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DISPLACED PERSONS**

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Madam President, Distinguished Representatives, Ladies and Gentlemen,

It is a pleasure for me to present my second report to the Council in my capacity as Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs). This year is a special occasion as it marks the 20<sup>th</sup> Anniversary of the creation of the mandate. The achievements of this mandate have been made possible due to two decades of steady support by Member States, United Nations agencies such as OHCHR, UNHCR, and OCHA, my predecessors, Francis Deng and Walter Kälin, and civil society. I am also deeply grateful for the willingness of internally displaced persons in all the countries the mandate has travelled to, to share their concerns and experiences – which should always be the primary reference point in any protection, assistance or durable solutions efforts.

### **Madam President**

Since the creation of the mandate, the landscape and variety of issues relating to internal displacement have evolved over the years. As described in my last report to this Council, I have tried to align my priorities with some of these emerging situations and challenges. In my report to the 66<sup>th</sup> session of the General Assembly, for instance, I addressed the issue of climate change and internal displacement (A/66/285), and in the report before you today, I focus on a neglected issue which I believe merits more focused attention, namely the situation of IDPs who live outside of traditional camp or IDP settlements.

This mandate has always attached great importance to inter-agency processes and cooperation. I continue being committed to maintaining this close cooperation with all relevant actors, and to mainstreaming the rights of IDPs within United Nations agencies and other organisations. I consider my participation in key inter agency venues such as the Inter-Agency Standing Committee, and the Global Protection Cluster, amongst others, as an essential component of my mandate and mainstreaming strategy.

Similarly, I am pleased to report that training and capacity building activities have continued to be key components of this mandate. In cooperation with others such as the Brookings-LSE Project on Internal Displacement, OHCHR and UNHCR and the

Internal Displacement Monitoring Centre (IDMC), to name a few, we have been able to offer training opportunities on internal displacement to government authorities and civil society alike, from a wide variety of countries and regions. These have included, *inter alia*: the San Remo Annual Course on the Law of Internal Displacement, which in 2011 provided a one week intensive course to Government officials from 14 countries; and two regional workshops on internal displacement and natural disasters for civil society and government officials which took place in Fiji and in Uganda, during May and June 2011 respectively.

In addition to awareness raising, capacity building and training activities serve an important purpose: they contribute to the development of regional and national frameworks to prevent, manage and find durable solutions to internal displacement. This has been a central area of activity for my mandate over the course of the last year. In this context, I have participated in a number of key events promoting and raising awareness of the African Union Convention for the Protection and Assistance of Internally Displaced Persons 2009 (Kampala Convention) including: an ECOWAS Ministerial Conference; and Regional Consultative meetings on the Kampala Convention for the Eastern and Central Africa region, as well as the Southern African Development Community. I am extremely pleased to note that at present, the Kampala Convention, which represents the first binding regional treaty on internal displaced persons, has 35 Signatory States, and received 9 official deposition of ratifications,<sup>1</sup> with many others having made official pledges of ratification. A total of 15 ratifications are required to bring the Convention into effect. I would like to take this opportunity to congratulate all the States that have taken the important step of depositing their ratifications, and encourage other countries in the region to join them.

I would also like to encourage all States to develop implementing domestic legislation and policies on internal displacement. As has been the practice of this mandate, I stand ready to support and assist States in undertaking such initiatives, including through country visits, follow up missions, workshops and other capacity building activities. I am pleased to announce in this regard, that since my country visit to Kenya in September 2011, a new draft legislation on IDPs has been developed, and I encourage

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<sup>1</sup> Figures as of 7 February 2012.

the Government of Kenya to adopt the Bill as well as the draft IDP policy at the earliest opportunity.

**Madam President**

I have dedicated my thematic report to the 19<sup>th</sup> session of this Council to the situation of IDPs living outside of camp settings. Despite the fact that the majority of IDPs live outside camps or settlements, our response to these situations and the needs of this category of IDPs has remained both insufficient and largely *ad hoc*.

The expression ‘IDPs outside camps’ in my report refers to IDPs who may live in a variety of settings, such as in urban, rural, or remote areas; they may be renting, or own a house, sharing a room, living with a host family, homeless, or living in makeshift shelters and slums. A number of factors often result in the neglect and virtual ‘invisibility’ of IDPs outside camps, thereby affecting their access to protection, assistance and durable solutions to their displacement. While the importance of the issue has gained increased recognition over the last several years, more concerted attention is necessary, including by the international community, in order to achieve a more equitable humanitarian response and lasting solutions for these IDPs, as well as better support structures to the communities which are hosting them.

This would also ensure compliance with international law on IDPs, including international humanitarian and human rights law, as reflected in the Guiding Principles on Internal Displacement, and in regional instruments, such as the Kampala Convention - all of which provide guarantees of non-discrimination and make no distinction between IDPs in or outside camps or other settings.

In my report I focus on a number of specific areas which merit particular attention if we are to strengthen our response to IDPs outside camps, namely: the importance of accurate and efficient data collection on this category of IDPs; the particular situation of IDPs in urban contexts; and the special role that host communities, as well as provincial and municipal authorities can play. A set of suggestions are provided with regard to how the latter can be better supported to respond to the needs of IDPs living mixed within host communities. While host communities, host families and local government authorities receiving IDPs are often the first to respond in crisis

and displacement situations, they are often ill equipped, and lack the support necessary to sustain their assistance activities over the long term. I believe that much more can be done to support these actors, to implement community based approaches, and to strengthen support systems to hosts and IDPs alike. It is also likely that these efforts will become increasingly necessary and pressing in the context of global trends such as rapid urbanisation and the predicted increase in the frequency and severity of natural disasters due to the effects of climate change.

**Madam President**

While practices to assist IDPs outside camps and host communities already exist among some international and national actors, I believe that greater efforts and more comprehensive and predictable systems are required. These can be developed for example, by conducting a stock taking exercise so that we may identify good practices that are already being implemented, as well as existing gaps and challenges in the assistance and protection of IDPs outside camps, and host communities. This would provide a sound basis upon which humanitarian and development actors (including the donor community) at the national and international levels, with the participation of affected communities, could then assess the concrete needs and devise a strategy for a more equitable, effective and systemised response to IDPs outside camps. The following report is intended as a contribution to continued awareness raising and advancement on the issue, and towards a larger process which will require continued engagement by a broad range of stakeholders. I encourage and look forward to initiatives in coming years on this topic, whether by Government authorities, United Nations or civil society, and will provide my continued support to these.

*Country Situations*

**Madam President**

At the invitation of the Republic of the Maldives, I conducted an official visit to the country from 16-21 July 2011, during which I sought to examine the situation of persons internally displaced as a result of the 2004 tsunami, as well as issues related to

risks of potential internal displacement in the future, including due to the effects of climate change (A/HRC/19/54/Add.1). I found that indeed climate change and other factors specific to the low-lying island environment of the Maldives, were already affecting the livelihoods and rights of residents of many islands, including the right to housing, safe water, and health. Other factors such as more frequent storms and flooding, coastal erosion, salination, overcrowding, and the existential threat posed by rising sea levels, also point to an increased risk of potential internal displacement in the future.

I wish to commend the Maldives, which has in recent years made significant efforts to highlight at the international level the potential risks of climate change, especially to low lying islands such as theirs. They have also made important efforts at the domestic level to provide assistance and facilitate durable solutions for the estimated 12,000 persons internally displaced as a result of the 2004 tsunami, and have put in place national development, disaster risk reduction plans, and climate change adaptation strategies which address the socio-economic dimensions of these issues as well as the need for physical protection.

In the context of the various challenges faced by the Maldives, however, I believe that disaster risk reduction and adaptation strategies, although essential, will not be sufficient to prevent internal displacement altogether. I therefore encourage the authorities of the Maldives, with the support of the international community, to set in place a national policy and legislative framework on internal displacement, in line with international human rights and the Guiding Principles on Internal Displacement, and to strengthen the capacity of institutional support structures addressing the issue such as the National Disaster Management Centre, and relevant local authorities.

**Madam President**

From 18-27 September 2011, I conducted an official visit to Kenya in order to study the current situation of IDPs in the country, including those displaced as a result of the 2007/2008 post-election violence and other causes such as, natural disasters and environmental conservation projects (A/HRC19/54/Add.2). The Government of Kenya has taken a number of important steps to address internal displacement in the country. These include the development of a draft IDP policy, and more recently the

development of a draft law on IDPs. They have also: assisted the return and resettlement of some IDPs affected by the last post-election violence, which resulted in the displacement of over 650,000 persons; have set in place government institutional structures to facilitate assistance to IDPs; and have maintained constructive engagement with civil society and United Nations actors, such as through the Protection Working Group on Internal Displacement. I wish to commend the Government of Kenya for their important and ongoing efforts, including through cooperation with this mandate, to address internal displacement.

While these activities demonstrate a clear commitment, I also encourage the Government of Kenya to both consolidate and step up these efforts, including by adopting the draft law and policy on IDPs, and by ratifying the Kampala Convention at the earliest opportunity. The repeated waves and multiple causes of internal displacement in Kenya, present a complex background which requires a comprehensive strategy – a strategy which should aim to both prevent forced internal displacement in the future, and provide effective assistance, protection and durable solutions to displacement affected communities. In addition to internal displacement caused by repeated incidents over the last two decades of post-election violence, other causes of displacement include environmental conservation and development projects, slow or sudden onset natural disasters, and the dynamics affecting pastoralist communities. These point to the need to put in place legislative and policy frameworks, in line with international and regional standards, that can address the root causes of internal displacement, and provide adequate and effective human rights protection, as well as timely assistance and solutions.

More particularly, I would also like to urge the Government of Kenya, with the support of civil society and the international community, to review and improve existing data-collection and registration systems for IDPs. Such systems should be disaggregated and be inclusive of all categories of IDPs. A review should further consider the situation of IDPs, who for a number of reasons, may not be included in these database or registration systems, and have therefore been unassisted to date. Accurate, comprehensive and efficient data collection systems are essential to protection, assistance and durable solutions activities. For example, while on mission, I received reports of an increase in street children, many of whom are believed to be IDPs, in

some parts of the country in the aftermath the 2007/2008 post-election violence. We also know that there are many other IDPs outside of camps, some of them vulnerable individuals, who were never registered, and who have not necessarily found a durable solution to their situation.

Moreover, during my field visits to sites of displacement, I found that there was an urgent humanitarian need to address the current living conditions and human rights of many IDPs, including persons displaced by the 2007/2008 post-election violence still living in camps, and the Mau Forest evictees. Many of these IDPs have been living in abject conditions over many years, with inadequate shelter and assistance, lack of regular access to primary school education, and children in particular, appear to be affected by various respiratory and other diseases.

With regard to durable solutions, I urge the Government of Kenya to ensure that these are safe, voluntary and informed; and to adopt a broad approach that facilitates settlement, return and local integration. I was pleased to hear recent media reports in this respect, regarding the closure of the Jedidia IDP camp, whose residents were resettled in allotted land plots. During my visit, I was also pleased to note the community peace building and reconciliation activities being undertaken and encourage continued efforts in this regard, including in light of the forthcoming national elections. These, as well as efforts to assist IDPs in achieving durable solutions, are important steps towards peace and reconciliation in Kenya.

### **Madam President**

Since my last report to this Council, I have made country visit requests to a number of countries, including Sudan, South Sudan, the Philippines, Cote d'Ivoire and Thailand. I look forward to cooperating with these Governments on the situations of internal displacement affecting their country, and look forward to engaging in a constructive and collaborative fashion with other States on internal displacement over the course of my mandate. In keeping with the thematic priorities of my mandate, I have also decided that the focus of one of my next thematic reports will be on internally displaced women. Towards this end, and in order to continue integrating a gender perspective in the work of the mandate, I have also maintained close cooperation with CEDAW and will be holding an expert workshop on IDP women in the course of 2012.



**Madam President**

Allow me to reiterate once again, my deep appreciation for the support and fruitful cooperation that this mandate has enjoyed over the last twenty years, with this Council and the Commission on Human Rights before it, with the Member States present today, with my United Nations counterparts, and with the members of civil society and others working for the protection and human rights of internally displaced persons.

Thank you for your attention.