

# Walter Kälin on the outlook for IDPs

There are – on a regular basis – new instances of displacement. This suggests that it is in preventing internal displacement that governments and the international community are failing.

When I was appointed by UN Secretary-General Kofi Annan as his Representative on the Human Rights of Internally Displaced Persons in 2004, the number of persons displaced within their countries stood at an estimated 25 million.<sup>1</sup> In late 2010, when I handed over my mandate to Chaloka Beyani, the new Special Rapporteur on the Human Rights of Internally Displaced Persons, the number had grown to more than 27 million. During these six years, it had also become clear that the number of those displaced in the context of natural disasters was even greater, reaching an estimated 36 million in 2008 alone.<sup>2</sup>

Many of the internally displaced persons I met on my missions early in my mandate still remain in protracted displacement; others were able to return but continue to struggle to rebuild their lives; and still others have become victims of arbitrary displacement since I came into office. I know of hardly any case where those responsible for arbitrary displacement were prosecuted and punished. Too many internally displaced women and girls remain exposed to sexual and gender-based violence or other forms of abject exploitation, too many displaced children have no chance to access even basic education or are recruited into armed forces and armed groups, and too many men have lost any hope of regaining their ability to care for their loved ones.

On first sight this looks as if there had not been any progress during these years and the international community, despite its many efforts, had failed. A closer look, however, reveals that not only have countless lives been saved thanks to humanitarian assistance and protection activities but also

that between 2004 and 2009 an estimated 24.4 million IDPs have been able to return to their areas of origin. Among the countries I visited, improvements in the security situation or peace agreements have allowed large numbers of people to return to their homes in southern Sudan, Nepal, Timor-Leste, Uganda and Sri Lanka, and to a lesser extent in Ivory Coast, Central African Republic and Kenya. Although return does not automatically mean that people find a durable solution, this is an impressive figure.

At the same time, many people remain in displacement over many years or even decades, pointing to an inability or unwillingness to address the underlying causes behind so many internal displacement situations around the world. What we need in this regard is more commitment of the international community and political will on the part of affected states, something that is often lacking.

## Progress and achievements

Clear progress can be seen regarding the normative framework guaranteeing the rights of IDPs. When I came into office, a group of states still contested the validity of the Guiding Principles on Internal Displacement because they had not been negotiated by states. The breakthrough came with the 2005 World Summit in New York, when Heads of State and Governments unanimously recognised the Guiding Principles as an important international framework for the protection of internally displaced persons, language which has since then been repeated in several UN General Assembly and Human Rights Council resolutions.

The Great Lakes Protocol on Protection and Assistance to Internally Displaced Persons, adopted in 2006, obliges its ten member states to incorporate the Guiding Principles into their domestic law. 2009 saw the adoption of the AU Convention on the Protection and



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Assistance of Internally Displaced Persons in Africa, the first legally binding regional instrument of its kind.<sup>3</sup> Several countries have either adopted or are in the process of developing national legislative frameworks, programmes and policies which incorporate or refer to the Guiding Principles, and these are increasingly becoming more detailed and operational.

There have also been normative and conceptual advances with regard to specific aspects and types of internal displacement – for example, on displacement due to natural disasters and climate change, on the process for achieving durable solutions, and on how to include the rights of internally displaced persons in peace processes and agreements.

These are achievements that cannot be underestimated. They have helped to improve our understanding of internal displacement, and to ground policies and programmes in a set of common standards which are based on a human rights framework. I know of many instances where such improvements have meant a better life for real people.

One effect of these developments is a greater readiness of states to discuss their displacement situations. There are still countries like Myanmar or



IDP camp being dismantled, Gulu, Uganda, July 2009.

Pakistan which deny that people displaced by military operations are IDPs but overall I felt a growing willingness of governments not only to discuss IDP issues but also to take at least some steps to better assist and protect them. Some countries, in particular Georgia and Azerbaijan and to some extent also Bosnia, Serbia and Colombia, have started to address their protracted displacement situations with measures to improve the living conditions of their IDPs while awaiting return or other durable solutions; however, problems remain, particularly in the area of livelihoods and for IDPs with special needs.

#### For the future

Despite the progress made, much work remains to be done in an increasingly difficult environment. I believe we must face up to eight major challenges:<sup>4</sup>

#### Moving beyond 'camps and conflicts' – internal displacement in all its forms:

An IDP is typically perceived as somebody living in destitution in a camp after fleeing violence and armed conflict. The reality, however, is far more complex. The majority of IDPs live outside camps with host families or are dispersed in urban areas. We need to be more creative in our efforts to assist and protect them. Such efforts should reach all displacement-affected communities, i.e. not only the IDPs but also host communities or communities that have to re-integrate returnees. As regards the causes, every year more people are displaced by natural disasters than by conflicts. Climate change is contributing to this phenomenon as well. In addition, displacement resulting from forced evictions linked to development

projects is also on the rise. I feel strongly that responses to such types of displacement remain inadequate.

#### Addressing multiple layers of vulnerability and discrimination:

All IDPs are vulnerable in ways that non-displaced persons are not. However, certain groups of IDPs require particular attention. These include women (especially women heading households), children, the elderly, persons with disabilities or chronic illnesses, and those belonging to ethnic and religious minorities and indigenous peoples. While this is accepted in theory, the specific concerns and needs of these groups are still often overlooked in practice.

#### Supporting states with limited capacity:

Sovereignty entails responsibility. Addressing internal displacement is therefore first and foremost a responsibility of governments. However, much internal displacement today occurs in states with limited capacity to prevent or respond to displacement. The challenge lies in supporting these states' efforts to adopt and implement comprehensive policies and laws on internal displacement, while ensuring that donors and humanitarian and development agencies assist them with the necessary expertise and resources.

#### Strengthening the international response:

The introduction of the cluster system has led to progress in the coordination of humanitarian action. Yet, humanitarian agencies can still do more to assume their joint responsibilities in respect to the protection of IDPs, especially in the area of disaster-related displacement. Humanitarian agencies can also improve their capacity to make the concept of protection more operational.

#### Bridging the gap between emergency assistance and long-term reconstruction and development:

It is unacceptable and shameful that IDPs are often in a worse situation many years after a crisis than they were during the emergency phase. More flexible funding mechanisms as well as a readiness by humanitarian and development actors to work hand in hand early on in crises are a necessity.

#### Defending humanitarian space:

IDPs and other crisis-affected populations will continue to suffer the consequences of diminished or compromised humanitarian access unless we develop new, innovative approaches such as assistance by 'remote control' or development interventions in the midst of a crisis that strengthen the resilience of communities at risk of displacement or the absorptive capacities of host communities.

#### Ensuring accountability for arbitrary displacement:

Arbitrary displacement is a violation of the Guiding Principles and the binding international norms they reflect. In its most egregious forms, arbitrary displacement may amount to crimes against humanity or war crimes. If we are serious about preventing arbitrary displacement, we have to end the impunity prevailing in many displacement situations and bring perpetrators of such crimes to justice and ensure that victims receive appropriate reparations, including compensation.

#### Ending the politics of protracted displacement:

In many countries, people languish in situations of protracted displacement due to a lack of political will to find durable solutions for them. Durable solutions, based on voluntary and informed decisions of those concerned, are the best way to protect the human rights of internally displaced persons and to provide a measure of reparation for the violation of these rights.

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1. For this and other figures, see IDMC's annual publication *Internal Displacement, Global Overview of Trends and Developments* <http://www.internal-displacement.org/global-overview>.

2. Office for the Coordination of Humanitarian Affairs, Internal Displacement Monitoring Centre and the Norwegian Refugee Council, *Monitoring Disaster Displacement in the Context of Climate Change: Findings of a Study by the United Nations Office for the Coordination of Humanitarian Affairs and the Internal Displacement Monitoring Centre* (Geneva, September 2009).

3. See also article by Katinka Ridderbos, pp36-7.

4. For more details see my 2010 report to the Human Rights Council, UN Doc A/HRC/13/21, paras. 39 ff.