

As delivered

Ten years of Guiding Principles on Internal Displacement: achievements and future challenges

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Keynote address

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Honorable Minister Jonas Gahr Store,

Honorable Ministers,

Excellencies,

Ladies and Gentlemen,

It is an honour to be here commemorating ten years of the Guiding Principles on Internal Displacement. I would like to thank the Norwegian Government, the Norwegian Refugee Council and the Representative of the Secretary General for the Human Rights of Internally Displaced People for having organized this landmark event. The presence of so many of you – Government officials, colleagues from the United Nations system, from the ICRC, the NGO movement, international organizations of different natures, as well as academic experts, is a testimony both of our common engagement with the internally displaced, and about the centrality of the Guiding Principles. I am delighted to be associated with this event since protecting and assisting internally displaced persons became one of the key priorities of UNHCR.

When I was elected, I decided that the Office should be entirely committed to the internally displaced people and to the humanitarian reform process which has led to the adoption of the cluster approach in December of 2005. We lead the global protection cluster and co-lead the emergency shelter and the camp coordination/camp management clusters under the overall co-ordination of Sir John Holmes. UNHCR works today with governments and other humanitarian actors in 23 countries to protect nearly 14 million internally displaced persons around the world. Unfortunately, there are many others that we have not yet been able to protect and assist together with our partners.

This is not entirely new for UNHCR. In the past, we have been active in the protection and assistance of a meaningful number of internally displaced persons. In the context of refugee return or asylum activities, we had established sizeable internally displaced persons operations in countries like Angola, Mozambique, the Russian Federation, Indonesia and Afghanistan just to cite a few examples. However our response was very much context driven, putting us in a situation where we lacked predictability and credibility. The cluster approach has increased that predictability and has strengthened our partnership with other humanitarian actors to address more forcefully the plight of millions of displaced people. And I would say that the Norwegian Refugee Council represents for us a reference partner and we are very grateful for everything we have been able to learn with you. As a matter of fact, you had people seconded to UNHCR to help us build the protection cluster co-ordination mechanism.

Now the majority of the displaced persons have been forced out of their homes by conflict and violence but they have not crossed an international border. Obviously, their protection should be guaranteed by their own State. However, in a number of situations, displaced people find themselves on territories of states which often lack the means, and sometimes the will, to provide them with the adequate protection and assistance. And in some situations, the State is part of the problem, not of the solution.

I remember that in the 1990s the debate on human rights was leading to the idea that we need to balance the sovereignty of the state with the sovereignty of the human being. I was directly involved in my past capacities, in the international community involvement in Bosnia, in Kosovo, in East Timor. At the time, we were speaking about the right of humanitarian intervention. Now the General Assembly of the United Nations adopted the concept of the Responsibility to Protect.

The problem is that the practical implications of this concept are virtually non-existent. Today, as a matter of fact, we see the re-emergence of state sovereignty as the only key reference in this regard. I think there are two main reasons for that. First, because in the context of the Responsibility to Protect, too much emphasis was put on military intervention, when this is an extreme situation. Not enough was said about the responsibility to prevent, the responsibility to rebuild and the other aspects that are associated with the concept. There was not enough emphasis stressing the fact that the Responsibility to Protect is part of the exercise of national sovereignty. But to be frank, the Iraqi intervention and the image that that created about possible hidden

agendas of powerful countries in the world when invoking the Responsibility to Protect also contributed to undermine it.

In this situation, the Guiding Principles gained a key strategic value. In the absence of binding instruments, the Guiding Principles became indeed an extremely relevant protection instrument. And we consider them as more than a simple compilation and restatement of legal rules. For us, the Guiding Principles have played a significant role even in shaping our own operational responsibilities in relation to displaced persons, namely in all the dimensions of protection.

A few examples: In the Democratic Republic of the Congo, the Office has emphasized the particular importance of education about the Guiding Principles when working with survivors of sexual and gender-based violence, thus supporting them to assert their rights for compensation and justice. In the Central African Republic, Timor-Leste and Georgia, UNHCR operations have stressed the importance of the Guiding Principles as a tool to explain to national and local authorities their responsibilities towards internally displaced people.

UNHCR offices have likewise supported efforts to incorporate the Guiding Principles into regional documents and legal instruments. This is the case – and I consider this to be the most important initiative that is taking place at the present moment – of the draft African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. My Office is fully supporting this initiative and I call on other partners including the donors to assist the Government of Uganda – represented

here by the Honourable Minister – as host of the Special Summit during which this Convention is expected to be adopted.

This is a very important Convention. It will be the first legally binding instrument for the protection of internally displaced. It comes from the African Union, which means that it will not be subject to questions about the legitimacy of its objectives. I do believe that we need to rebuild a consensus on the Responsibility to Protect and on binding instruments in the protection of internally displaced and I believe that the only way to do it is with the leadership of the democracies of the developing world. I think that this initiative of the African Union fully deserves our support and I would appeal to all governments – and the Government of Norway can play here a very important role – in order to make sure that enough support is being given for this Summit to take place allowing this Convention to be approved.

UNHCR's programmes in Colombia illustrate the impact of the Guiding Principles in societies where there is a solid legal infrastructure to assimilate them. Following the Constitutional Court landmark judgement, T-025 of May 2004, several orders of compliance were issued by the Court requesting the Government to address more predictably and proactively the displacement crisis. And the Government's attention and allocation of resources have increased significantly since then.

But the challenge of Colombia is however to narrow the gap between the legal framework and the reality on the ground. This requires keeping humanitarian issues at the top of the political agenda and improving the State's response to the displacement crisis. And I am very pleased to note the presence among us of Judge

Manoel Jose Cepeda, Magistrate in the Colombian Constitutional Court. I have witnessed myself how important his role has been in promoting the rights of displaced people in Colombia.

In Sri Lanka, the Guiding Principles form the basis of all UNHCR awareness raising, training activities, protection monitoring, and advocacy on targeting displaced and host communities. Allow me to give another simple example. Children who have not been displaced have been made more aware of the challenges faced by the displaced children through education programmes. And these have encouraged children to include displaced pupils more actively in school and family life. And the Guiding Principles are used on a day-to-day basis to help deal with the concerns arising from protection monitoring. In this case, UNHCR staff met with school principals when it was discovered that displaced children were being denied entry into schools because of overcrowding. And working with those principals, with local government and the displaced community based on the Guiding Principles, additional teachers and resources were found to accommodate those in need.

Ladies and Gentlemen,

There are however, a number of remaining challenges which we must address.

First, the challenge of solutions.

Establishing the conditions which facilitate the resolution of displacement and support the sustainable reintegration of internally displaced people in their home areas or in

new communities is a core component of the Guiding Principles. Here again, national governments have the lead responsibility. But there is a persistent challenge that national authorities cannot resolve alone.

It is only through collective action and strong international solidarity that we can secure meaningful and lasting solutions to internal displacement. We need a coherent and systemic approach which goes beyond the UN and host governments. International financial institutions, bilateral development agencies, NGOs, and the Peacebuilding Commission and the private sector all have a crucial role to play.

But again, here we are at the centre of another difficult area: the transition between peace and stability, between conflict and democracy. Normally, this takes place in countries where the governance capacity is still very limited. And in this gap between relief and development, in this transition between conflict and post-conflict situations, the international community is very dysfunctional. There are different timeframes – the humanitarians with a bigger sense of urgency and the development agencies with a more strategic long-term view. The gap is there and it is very difficult to fill. The capacity to act effectively by the international community is lacking in many circumstances. And the drama is, when peace is established, if there are not enough quick wins in the living conditions of people, and the solutions for internally displaced are crucial in this aspect, then we have frustration, instability and conflict can start again.

Second challenge: the challenge of rapid urbanisation.

In 1800, only three per cent of the world's population lived in cities and towns. Now the proportion will reach 50 per cent, and in 2050 it may be as high as 70 per cent. As a result of these trends, humanitarian actors need to consider how best they can adapt their ways of working to meet the needs of beneficiaries in urban areas. And despite the fact that a large proportion – if not the majority – of internally displaced persons are to be found in urban areas, to date our collective record in responding to their protection and assistance needs has been weak.

Traditional models of protection both for refugees and internally displaced, and also of assistance and solutions for them, based on the establishment of camps are less and less relevant in this context. But what are the alternatives? In particular: how can public institutions and civil society in urban areas develop the capacity required to provide the services not only to their usual clients but also to displaced populations? And how can we ensure that displaced people benefit from appropriate standards of protection and are able effectively to exercise their rights as citizens in urban contexts? In answering these questions, we must learn from each other, from the internally displaced themselves and from the communities where they live.

When I look at our operations, both for refugees and internally displaced, it is important to recognize that we still do not know exactly how to handle the problems in the urban context. The recent experience of Iraqis in Amman and Damascus has been very important for us, representing a completely new and different challenge in

relation to our usual activities in encampment situations. From there we need to draw many relevant lessons for our future work.

It is clear to us that the pattern will be more and more of urban contexts of displacement and this not only changes the protection and the assistance requirements, but also changes the solutions perspective. When one gets urbanized, it is very difficult to return to a rural environment. It is also very difficult to distinguish those displaced and those that migrated naturally into an urban environment. Even without displacement, urbanization is taking place and these two trends are inter-related and not easy to analyze. This represents a huge challenge for the humanitarian community.

Last but not least, the challenge of forced displacement due to the effects of climate change.

While climate change has been the subject of intense debate and speculation within the scientific and the political community, insufficient attention has been given to the humanitarian consequences it will generate. We would encourage more reflection on the humanitarian and displacement challenges that climate change will generate. And the questions which come to my mind are:

- Can the international community address these challenges with the current legal and normative framework, including the Guiding Principles?

Many of us discuss whether it makes sense to now analyze the possibility of an international convention on temporary protection. But is temporary protection the response to displacement generated by climate change? If an island state sinks, do these people need temporary protection? The island is gone forever. These are complex problems to which the international community for the moment has no answer. There has not been a meaningful debate on what kind of instruments we need to face these new challenges. At the same time:

- Is the current architecture of humanitarian action adequate, or do we need new institutions, new coalitions and new partnerships?

As we commemorate the 10th anniversary of the Guiding Principles and reflecting on its great achievements, I believe that we now need to look ahead. And these are, in my opinion, some of the fundamental questions that as a humanitarian community we need to collectively reflect upon. UNHCR stands ready to contribute to that process.

Thank you very much.