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MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin

Summary

The Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, welcomes this opportunity to provide the Commission on Human Rights with a detailed report on the first full year of his mandate, pursuant to Commission resolution 2005/46. Alongside the ongoing work responding to internal displacement resulting from armed conflict, the last year has dramatically shown the scope and vulnerabilities of persons also displaced by natural disaster. At the same time, the humanitarian reform and wider United Nations reform processes have provided new opportunities to strengthen the response to internal displacement, whatever the cause. The present report sets out the comprehensive human rights-centred approach to all activities undertaken pursuant to the Representative's mandate, and examines his dialogue with Governments over the last year, his efforts to mainstream the human rights of internally displaced persons into all parts of the United Nations system, his promotion of the Guiding Principles on Internal Displacement, particularly at regional and national levels, and a variety of other activities promoting the human rights of internally displaced persons. He concludes with an assessment of the overall impact of his mandate thus far and provides a series of recommendations for future action.

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Introduction

1. The Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, pursuant to Commission on Human Rights resolution 2005/46, welcomes this opportunity to provide the Commission with a detailed report on the first full year of his mandate. Around the world, displacement caused by armed conflict has continued to afflict millions of people, with only gradual progress in a number of protracted situations. In addition to the widespread humanitarian suffering caused by a series of conflicts worldwide, this past year has been particularly wrenching, as a succession of natural disasters of stunning severity have resulted in new waves of internal displacement.

2. At the High-level Plenary Meeting of the sixtieth session of the General Assembly held in New York in September, Heads of State from around the world recalled and reinforced their determination inter alia to tackle issues of internal displacement. In parallel, the United Nations and other humanitarian partners, in an attempt to reform the humanitarian system to bring a better response to people in need of assistance and protection, have recognized past failings in the collective response to internal displacement and have worked hard to develop more predictable and accountable arrangements to deal with the full range of needs and vulnerabilities of persons who have been internally displaced.

3. Over the last year, the Representative has been closely involved in these international developments and the responses thereto, as well as in engaging with Governments, notably through a series of country missions and working visits. He has also been heavily engaged in mainstreaming the human rights of internally displaced persons (IDPs) in the United Nations system, in further promoting the implementation of the Guiding Principles on Internal Displacement ("the Guiding Principles") (E/CN.4/1998/53/Add.2, annex) at the regional and national level and in providing fresh policy impetus to less-addressed issues of internal displacement through a series of new projects. The Representative concludes this report with an assessment of the progress made over the last year, and offers concrete recommendations to reinforce advances achieved and to prepare an environment conducive to further steps towards preventing, effectively responding to and achieving durable solutions to situations of internal displacement worldwide.

I. PROTECTION OF INTERNALLY DISPLACED PERSONS: A CONCEPTUAL FRAMEWORK

4. Protection of IDPs is the foundation of the Representative's mandate, and the essential point of departure for all operational and practical recommendations. A comprehensive understanding of protection in the various phases and contexts of displacement accordingly is at the heart of the Representative's methodology. In all activities pursuant to his mandate, the Representative uses as a framework the Guiding Principles, and the underlying norms of international human rights, humanitarian and refugee law which they reflect and with which they are consistent. In pursuance of his mandate to engage in coordinated international advocacy and action for improving protection and respect of the human rights of IDPs through dialogues with Governments, as well as non-governmental organizations (NGOs) and other relevant actors,[1] the Representative is guided by an understanding of protection that is based on the elements set forth below.

5. IDPs, by definition, remain within their country of habitual residence and as such are entitled to enjoy the protection of all guarantees of international human rights and humanitarian law ratified by the State concerned or applicable in its territory on the basis of international customary law. Due to their displacement, they have specific needs that are distinct from those of the non-displaced population, which need to be addressed by specific protection and assistance activities. These needs and the correlating rights of IDPs are reflected and specified in the Guiding Principles, which provide the basic international framework for addressing issues of internal displacement. The Guiding Principles approach displacement from the perspective of the needs of IDPs and identify the rights and guarantees relevant to their protection.[2] They focus on all three phases of displacement: protection from displacement, protection during displacement and protection during return or resettlement, that is, local integration or relocation to another part of the country. The Guiding Principles affirm that the notion of "internally displaced person" covers "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border".

6. The primary duty and responsibility to protect and assist IDPs within their jurisdiction lies with national authorities from whom IDPs have the right to request and receive such protection and assistance (Guiding Principle 3). In his initial report to the Commission on Human Rights in 2005 (E/CN.4/2005/84), the Representative discussed the implementation of Guiding Principle 3. He stressed that protection must not be limited to securing the survival and physical security of IDPs but relates to all relevant guarantees provided to them by international human rights and humanitarian law. For practical reasons, these rights can be divided into four categories, namely (a) rights related to physical security and integrity (including protection of the right to life and freedom from torture and cruel and inhuman treatment, assault, rape, arbitrary detention, disappearances, kidnapping, and threats concerning the above-mentioned); (b) fundamental rights related to basic necessities of life (e.g. the rights to food, potable water, shelter, adequate clothing, adequate health services and sanitation); (c) rights related to other economic, social and cultural protection needs (for instance, the rights to work, receive restitution or compensation for lost property and to be provided with or have access to education); and (d) rights related to other civil and political protection needs (e.g. the rights to religious freedom and freedom of speech, personal documentation, political participation, access to courts and freedom from discrimination). The State has the obligation to: (a) prevent violations of these rights from occurring or reoccurring; (b) stop them while they are happening by making sure that its organs and authorities respect the rights concerned or protect victims against violations by third parties; and (c) ensure reparation and full rehabilitation if they have happened. Only the full respect of all these rights (or of all these sets of rights) can ensure adequate protection of the human rights of IDPs.

7. From a practical perspective, and in line with best practices from all parts of the world, national Governments are encouraged to take 12 key steps in order to fulfil their responsibility.[3] They should:

(a) Take effective measures to prevent displacement and minimize its adverse effects;

(b) Acknowledge the existence of internal displacement where it happens and raise national awareness of the problem;

(c) Collect data on the number and conditions of IDPs;

(d) Support training of government officials at all levels on the rights of IDPs;

(e) Create a legal framework for upholding the rights of IDPs;

(f) Develop, on the basis of such legislation, a national policy or plan of action on internal displacement;

(g) Designate an institutional focal point on IDPs;

(h) Encourage national human rights institutions, where they exist, to integrate internal displacement into their work;

(i) Ensure the participation of IDPs in decision-making affecting them;

(j) Support durable solutions based on the free choice of the IDPs concerned, including return to their homes, integration at the place of displacement or resettlement to another part of the country;

(k) Allocate adequate resources to the problem;

(l) Cooperate with the international community to the extent that national capacity is insufficient.

8. United Nations agencies, international NGOs and other relevant international actors have an essential role to play in advocating on behalf of the rights of the displaced. In addition, they can assist Governments in their efforts and strengthen national capacity to protect the rights of IDPs. Where Governments lack the will or capacity, international actors will need to be more directly involved in protecting the rights of the displaced, but in a way that seeks to reinforce rather than substitute for national responsibility. As highlighted by the IDP Policy of the Inter-Agency Standing Committee (IASC), the protection activities of the international actors can be responsive, "stopping, preventing or mitigating a pattern of [ongoing] abuse"; remedial, "aimed at restoring people's dignity and ensuring adequate living conditions subsequent to a pattern of violation, through rehabilitation, restitution, compensation and repair", or environment building, "aiming to create and/or consolidate an environment - political, social, cultural, institutional, economic and legal - conducive to full respect for the rights of the individual".[4] From a rights perspective, it is important to stress that protection activities of international actors must not be limited to securing strictly the basic survival needs of IDPs but should cover all guarantees contained in the four categories of rights outlined above. In other words, what is needed is a rights-based approach to humanitarian action.

Protection in the context of internal displacement resulting from natural disasters

9. The human rights implications of internal displacement arising from natural disasters have not heretofore thoroughly been examined and have only begun to gather wider attention in

the wake of the catastrophic natural disasters suffered in late 2004 and 2005. Following the Representative's working visit to South Asia, he spelled out the human rights aspects of natural disasters in his report on the visit.[5] Further, the Representative proposed the development of operational guidelines for United Nations human rights and humanitarian organizations on the human rights of IDPs in situations of natural disaster. The IASC Working Group welcomed that proposal and the guidelines will be presented to that body in 2006. The Representative is confident that these operational guidelines will provide a valuable and practical tool to assist United Nations agencies in addressing the human rights issues raised by internal displacement as a result of natural disasters.

The protection role of national human rights institutions

10. National human rights institutions (NHRIs), with their specific knowledge of local conditions and institutional capacities, have a particularly important role to play in promoting and protecting the human rights of IDPs.[6] Over the last year, the important role to be played by NHRIs has been particularly apparent in the response to the tsunamis of December 2004. In particular, after meeting with South Asian NHRIs, the Asia Pacific Forum of National Human Rights Institutions (APF) decided to develop Guidelines on the human rights of internally displaced persons in the context of natural disasters: a common methodology for NHRIs. Based on the Guiding Principles, these Guidelines, set forth recommendations, in pre- and post-disaster phases, for strengthening NHRI capacity and working with Governments, the United Nations, civil society and other non-State actors in raising awareness, handling complaints and engaging in regional cooperation. The Guidelines were endorsed by the full membership of APF at its annual meeting in Mongolia on 26 August 2005. Following that meeting, APF, Brookings-Bern Project on Internal Displacement and the Sri Lankan Human Rights Commission organized a regional workshop on NHRIs and IDPs, held in Colombo, Sri Lanka, from 26 to 28 October 2005. The participants in that workshop, including representatives of NHRIs, United Nations agencies and NGOs, urged NHRIs in the region to use the Guidelines and the Guiding Principles as tools to assist them in undertaking their roles in the protection of the human rights of IDPs, including such tasks as monitoring situations of displacement, conducting studies and encouraging independent research into the causes, effects and means of preventing displacement, identifying the human rights aspects of all forms of displacement, receiving and acting on complaints, and advocating with local and national authorities to enhance protection for IDPs. The Representative commends this important work as a model to other NHRIs addressing these issues.

11. The Representative also considers it important for NHRIs to organize national forums on internal displacement so that a national discussion can take place about the different kinds of internal displacement in countries. In the Philippines on 9 and 10 December 2005, for example, the Representative participated in a multi-stakeholder forum organized by the Commission on Human Rights of the Philippines, which examined the situation of internal displacement in the Philippines and proposed a national plan of action.

Protection role of international human rights mechanisms

12. International human rights mechanisms have an important protection role to play at the monitoring and supervisory levels. United Nations treaty bodies are increasingly addressing issues of displacement, through their examination of State reports and in their resolution of

individual complaints. Other mandate holders of the Commission have taken up cross-cutting issues, while regional mechanisms have also given human rights aspects of internal displacement greater prominence. For his part, the Representative, in his country missions and dialogue with actors engaged with internal displacement, has been struck by the extent to which IDPs may be unaware of legal avenues that may be available to vindicate their human rights before both national and international instances. Accordingly, in order to increase awareness of the international human rights protection mechanisms, the Brookings-Bern Project, which the Representative co-directs, is preparing a comprehensive manual, setting out the major human rights protection mechanisms which exist at regional and international levels. The manual provides practical information on mandates, procedures, outcomes and comparative advantages of the different mechanisms, in order to assist IDPs and their advocates determine the most appropriate mechanism to use in any particular context. The manual, which the Representative plans to launch on the occasion of the sixty-first session of the Commission on Human Rights, will be an important tool for enhancing the ability of IDPs and their advocates to engage international and regional mechanisms in the protection of IDPs' rights.

II. DIALOGUE WITH GOVERNMENTS

13. The Representative's dialogue with Governments on issues of internal displacement is at the heart of his mandate. His emphasis is on a constructive dialogue with the relevant authorities in a country, with a view to strengthening the protection of the human rights of IDPs and, where appropriate, identifying durable solutions. The major vehicle for such dialogue has been country missions and working visits. In addition, the Representative, in certain circumstances, has undertaken representations with national authorities, through meetings in Geneva and New York or correspondence, as regards specific situations of concern. The important dialogues with Governments over the last year are highlighted below.

Country missions and working visits

14. Country missions and working visits enable the Representative to personally assess the situation on the ground, discuss the issues with the relevant national authorities, meet with the displaced to hear their concerns, and make practical recommendations to all actors engaged in addressing the issues. Since his last report to the Commission, the Representative undertook five country missions. He visited Nepal (13-22 April 2005), Croatia (6-8 June 2005), Bosnia and Herzegovina (9-15 June 2005), Serbia and Montenegro including the province of Kosovo (16-24 June 2005) and the Sudan (4-13 October 2005).

15. The Representative's choice of countries for missions, as well as the elements which guide his use of the limited resources available to him to undertake country missions can be broadly grouped. First, there are situations where internal displacement is emerging in a country as a new - and often previously unrecognized - issue, the scope of which is either unclear or overlooked as a problem of internal displacement. In such situations, an official mission can clarify facts on the ground, acting to the extent possible as an independent finder and assessor of fact and raising awareness of the actual scope of an internal displacement situation. This was, for instance the case in Nepal. The Representative can then provide early advice to Governments, the United Nations system and donors which can help prevent the escalation of an emerging situation of internal displacement. Secondly, there are situations of ongoing, often protracted internal displacement, where gradual progress in resolution of the issues and the

passage of time has lessened the priorities both at the national and international levels. An official mission examining such a country situation refocuses attention on the issues and renews pressure for durable solutions and strategies to deal with protracted situations of internal displacement. The missions the Representative undertook to Bosnia and Herzegovina, Croatia and Serbia and Montenegro including Kosovo fall under this category. Thirdly, there are situations where national or international developments create an environment with the potential to significantly affect, whether positively or negatively, durability and sustainability of long-term solutions, including large-scale returns. In such circumstances, the purpose of the Representative's mission is to build upon positive developments as much as possible so as, to contribute to conditions on the ground which heighten the likelihood of sustainable progress. At the same time, the Representative seeks to identify risks and steer actors away from courses of action that risk having a detrimental impact on the rights of the displaced. The mission he undertook to the Sudan falls into this category.

16. Alongside formal missions, the Representative considers it useful to undertake working visits to States. Working visits focus less on a detailed assessment of the situation on the ground, but instead emphasize building relationships and strengthening capacities of usually capital-based officials, legislators and policymakers as well as civil society to effectively address issues of internal displacement. These do not lead to separate mission reports to the Commission. Over the reporting period, the Representative undertook fruitful working visits to Sri Lanka and Thailand, from 28 February to 1 March 2005 and from 2 to 5 March 2005, respectively,[7] and a successful working visit in Turkey from 4 to 6 May 2005.[8]

17. Individual mission reports on the five official missions undertaken during the reporting period are attached as addenda to this report.[9] In his first report to the General Assembly,[10] the Representative described in abbreviated form the major conclusions and recommendations of his first four official missions to Nepal, Croatia, Bosnia and Herzegovina and Serbia and Montenegro, including the province of Kosovo. In keeping with this approach, the Representative takes the opportunity to set out in the present report, in abbreviated form, his major conclusions and recommendations from his mission to Southern Sudan (which was undertaken after the submission of his report to the General Assembly.[11]

The Sudan

Official mission to Southern Sudan[12]

18. The Representative's mission, from 6 to 13 October 2005, took place at a time when, following the formation of the Government of National Unity and the events following the death of Vice-President John Garang, many of the 4 million Sudanese displaced during the armed conflict were hoping to return to their homes as indeed thousands already had started doing. The mission focused on IDPs displaced both from and in Southern Sudan and sought to identify present and future risks for their human rights and to assess the degree of preparedness of the international community and the Sudanese authorities to address the protection challenges in the context of imminent return of potentially large numbers of persons to Southern Sudan. To this end, the Representative visited Khartoum and the surrounding IDP camps and settlements at Shikan, Al Fatah 3 and Mayo, and travelled to Abyei, Kadugli, Malakal, Malualkon, Rumbek and Juba. He met with the Minister for Foreign Affairs, the Minister for Humanitarian Affairs,

the Minister for Planning and Public Utilities, the Vice-President of Southern Sudan, the Deputy Governor of Khartoum and the Acting Governor of Malakal, representatives of the Humanitarian Aid Commission and the Sudan Relief and Rehabilitation Commission and other officials, local authorities, members of the judiciary, representatives of the United Nations and other international organizations, community leaders, members of civil society and IDPs themselves.

19. The Representative's main conclusion at the end of this mission was that the lack of resources and infrastructure, the still volatile security situation and the absence of solid State infrastructure in the south posed serious threats to the human rights of IDPs and other persons beginning to return to the south. Future problems could be avoided if all actors concerned, i.e. the international community, relevant authorities at the different levels of the State, civil society and affected communities, worked closely together and promptly took the necessary steps to ensure sustainable solutions for all IDPs. The Representative called on all relevant actors to respect the rights of IDPs, including the right to be fully informed and consulted about available options, and to freely choose whether they want to return, locally integrate or resettle elsewhere, as provided for in the Guiding Principles. In particular, the Representative urged authorities in Khartoum to reconsider plans to relocate camps and irregular settlements of IDPs without offering them viable alternative accommodation. In addition, such plans may cause involuntary returns. The Representative also cautioned that the promotion of premature return may cause serious humanitarian problems for the displaced.

20. The Representative noted that despite the peace agreement, in many areas returnees still feared for their safety due to militia activities, armed civilians and landmines. Some returnees were being illegally taxed and robbed of their possessions during their long journeys. Upon arrival, many remained without shelter, sufficient food, clean drinking water and access to medical services. Parents whose children attended schools during their displacement in the North feared that their children would be deprived of access to education upon return since the few schools in the south were already overburdened. These problems would likely only increase once larger numbers of IDPs returned.

21. The Representative highlighted the need to provide returnees with immediate humanitarian assistance and protection and for the Government to disburse the funds necessary to achieve these goals. He called on the Sudanese authorities as well as the international community, in particular human rights monitors, peacekeepers and humanitarian and development agencies, to expand their presence to all parts of the south in order to better monitor and protect persons who continue to be displaced in Southern Sudan or who are returning to their places of origin. The Representative also stressed the need to strengthen national institutions enforcing the law, such as the police and the judiciary, and to create mechanisms for the settlement of disputes, in particular over land and property. He noted that to make return to the rural areas possible, humanitarian assistance and recovery activities, such as rebuilding basic infrastructure, should go hand in hand and be flexible and unencumbered by excessive bureaucracy, as to avoid unnecessary delays in the disbursement of funds. Furthermore, every effort should be undertaken to deploy militias away from areas of return and to demobilize armed elements.

22. The Representative expressed the hope that a positive attitude of the authorities and the generosity of receiving communities, translated into action, would result in effective and

sustainable measures that could be supported by international agencies, NGOs and donors, and contribute effectively to ending the suffering of large numbers of people affected by the past conflict. Finally, the Representative made a number of recommendations to the United Nations Mission in Sudan aimed at strengthening the institutional framework of the Mission.

The situation of internal displacement in Darfur

23. The situation of hundreds of thousands of displaced persons in Darfur continues to be of grave concern. The Representative is particularly concerned by the ongoing violence directed against the life and integrity of IDPs by government forces and armed militias and the climate of impunity that continues despite certain efforts by the authorities to hold to account a limited number of members of the security forces. At the same time, he is worried about attacks on humanitarian workers and Arab nomads by rebel groups and deplores the absence of respect for basic guarantees of international humanitarian law by these non-State actors.

24. In an effort to focus on the operational impact of the African Union (AU) deployment in Darfur, the Representative in his capacity as co-director of the Brookings-Bern Project, commissioned a study to examine the extent to which AU forces are in a position to protect IDPs and civilians. Issued in November 2005, the report, entitled "Protecting two million internally displaced: the successes and shortcomings of the African Union in Darfur",[13] found that although the armed conflict in Darfur continued to leave millions of people homeless, vulnerable to violence and susceptible to potentially life-threatening diseases, AU peacekeeping troops have made a difference in the region. According to the report, which is based on interviews with AU troops, IDPs, and humanitarian and human rights officers over a seven-month period, AU soldiers had "demonstrated a willingness to patrol, be visible and try to deter violence" and their presence had deterred the rape of women, reduced the recruitment of children into armed forces, protected humanitarian corridors and aid convoys, reduced the looting of animals belonging to Arab nomads, and helped displaced persons who returned to their homes. However, the report also identified many shortcomings, in particular a "grossly inadequate" number of troops and civilian police deployed to the mission, a weak mandate and limited equipment. It also found that AU soldiers did not have the strength or authority to remove or disarm Janjaweed and other paramilitary forces from displaced persons' camps and did not always actively react to gross violations of human rights.

25. The report recommended that the size of the deployment be at the very least 20,000-strong with a more robust protection mandate. It offered three principal options to accomplish this: (a) providing AU with the material and financial support to enable its force to grow and deploy rapidly; (b) merging the AU force with United Nations peacekeeping forces in Southern Sudan, which would give the troops in Darfur the stronger mandate they need and allow the force to draw on the deeper peacekeeping resources and experience of the United Nations; or (c) calling upon NATO or the European Union to contribute their own forces to reinforce AU and assume responsibility for the operation.

26. In the interim, the report recommended:

(a) Increased logistical, transport and communications support to sustain additional troops and police and their accelerated transport to and throughout Darfur;

(b) Strengthening of the capacities of AU headquarters in command, planning and information management;

(c) The establishment of clear rules of engagement that authorize the AU to use force to protect civilians and IDPs in danger;

(d) That operational capacities be improved, in particular, additional aircraft and vehicles, satellite surveillance to enable quick reaction to threats to IDPs and peacekeepers, introduction of night patrols, a continuous presence in and around IDP camps, especially those known to be high-risk (to date, there being 24-hour AU presence in only two camps);

(e) Enlargement of the civilian component of the AU mission with political affairs officers, humanitarian and human rights officers, and sexual and gender-based violence experts;

(f) Redressing of the gender imbalance of AU forces in order to enable more effective handling of the widespread sexual and gender-based violence;

(g) The improvement of coordination and communication between AU troops and the police and between AU forces and humanitarian workers whose operations AU is supposed to safeguard;

(h) Promotion of greater accountability of Sudanese soldiers and police through training programmes and frank, public reporting by AU of violations of the ceasefire, of interruptions in humanitarian aid efforts, and of abuses against civilians;

(i) Holding the rebel forces to greater accountability.

27. The Representative calls upon the relevant international actors urgently to consider these expert recommendations as a prompt and constructive way to enhance the protection available to internally displaced persons in Darfur.

Forthcoming missions and working visits

28. At the time of submission of this report, the Representative scheduled, at the request of the Government, an official mission to Georgia from 21 to 24 December 2005. In planning missions for 2006, the Representative has made requests for official missions to Colombia, Côte d'Ivoire and the Democratic Republic of the Congo, as well as for a working visit to Nigeria and Uganda. He welcomed the invitations to visit the country extended to him by Azerbaijan and Nigeria from the floor of the General Assembly, at its sixtieth session. He hopes to be able to accommodate these requests over the course of 2006. A number of States have been in direct communication with the Representative with respect to invitations to visit. He extends his appreciation for these approaches and appreciates the flexibility that such contacts provide in planning a calendar of missions within the confines of considerable time and resource constraints.

Other interventions with Governments on issues of internal displacement

29. In addition to official missions and working visits, the Representative has engaged with a number of States on issues of internal displacement on certain country-specific issues that have

arisen under his mandate. Given the breadth of his mandate covering all human rights for a specific and substantial group of persons, and in the light of the limited resources available to him, the Representative has sought to emphasize his interventions not on individual cases of human rights issues, but rather on situations raising concerns of a more general nature.

30. On 29 July 2005, the Representative wrote to the Permanent Representative of Zimbabwe to the United Nations Office at Geneva, setting out his concern at the planning and execution of Operation Murumbatsvina, which is reported to have displaced some 700,000 people. He stressed the applicability of the Guiding Principles on Internal Displacement to the situation, and called upon the Government to respect the human rights of the displaced persons and to remedy the violations suffered and ongoing. By letter of 18 August 2005, the Permanent Representative of Zimbabwe responded, directing the Representative's attention to the Government's generic response to the report of the Special Envoy of the Secretary-General on Human Settlement Issues in Zimbabwe, Anna Tibaijuka.

31. On 2 September 2005, the Representative wrote to the Permanent Representative of the United States of America to the United Nations Office at Geneva, drawing attention to certain urgent needs of the people affected by the critical situation then prevailing in the southern Gulf States in the aftermath of hurricane Katrina and recalling the applicability of the Guiding Principles to displacement caused by natural disasters, as well as the desirability of designing longer-term responses around the framework provided by these Guiding Principles.

32. On 16 November 2005, in conjunction with colleagues Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, and Miloon Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, the Representative wrote to the Permanent Representative of Botswana to the United Nations Office at Geneva, setting out concerns with respect to allegations of forced relocations out of the Central Kalahari Game Reserve of indigenous Bushmen or San peoples from their traditional homes and livelihoods, asking for information and offering their good offices.

33. In some instances, the Representative joined with other special procedures of the Commission on Human Rights in issuing press releases on subjects of mutual concern. On 20 May 2005, the Representative and Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions, issued a press release expressing dismay at violent clashes, resulting in the deaths of several people, that were sparked when Sudanese security forces sought to relocate 23,000 displaced persons living in the Soba Eradi IDP area south of Khartoum on 18 May 2005. On 21 November 2005, the Representative and Special Rapporteur on adequate housing, Miloon Kothari, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, the Special Rapporteur on the right to education, Vernor Muñoz Villalobos, and the Special Rapporteur on the right to food, Jean Ziegler, made a statement drawing urgent attention to the dire humanitarian situation in Pakistan as a result of the South Asia earthquakes of 8 October 2005 and called on donors to provide the necessary assistance without delay to enable authorities and international agencies to address the urgent needs of the victims including those displaced by the disaster. At the same time, they called on the Government of Pakistan to

do everything within its power to provide unhampered access by humanitarian actors, to recognize freedom of movement and choice of residence for its affected population and overall to respect and ensure the human rights of the victims.

III. MAINSTREAMING HUMAN RIGHTS INTO THE UNITED NATIONS RESPONSE TO INTERNAL DISPLACEMENT

34. Over the last year, and in response to both the lessons learned in the wake of the responses to the humanitarian crises in Sudan and in tsunami-affected areas and building on the recommendations of the Humanitarian Response Review commissioned by the Emergency Relief Coordinator, the United Nations, through the IASC process, has devoted a great deal of attention to improving the comprehensiveness, predictability and accountability of the combined response of United Nations actors and external humanitarian partners to humanitarian emergencies and disasters, including situations of internal displacement.

35. In response to this call, the United Nations agencies and other partners under the aegis of IASC developed a "cluster approach" to international humanitarian response. Comprising nine general clusters - protection; nutrition; water and sanitation; health; camp coordination and management; emergency shelter; logistics; telecommunications; and early recovery - the new approach seeks to designate a single agency with coordinating responsibility for the activity of all actors involved in that particular sector of activity. This coordinating agency, or "cluster lead", is responsible and accountable to the humanitarian coordinator in each country where this approach is implemented and the humanitarian coordinator in turn is accountable to the Emergency Relief Coordinator for the overall humanitarian response on the ground.

36. The deficiencies of the prior "collaborative approach" to internal displacement, whereby all relevant actors collaboratively sought to coordinate their work in a given country situation, have become both clear and generally acknowledged. It failed to eliminate excessive or duplicative allocation of scarce humanitarian resources, while other situations were neglected because of a lack of interest by agencies or donors despite urgent humanitarian needs. Protection of the displaced was often the most glaring gap in emergencies. At the same time, weak accountability structures diminished the capability of Humanitarian Coordinators to demand accountability and comprehensiveness of response, while conflicting lines of responsibility both to headquarters and in the field diminished the effectiveness of individual agencies on the ground.

37. In the Representative's view, which in accordance with his mandate is limited to the protection of displaced populations, the cluster approach to humanitarian response, if appropriately resourced and executed, could substantially improve the performance of the humanitarian community in responding to serious situations of internal displacement. It also promises to do so in a comprehensive manner, ensuring attention both to acute needs and to early recovery situations. The Representative, at the level of the IASC Principals, and his staff, at the level of the IASC Working Group and the Protection Cluster Working Group, have been intensively engaged in the reform process. They advocated for arrangements which cover all IDPs, both caused by conflict and natural disasters, and which provide comprehensive protection for the human rights of IDPs and which are as predictable, responsible and accountable as possible.

38. From this perspective, the Representative welcomes the expressed willingness of the Office of the United Nations High Commissioner for Refugees (UNHCR) generally to act as cluster lead agency for protection, emergency shelter and camp coordination and management, in the area of conflict-generated IDPs in complex emergencies and associated populations. The Representative is concerned, however, that the cluster approach fails to fully address the needs of IDPs displaced by natural disasters as well as other IDPs falling outside the conflict/complex emergency framework. He also notes that the agencies that have agreed to act as cluster lead agencies in the other six clusters draw no distinctions between conflict-induced and disaster-induced displaced persons. It is a certain step forward that in the case of protection, the three protection-mandated agencies - the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNHCR and the United Nations Children's Fund (UNICEF) - have agreed that in situations going beyond conflict-induced displacement in complex emergencies, one of these three agencies will, in most cases, assume the responsibility as cluster lead agency for protection. In the Representative's view, within the cluster framework it is vital that in all situations of internal displacement, a single agency is accountable and responsible for protection issues. It would also be important to avoid the situation where one agency, UNHCR, is accountable for protection of conflict-generated IDPs in a complex emergency, but another agency is responsible for the protection of other IDPs in the same country.

39. Moreover, in this process, the Representative has also advocated for "protection" to be broadly defined, encompassing all human rights, with the Guiding Principles as a helpful reference tool. The Representative regrets that not all agencies are of one mind on such an operational understanding of protection, and notes that this issue has been referred for further inter-agency discussion to the Task Force on Human Rights and Humanitarian Action of the Working Group of IASC. The Representative has also advocated for human rights protection and human rights to be regarded not as an independent, discrete issue, but as a cross-cutting theme affecting all sectors of the humanitarian response. In particular, the Representative has sought to emphasize that protection needs can arise in all sectors. For example, a discriminatory distribution of food or of health services will give rise to a protection issue. It follows that the international accountability structures being established need to reflect these realities and be in a position effectively to respond to them. The Representative will continue to press for recognition of these issues as the humanitarian reform process proceeds to the implementation stage.

40. With respect to mainstreaming the human rights of IDPs, the Representative has been able to work particularly closely with UNHCR, OHCHR and the Office for the Coordination of Humanitarian Affairs (OCHA), advocating for human rights to be integrated within individual agencies' positions and policies, particularly with respect to those agencies' individual action in particular countries addressing issues of internal displacement. He has also welcomed the consultation and requests for input on various policy issues concerning country situations that he has been invited to provide. At the field level, the Representative has collaborated with the IASC Country Team on the ground in the preparation, execution and follow-up to his missions and has consulted them in the formulation of recommendations to national and international actors on the ground. The Representative has also sought to coordinate his efforts in this respect with those of the Internal Displacement Division of OCHA and to complement the Division's work with an explicit, comprehensive rights-based approach. A joint mission to Nepal and

coordinated action on other countries as well as in international forums addressing issues of internal displacement have, in the Representative's view, demonstrated the complementary nature of these roles.

41. Further to the trilateral memorandum of understanding with the Internal Displacement Division of OCHA and the (then) Global IDP Project of the Norwegian Refugee Council (now referred to as the Internal Displacement Monitoring Centre), the Representative expresses his appreciation for the country-specific information and assessments provided by the Internal Displacement Monitoring Centre in advance of missions and working visits, as well as the input into policy developments. The Representative believes that the three parties, with particular expertise in, respectively, operational inter-agency coordination, specialist data collection and analysis and external independent advocacy and monitoring provide mutually complementary and re-enforcing approaches, and he looks forward to deepening collaboration among them on issues of internal displacement.

42. The Representative is also grateful to UNHCR, drawing on its operational expertise and profound country knowledge, for the increasingly extensive collaboration on mission planning and execution, as well as detailed country briefs and assessments. The Representative looks forward to expanded cooperation with UNHCR, including in its fulfilment of "cluster lead" responsibilities, in particular for protection in situations of conflict-generated internal displacement. As of August 2005, with the support of UNHCR, the "placed" Brookings-Bern Project has a staff member at UNHCR, establishing an arrangement for facilitating collaboration with the Representative. He is also grateful for the collaboration with the Emergency Relief Coordinator, which allows him access to a staff member in New York. In addition to these agencies, as noted in his report to the General Assembly, the Representative has also held discussions at headquarters with the Department for Peacekeeping Operations, the United Nations Development Programme, the Department of Political Affairs, UNICEF and the Office of the Special Envoy of the Secretary-General for Tsunami Recovery, with a view to identifying areas for closer collaboration, and he looks forward over the coming year to strengthening these linkages.

IV. PROMOTING IMPLEMENTATION OF THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

43. The Guiding Principles, which were formulated at the request of the Commission on Human Rights and the General Assembly and presented in 1998, are widely recognized as a practical point of reference restating the relevant norms of international human rights, humanitarian and refugee law in a comprehensive and accessible format and thus offering an important framework for the protection of IDPs. The Representative is of the firm belief that the Guiding Principles can be most effective when reflected at the domestic level and incorporated into law and/or policy in regional and national contexts. To this end, the Representative has engaged in a variety of discussions at the United Nations as well as at regional and national levels in order to promote the recognition and implementation of the Guiding Principles. He is especially pleased to report on progress made in this area. Given the varying circumstances of different countries and regions, the Guiding Principles can gain additional value, meaning and accessibility if appropriately contextualized according to local situations, and reflected in the legal and policy frameworks, languages and structures of the country or region in question.

International level

44. The Representative particularly welcomes the agreement reached by Heads of State and Government gathered at the High-level Plenary Meeting of the sixtieth session of the General Assembly, to "recognize the Guiding Principles as an important international framework for the protection of internally displaced persons and resolve to take effective measures to increase the protection of internally displaced persons".[14] This recognition by the international community of the value and status of the Guiding Principles greatly assists the Representative's work in pressing for practical implementation of these standards.

Regional levels

African Union

45. The Representative welcomes the attention on the part of the African Union to issues of internal displacement. He welcomes the decision of the Executive Council at its fifth ordinary session, from 25 June to 3 July 2004, on the situation of refugees, returnees and displaced persons,[15] alongside its decision on the meeting of experts on the review of Organization of African Unity/AU treaties.[16] The latter decision stated that "the specific needs of [IDPs] such as protection should be addressed through a separate legal instrument [than the 1969 Organization of African Unity Convention governing the specific aspects of refugee problems in Africa], and mandated preliminary studies to this end. The Representative encourages the experts of the African Union to base its discussions on the Guiding Principles, and stands ready to supply technical advice and assistance upon request.

African Commission on Human and Peoples' Rights

46. The Representative welcomes the role of the African Commission on Human and Peoples' Rights in addressing displacement issues, particularly in its complaints mechanism, and encourages the Commission to refer to the Guiding Principles in its interpretations of the African Charter on Human and Peoples' Rights in the displacement context. The Representative has also been pleased to establish fruitful contact with the Commission's Special Rapporteur on Refugees, Asylum-seekers and IDPs in Africa, Bahame Nyanduga, whose mandate includes undertaking fact-finding missions to areas of displacement. He notes also that other mechanisms of the African Commission on Human and Peoples' Rights, including the Special Rapporteur on the Rights of Women in Africa and the Working Group on the Situation of Indigenous Populations/Communities, are also in a position to provide insights into situations of internal displacement in Africa and advocate for durable solutions. The Representative looks forward to strengthening his relationship with these mechanisms.

The Great Lakes region

47. The Representative has also been encouraged by developments in the Great Lakes region of Africa - Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, Rwanda, the Sudan, Uganda, the United Republic of Tanzania and Zambia - towards the adoption of a Protocol on protection and assistance to internally displaced persons. In November 2004, these States held the First Summit of Heads of State and Government in Dar es Salaam, resulting in the Dar es Salaam Declaration on Peace, Security,

Democracy and Development in the Great Lakes Region. By adopting the Declaration, all States in the region agreed to "respect and use the Guiding Principles on Internally Displaced Persons as proposed by the United Nations Secretariat, harmonize all the relevant pieces of legislation and define a national and regional framework for the monitoring and follow-up of the standards contained therein and which relate to the access and protection of disaster victims, internally displaced persons, women and children who are victims of conflict". Since the adoption of the Declaration in November 2004, a draft protocol on protection and assistance to internally displaced persons and a draft model law have been developed and discussed among States in the region. It is anticipated that these initiatives will be finalized in early 2006. The Representative is encouraged by these developments and stands ready to provide support to their implementation.

Southern African Development Community

48. After several years of discussion with the Southern African Development Community (SADC), the Representative convened a regional seminar on internal displacement in the SADC region, where there are an estimated 2.9 million IDPs. The seminar was organized by the Brookings-Bern Project in conjunction with UNHCR and hosted by the Government of Botswana. Held in Gaborone, Botswana from 24 to 26 August 2005, the meeting brought together over 80 participants from the SADC region (encompassing 14 States, including the Democratic Republic of the Congo, Zimbabwe and Angola, which have sizeable IDP populations), to discuss the phenomenon of internal displacement in the region, in particular the needs of the displaced and develop strategies for enhanced national, regional and international response.

49. Representatives from SADC member States, SADC, the African Union and the African Commission for Human and Peoples' Rights, donors, international organizations, NGOs, research institutions, and civil society as well as the former Presidents of Botswana and Mozambique were in attendance. Their discussions focused on the problem of internal displacement and the needs of the displaced in the SADC region, the application of the Guiding Principles, issues of national responsibility, including the development of effective national laws and policies and the need for regional strategies to address this challenge. Particular attention focused on the situations in Angola, the Democratic Republic of the Congo and Zimbabwe. The report of the seminar is being published by the Brookings-Bern Project. The Representative is of the view that the seminar shows the value of regional meetings that bring governmental and NGO representatives together to the same table. The seminar was also a valuable opportunity for civil society to interact with national authorities and for all partners to engage in constructive discussion of durable solutions to problems of internal displacement in the region.

Economic Community of West African States

50. The Representative has also sought to build upon the groundwork established by his predecessor, Francis Deng, who established senior-level contacts with the Economic Community of West African States (ECOWAS) in 2001. Further to earlier initiatives in the ECOWAS region exploring regional aspects of internal displacement, particularly and most recently the Regional Experts Meeting on Sustainable Solutions to Forced Displacement in West Africa held in Ghana in June 2005, the Representative welcomes the opportunity to collaborate with ECOWAS in the convening of a West Africa Regional Seminar on Internal Displacement, to be

held in Abuja, Nigeria, from 26 to 28 April 2006. The Representative is grateful for the invitation of the Government of Nigeria, also extended to UNHCR, to work together in the organization of this regional seminar. The purpose of the meeting will be to bring together representatives from ECOWAS member States, NHRIs, civil society, donors, international agencies and NGOs to discuss the phenomenon of internal displacement in the region, the needs of the internally displaced and effective national, regional and international strategies for response.

Council of Europe

51. The Representative welcomes the efforts undertaken by the Council of Europe to address situations of internal displacement occurring in its member States. Over the years, the Parliamentary Assembly of the Council of Europe, also basing itself on the Guiding Principles, has adopted a number of very useful Recommendations addressing these issues.[17] In this context, the Representative was pleased to be invited by the Council's Ad Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons to contribute as an expert to elaboration of a Recommendation to member States on internally displaced persons to be adopted by the Committee of Ministers in early 2005 and to attend the Committee's 56th meeting from 23 to 25 November 2005. The Representative welcomes the Council's efforts to develop a Recommendation of the Committee of Ministers by early 2007, taking as a point of departure the Guiding Principles, which reflect the areas where the case law of the European Court of Human Rights on the basis of the Convention for the Protection of Human Rights and Fundamental Freedoms provides greater protection. The Representative considers particularly positive the references to the prohibition of arbitrary displacement which could be inferred from the Convention for the Protection of Human Rights and Fundamental Freedoms, the recognition of the prohibition of returning an internally displaced person to a part of the country where that person faces risks of death, torture or other cruel, inhuman or degrading treatment or punishment, as well as the recognition of the positive obligations incumbent on States to protect family life by providing information on missing persons and taking active steps to locate and facilitate the reunification of separated family members. The Representative welcomes this initiative and commends it as a useful model for other regional organizations engaged in or considering elaboration of a similar instrument.

52. The Representative also took the opportunity of his visit to the Council of Europe to meet the Commissioner for Human Rights of the Council of Europe, Mr. Alvaro Gil-Robles, and senior officials, with a view to exploring closer collaboration and coordinating activities with respect to the member States of the Council of Europe. The Representative welcomed the fruitful dialogue and looks forward to pursuing a closer relationship with the Council concerning issues of internal displacement within its mandate.

National level

Elaboration of national strategies

53. In a number of countries, progress has been made in the elaboration of national strategies or programmes to combat situations of internal displacement. Progress has been brought to the Representative's attention concerning developments in this respect in Colombia, Nepal, Nigeria,

Turkey and Uganda. The Representative welcomes the willingness shown by these States to confront situations of internal displacement directly and to work towards constructive, durable solutions at the national level. He calls for States to ensure that such strategies and programmes, while needing to be adapted to take account of local needs and particular national circumstances, be fully based on the Guiding Principles and the underlying standards of international law. In this context, the Representative expresses his willingness to provide advice, upon request, to regional forums or individual States engaged in implementing the Guiding Principles at the regional or national level.

Manual for legislators and policymakers addressing internal displacement

54. While many States have found the Guiding Principles to be a useful tool in developing laws and policies to prevent, address and resolve displacement, it is often challenging to translate the rather abstract general principles of international law articulated by the Guiding Principles into concrete governmental directives. In order to address this difficulty, the Representative has begun developing a manual for legislators and policymakers at the domestic level. This manual will consider best practices and further help States to identify legal and policy options for ensuring the protection of the human rights of the internally displaced. Toward this end, the Representative has convened a steering group, comprised of experts and IDP advocates from leading international agencies, regional human rights bodies and academic institutions, which has commissioned several studies, including on issues such as property restitution. It is anticipated that the manual will be completed in early 2007. With widespread dissemination and regional seminars, the Representative hopes that the manual will lend further support to the Secretary-General's call for States to accept and implement the Guiding Principles in national legislation.[18]

Capacity-building activities

55. Since his appointment, the Representative has engaged in a number of capacity-building initiatives, including wider engagement with States, the United Nations and civil society. Space constraints regrettably prevent a full account, but the Representative wishes to highlight a number of these developments below.

First San Remo course on the Law of Internal Displacement

56. From 13 to 17 September 2005, the Representative led the first course on the Law of Internal Displacement in San Remo, Italy. Hosted by the Institute of International Humanitarian Law and with the support of the Brookings-Bern Project on Internal Displacement, the course brought together officials and policymakers from a number of States affected by internal displacement, as well as United Nations officials active in this area and interested donor States. The purpose of the course was to: (a) deepen understanding of the phenomenon of internal displacement, the norms of international human rights, humanitarian and refugee law implicated in such situations and the reflection of these standards set out in the Guiding Principles; (b) provide a forum for dialogue and exchange of national best practices among the course participants; and (c) provide participants with tools to advance national processes of implementation of the Guiding Principles. The Representative was encouraged by the positive feedback received recognizing the value of such a course. As a result, the course will be held

annually at the Institute of International Humanitarian Law, with the next course to take place in October 2006. The Representative hopes that those who attended will be in a position to follow up by pursuing efforts to strengthen legislative frameworks for IDPs in their respective countries.

East African School on Refugee and Humanitarian Affairs

57. Through the Brookings-Bern Project, the Representative was able to support academic efforts in regions affected by internal displacement to address the issues raised. Accordingly, the Project has forged a partnership with the East African School on Refugee and Humanitarian Affairs, a joint initiative of the University of Dar es Salaam (the United Republic of Tanzania), Moi University (Kenya) and Makerere University (Uganda). Co-sponsored by UNHCR, the two-week East African School on Refugee and Humanitarian Affairs course convened at the Centre for the Study of Forced Migration of the Faculty of Law at the University of Dar es Salaam from 5 to 16 September 2005 brought together government officials, researchers, local UNHCR and World Food Programme staff and civil society representatives from East Africa, a region with an internally displaced population that exceeds 1.7 million. The Representative welcomes the recognition in the region of the IDP issue and of the needs of IDPs, as well as the implications of internal displacement caused by natural disasters and the responsibility of national authorities to address displacement situations.

Lecture series at law schools in India and Calcutta Research Group Annual Regional Course on Forced Migration

58. With support from the Brookings-Bern Project on Internal Displacement, the Calcutta Research Group also organized a lecture series in India on the Guiding Principles, which was held from 15 to 20 August 2005. Robert Goldman, a principal author of the Guiding Principles, former Chair of the Inter-American Commission on Human Rights, and a distinguished professor of law, addressed between 100 and 150 law professors, human rights activists, and social scientists at each presentation in Kolkata, New Delhi, and Pune, where articles appeared in the local press. The presentation drew wide praise and stimulated an exchange of ideas about international standards and the subject of internal displacement, and two respected Indian journals are to publish his paper, “Internal displacement, the Guiding Principles on Internal Displacement, the principles’ normative status, and the need for effective domestic implementation”. This initiative is in addition to the Annual Regional Course on Forced Migration that the Project has been supporting since its inception in 2002.

V. CONCLUSIONS AND RECOMMENDATIONS

59. **The developments of the last year have highlighted new challenges in the area of internal displacement, particularly in the area of displacement resulting from natural disasters, alongside the ongoing response to situations of conflict-generated internal displacement. At the same time, the year has been marked by a series of significant developments that provide the basis for future momentum - the recognition of internal displacement by the High-level Plenary Meeting of the sixtieth session of the General Assembly as an issue requiring priority action by the international community and one that should be addressed in accordance with the Guiding Principles on Internal Displacement (“the Guiding Principles”). The ongoing humanitarian reform agenda taking place at the international level also has the potential to substantially improve the**

protection of IDPs, delivering a much-improved response marked by predictability, accountability and responsibility. For his part, the Representative has engaged in extensive dialogue with Governments, using a comprehensive lens of human rights protection as the foundation for practical, durable and implementable recommendations aimed at long-term solutions to situations of internal displacement. The Representative has brought the same view to his mainstreaming efforts within the United Nations system, and is encouraged by the responses to this effort. The Representative is also heartened by the readiness to proceed with implementation of the Guiding Principles at regional and national levels. Overall, the Representative views the progress made over the last year as positive, and looks forward to advancing this protection-oriented agenda over the next year in collaboration with affected States, the United Nations system and other actors addressing situations of internal displacement.

60. **With respect to countries visited, the Representative:**

(a) Encourages Governments to implement the recommendations made in his country-specific reports.[19] The Representative stands ready to offer ongoing advice and, if appropriate to engage in follow-up missions or working visits;

(b) Invites the Inter-Agency Standing Committee (IASC) Country Teams, with guidance from such components of the Office of the United Nations High Commissioner for Human Rights (OHCHR) as may be present, to structure their response to internal displacement based on a comprehensive human rights protection framework;

(c) Invites national human rights institutions and civil society to follow these efforts and provide feedback to the relevant institutions on human rights issues associated with displacement.

61. **With respect to other countries confronting issues of internal displacement the Representative:**

(a) Encourages States, on the basis of the Guiding Principles, to prevent and minimize internal displacement, in particular to refrain from arbitrary displacement;

(b) Invites States to seek technical assistance on these human rights issues, as required, from the Representative and/or OHCHR;

(c) Invites IASC Country Teams, with guidance from such OHCHR components as may be present in the country, to structure their response to internal displacement based on a comprehensive human rights protection framework;

(d) Encourages civil society to continue to gather information on human rights aspects of internal displacement and to engage in dialogue with their Government, the Representative, OHCHR and other actors in the United Nations system involved in humanitarian responses in the country in question;

(e) Invites national human rights institutions and civil society to follow these efforts and provide feedback to the relevant institutions on human rights issues.

62. **With regard to States in general, the Representative:**

(a) Encourages ongoing efforts to provide a basis in national law and policy for the Guiding Principles, including, for countries not currently affected by internal displacement, as an advance, preventive measure in case problems of displacement, whether because of conflict or natural disaster, should arise in the State;

(b) Recommends continuing efforts to integrate the Guiding Principles in appropriate regional institutional frameworks;

(c) Invites them to support efforts to build the capacities of countries affected by displacement, including by sending their officials to courses such as the San Remo Course on the Law of Internal Displacement.

63. **With regard to the United Nations and its IASC partners, the Representative:**

(a) Encourages IASC to seek to achieve a unified, comprehensive institutional response to all situations of internal displacement, whether caused by conflict or natural disasters, with predictable, accountable and responsible arrangements. These arrangements, while sufficiently flexible to accommodate particular country contexts, should systematically respond to the full range of human rights needs on the ground, and should consistently understand protection as a cross-cutting, system-wide issue requiring explicit attention in all areas of humanitarian response. The Representative stands ready to provide appropriate advice and guidance, upon request;

(b) Encourages OHCHR to systematize an Office-wide response to situations of internal displacement, both where it has a presence in the field and where it does not, in order that the human rights protection issues are advanced at an early stage to government interlocutors, to and by the IASC Country Team and to and by the treaty bodies and special procedures of the Commission on Human Rights. The Representative stands ready to provide appropriate advice and guidance.

Notes

[1] Commission on Human Rights resolution 2004/55, para. 24.

[2] The IASC defines the notion of protection as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law” (Protection of Internally Displaced Persons, IASC Policy Paper, December 1999).

[3] See the Brookings Institution-University of Bern Project on Internal Displacement, “Addressing internal displacement: a framework of national responsibility”, Washington D.C. 2005, addendum 1 to the present report.

[4] Implementing the collaborative response, op. cit., p. 44.

[5] See "Protection of internally displaced persons in situations of natural disaster: a working visit to Asia by the Representative of the Secretary-General on the human rights of internally displaced persons, 27 February to 5 March 2005", available at http://www.ohchr.org/english/issues/idp/Tsunami.pdf.

[6] See A/60/338, para. 57.

[7] For outcomes of this visit, see the report on these working visits, supra, note 4.

[8] For outcomes of this visit, see the Representative's report to the General Assembly, A/60/338.

[9] As per technical practice, addenda are only provided in the language of submission.

[10] A/60/338, 7 September 2005.

[11] See addendum 6 to the present report.

[12] For a full mission report, in English only, see annex 5 to the present report (E/CN.4/2006/71/Add.6).

[13] Available online at http://www.brookings.edu/idp.

[14] A/RES/60/1, para. 132. Internal footnote omitted.

[15] EX/CL/Dec.127 (V).

[16] EX/CL/Dec.129 (V).

[17] See, for example, Recommendations 1667 (2004), 1652 (2004), 1404 (2004), 1631 (2003), 1570 (2002), 1569 (2002), 1563 (2002), 1406 (1999), 1385 (1998), 1377 (1998), 1357 (1998), 1335 (1997), 1334 (1997), 1305 (1996), 1287 (1996), 1263 (1995) and 1176 (1992).

[18] See *In Larger Freedom: towards development, security and human rights for all*. (A/59/2005), available at www.un.org/largerfreedom.

[19] See appendices 2 through 6 to the present report.
