and Social Affairs, trade liberalization had progressively restricted the space available to developing countries for utilizing trade policies to foster economic development. Thus, as currently conceived, conditionality not only contributed to increased poverty and marginalization of the poor in developing countries; it also was out of step with the Monterrey Consensus, according to which each country had primary responsibility for its own economic and social development. However, while the provision of debt relief and new loans should not be made conditional on privatization, investment deregulation or trade liberalization, some conditions would be necessary to ensure effective citizen participation in the formulation of poverty reduction strategies and to guarantee transparency and accountability in the use and management of loans or funds freed up by debt relief.

27. Secondly, a new debt sustainability framework was in order. Debt sustainability assessments under the joint Debt Sustainability Framework of the World Bank and the International Monetary Fund (IMF) focused almost exclusively on a country's capacity to service its debts in terms of export earnings and, to a lesser extent, government revenue, without due regard to other demands on those resources. The ratios used ignored the primary human rights obligation of States to provide conditions for the fulfilment of the basic social needs of their people. They also failed to consider political and institutional characteristics that affected debt repayment capacity. A new debt sustainability framework should take into account the level of debt that a Government could carry without undermining its capacity to fulfil its human rights obligations with respect to economic, social and cultural rights. It should ensure that those in whose name sovereign debt was incurred were able to participate in its management. It should give primacy to achieving national development goals rather than to improving debt repayment capacity. And it should balance a country's public revenues against the financing requirements of nationally designed development programmes.

28. Another problem with the current framework was that sustainability assessments were conducted by the IMF and the World Bank, both of which were creditors. To be credible, debt sustainability assessments should

be independent and transparent. He reiterated his call for Member States to consider establishing an independent panel of experts appointed by both creditors and debtors under the auspices of the United Nations. An impartial and independent debt restructuring mechanism was indispensable for a stable international financial system.

29. Thirdly, the current global trading system was unfair to developing countries. As the Millennium Development Goal Gap Task Force had indicated, developed countries needed to cut their tariffs on agricultural products, textiles and clothing from developing countries substantially, as well as to accelerate the reduction of trade-distorting domestic and export subsidies. In that connection, it was vital for agreement on the Doha Development Round to be reached as soon as possible.

30. Lastly, global economic policymaking lacked coherency. It was necessary to minimize the number of cases where rules dealing with trade, aid, debt, finance, migration, environmental sustainability and other development issues came into conflict. Global economic policymaking should be consistent with the realization of human rights, particularly economic and social rights and the right to development.

31. **Mr. Berti** (Cuba) said that his delegation shared the Independent Expert's concern regarding conditionalities imposed by the Bretton Woods institutions on financing granted to requesting countries, especially developing countries. It would be useful to know how problematic such conditionalities were, and the impact of the practice on economic development in developing countries, especially the least developed countries. Moreover, subsidies to agricultural sectors in developed countries presented obstacles for farmers in the developing world.

32. **Mr. Lumina** (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights) said that many studies had demonstrated the detrimental effect of conditionalities on the development prospects of low-income countries. Policy conditions prevented those countries from pursuing development agendas which they had designed in accordance with national priorities, since they must respond to the demands of international

financial institutions, which were not necessarily in the best interests of their national development agendas.

33. In countries where privatization had been imposed as a conditionality, there were few success stories. Privatization often led to loss of livelihood. In addition, when it became necessary to pay for public services which previously had been free of charge, loss of livelihood made it very difficult to do so.

34. **Mr. Kälin** (Representative of the Secretary-General on the human rights of internally displaced persons) said that during his mandate he had visited more than 30 countries. In recent years, there had been important advances which firmly established the human rights of internally displaced persons. The Guiding Principles on Internal Displacement had been recognized by the international community as an important international framework for the protection of internally displaced persons (IDPs), and many countries had adopted or were developing national legislative frameworks, programmes and policies which incorporated or referred to the Guiding Principles. The previous year had seen the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the first legally binding regional instrument of its kind. There had also been normative and conceptual advances with regard to specific aspects and types of internal displacement, for example, displacement due to natural disasters and climate change, and on including the rights of IDPs in peace processes and agreements.

35. At the same time, the number of people internally displaced due to armed conflict and violence, over 27 million, was unacceptably high. Solutions to internal displacement were often disrupted by instances of new displacement. The number of persons displaced by natural disasters was constantly increasing. Mechanisms to prevent forced displacement must be strengthened, and the underlying causes behind many protracted internal displacement situations worldwide must be addressed.

36. For IDPs, life was a daily struggle to provide for their families after losing everything. During flight and the initial phase of displacement, their lives and welfare could be in grave danger, due, inter alia, to lack of access to timely humanitarian assistance. The Guiding Principles clearly stipulated that the primary responsibility to provide humanitarian assistance to

IDPs lay with States. Internally displaced persons remained entitled to enjoy their human rights, including the right to life, food, education, water, housing, etc. Taken together, those rights could be interpreted as a right to receive humanitarian assistance. However, in practice, there were many factors which impeded access to humanitarian assistance, such as the inability to provide security to relief workers in situations of armed conflict, or the fear that the assistance would be diverted for military purposes. Sometimes, assistance was provided on a discriminatory basis, favouring some populations and neglecting others.

37. The ability to secure access to humanitarian assistance had been affected by violence. Humanitarian actors often had to rely on peacekeeping missions or other military actors, such as government forces, to secure humanitarian corridors and guard convoys. In doing so, humanitarian organizations risked being closely associated with troops not seen as neutral. That undermined their profile of neutrality, making them vulnerable to attack.

38. Increased violence against humanitarian workers was due in some cases to general insecurity in weak or failed States, to the erosion of neutrality of humanitarian actors and to the fact that in some contexts, humanitarians had become targets of armed non-State actors. In the most insecure situations, humanitarian assistance was managed remotely and risk transferred to national staff and local partners. Administrative obstacles related to timely issuance of visas to humanitarian workers or customs clearance of humanitarian goods also impeded the provision of humanitarian assistance.

39. Therefore, national laws and policies should explicitly recognize the right to request and receive humanitarian assistance and the corresponding obligation of the State to ensure that assistance, including by facilitating international assistance when locally available resources were insufficient.

40. He had recently returned from Haiti, where some 1.3 million people were still living in informal settlements in and around the capital, nine months after the earthquake. Some of those had lost their homes, others had joined the camps due to extreme poverty exacerbated by the earthquake and others who were less visible were living in dire conditions outside the

camps. The profound humanitarian crisis in Haiti continued.

41. The Government of Haiti was urged to take steps to balance the right to property against the economic and social rights of the earthquake victims. Victims needed protection against forced evictions from private land. Pre-existing patterns of violence against women and children were now being reflected in the camps, where rape was a very serious concern. Police and United Nations Stabilization Mission in Haiti (MINUSTAH) presence in the camps should be increased, and ending impunity must be a priority.

42. Reconstruction was vital. The Government of Haiti must endorse and publicly communicate a plan on how to provide durable solutions for those in the camps and consult with the displaced on its implementation. Donors should support flexible early recovery funding. At the same time, funding for humanitarian assistance and protection should continue.

43. In Iraq, some 1.5 million people were displaced. Significant achievements included the adoption in 2008 of a national policy on displacement, the introduction of measures to facilitate return, reintegration and restitution of property and the commitments made with regard to IDPs during the universal periodic review early in 2010. Some 500,000 Iraqis lived in informal settlements in Baghdad and other cities, which were characterized by dire and hazardous living conditions. Urgent measures to be taken included finding alternative housing and long-term solutions, allocation of land plots and halting evictions from settlements until alternatives were found. A two-pronged approach was needed, which would involve finding durable solutions while continuing to address immediate humanitarian needs.

44. During a recent visit to Georgia, he had seen that the Government had made good progress, including implementation of an action plan for IDPs and investments in the rehabilitation of collective centres and new housing. However, evictions must not deprive people of livelihoods or access to health services and education.

45. In Abkhazia, Georgia, the main obstacles to the return of displaced persons were political. The de facto authorities there remained reluctant to allow returns to Abkhazia. Prospects of return remained low due to security concerns, a lack of adequate housing and

livelihood opportunities and property restitution and compensation issues. The de facto authorities in Abkhazia were urged to address those issues. The Government of Georgia should ensure that changes envisaged in the implementation of the law on occupied territories did not adversely impact humanitarian access to the South Ossetia and Abkhazia areas of Georgia or hinder the return of displaced persons.

46. **Mr. Garayev** (Azerbaijan) said that due to Armenian occupation, one out of every nine people in his country were displaced, resulting in one of the largest displaced populations in the world. In his previous report, the Representative had appealed to the international community to intensify efforts to achieve a peaceful solution to the conflict and implement Security Council resolutions calling for withdrawal of occupying forces.

47. Clarification was requested as to whether return of IDPs to their land of origin was a human rights priority compared to other, related issues. Unacceptable conditions had arisen in the negotiation process under the auspices of the Organization for Security and Cooperation in Europe (OSCE), undermining the right to return.

48. **Mr. Michelsen** (Norway) asked what the main challenges of the Representative's mandate would be.

49. **Mr. Vigny** (Switzerland) requested further clarification on how follow-up to the work of the last two mandates would be carried out and on what the priority areas would be.

50. **Ms. Boisclair** (Canada) said that her country was particularly concerned by threats to the safety of displaced persons in Sudan, the Democratic Republic of the Congo, Somalia and Afghanistan and shared the view that it was important to include IDPs in peace negotiations. Canada was encouraged by the inclusion and participation of IDPs in the African Union-United Nations Darfur mediation process and noted that Sudan was not identified as a country of engagement in the Representative's report.

51. Further details about the outlook on engagement of IDPs in Sudan in the coming year would be appreciated, as would information on whether there were specific thematic or geographic areas of focus that the Representative would encourage his successor to pursue.

52. **Mr. Huth** (European Union) said that the European Union was a major provider of humanitarian aid to countries struck by natural and man-made disasters. It would thus be helpful to identify thematic areas where there were normative and policy loopholes in the protection of IDPs. While the main responsibility for finding durable solutions for IDPs rested with the affected States, the international community often mobilized to send relief and temporary shelter and help with socio-economic development. In the context of the Representative's work to mainstream the human rights of IDPs within the United Nations system and especially his recent work on the rights of displaced children in armed conflict, any lessons learned or recommendations which might be relevant for humanitarian aid providers would be welcome.

53. **Mr. Sparber** (Liechtenstein) wished to know what recommendations the Special Rapporteur would give the United Nations and other humanitarian actors with regard to countering increased politicization of humanitarian work.

54. **Ms. Nemroff** (United States of America) noted that difficulties in humanitarian access by non-Government actors was not a new problem. More precise details about how much worse the problem had become and its implications for internal displacement would be welcome. Humanitarian access was impeded and humanitarian workers endangered when peacekeeping operations were perceived as not being neutral. However, robust peacekeeping tactics were sometimes necessary to enforce peace and protect civilians. Further comments on how to maintain the balance between robust peacekeeping operations and neutral humanitarian access were requested.

55. The Democratic Republic of the Congo was a priority for her Government. Recommendations on improving civilian protection in that country, based on findings from the recent trip there by the Representative, would be welcome.

56. **Ms. Kocharyan** (Armenia) said that the interpretation presented by the delegate of Azerbaijan was biased. Armenia had never started a war or committed an act of aggression against any of its neighbours. The situation had arisen because the people of Nagorno-Karabakh had realized their right to self-determination in compliance with international law. In response, Azerbaijan had implemented a brutal policy of ethnic cleansing. Open aggression and

large-scale hostilities by that country had claimed tens of thousands of civilian lives and caused many others to become IDPs or refugees.

57. **Ms. Shiolashvili** (Georgia) said that her country stood ready to continue constructive engagement with regard to hundreds of thousands of IDPs in Georgia and especially with regard to their safe return home.

58. **Mr. Strohal** (Austria) requested further information about lessons learned during the Representative's six years of work to mainstream the human rights of IDPs in the United Nations system, as well as recommendations to his successor and Member States on how to further facilitate that mainstreaming. Further comments on how and where to develop a rule-based framework for international humanitarian assistance would also be appreciated.

59. **Mr. Kálin** (Representative of the Secretary-General on the human rights of internally displaced persons) said that, with regard to the issues raised by the representatives of Azerbaijan and Armenia, the Guiding Principles on Internal Displacement were based on international human rights law and were very clear: internally displaced persons had the right to choose whether to return voluntarily, to integrate into the place where they were or to settle in another location. However, in order for internally displaced persons to exercise that right, conditions for their return had to exist, which was not yet the case. Creating the necessary conditions for return would require progress to be made in peace negotiations.

60. He drew attention to his report to the Human Rights Council, submitted in March 2010, which had highlighted the main challenges and priorities faced by the mandate. The goal of the mandate should be to ensure that all internally displaced persons fully enjoyed their human rights. To achieve that goal, a strong normative framework was needed. States that had yet to do so were urged to adopt laws, policies and strategies that were in line with the Guiding Principles.

61. Despite the universality of human rights, human rights initiatives needed to be implemented within a local context. Regional organizations were encouraged to follow the example set by the African Union and play a more active role in promoting human rights, since their specialized knowledge enabled them to tailor approaches to the specific characteristics of their regions.

62. Moreover, a strong political will to protect the human rights of IDPs was necessary to ensure that normative frameworks were implemented. Much goodwill had been seen, but in too many situations internally displaced persons were neglected or suffered as a result of a prevailing climate of impunity, which created an environment in which systematic violations of their rights occurred.

63. Although many countries had provided him access, certain States had not done so. As a demonstration of their political will to address the issue, all States were urged to cooperate fully with the mandate and allow full access.

64. In many countries, the capacity to turn political will into action was lacking at many levels. Although the ability of the mandate holder to strengthen capacity-building was limited, he had provided guidance and training and had formulated policy tools, including the Framework on Durable Solutions for Internally Displaced Persons. The United Nations system must do more to strengthen the capacity of authorities at all levels, which would require donor support.

65. Much progress had been made towards establishing agreed benchmarks and key principles. However, many bodies still had insufficient capacity to implement measures they had adopted, a sentiment shared by many in the United Nations system. Inter alia, there were insufficient staff in the field to implement fully initiatives to protect the human rights of IDPs.

66. He had been working on the situation in Darfur, in his capacity as a member of the group of experts mandated by the Human Rights Council to enter into a dialogue with Sudan regarding the implementation of recommendations on Darfur. While a visit to Darfur had been agreed, precise dates had not, and it was hoped the new mandate holder would be able to visit that region. He had also been working on Southern Sudan and was gravely concerned by the situation there; large-scale displacements of people remained a possibility and preparations must be made to intervene to prevent displacements from occurring, should that prove necessary.

67. Governments were encouraged to amend their domestic legislation to remove elements which impeded humanitarian access. Efforts by the International Law Commission to develop a normative

framework for the protection of persons in the event of disasters were to be commended and it was encouraging to see the Red Cross and Red Crescent working to develop a set of humanitarian access standards. Furthermore, many recent Security Council resolutions called for humanitarian access to be provided. It was of concern that, in responses to crises, gaps between humanitarian assistance and recovery phases often occurred. That phenomenon was linked to funding mechanisms and logistics and must be addressed.

68. The Office for the Coordination of Humanitarian Affairs (OCHA) was carrying out research on humanitarian access with a view to addressing the issue. It was known that the number of attacks, kidnappings and killings of humanitarian workers had increased over the previous decade. Ways must be found to ensure that humanitarian actors were seen as independent and impartial, even in cases where robust peacekeeping was taking place. To that end, a certain distance needed to be maintained between peacekeepers and humanitarian workers.

69. **Ms. Bhoroma** (Zimbabwe) said that land reform in Zimbabwe had been carried out in accordance with the country's laws. As far as Zimbabweans were concerned, land reform had been necessary, long overdue and successful, contrary to what other Member States believed. Food insecurity in Zimbabwe had been the result of many issues including the economic sanctions that had been imposed unjustly on the country. Member States were urged not to rely on inaccurate data when formulating views of the situation in Zimbabwe.

The meeting rose at 12.25 p.m.