

**Statement by Walter Kälin, Representative of the UN Secretary-General on the human rights of IDPs, at the AU Special Summit on Refugees, Returnees and IDPs**

OCTOBER 23, 2009 —

Displacement is a devastating experience. Those who flee or are forced to leave their homes may find security but they have to pay a heavy price. They leave behind their property, livelihoods, community ties and all they cherished. Dreams are shattered and hopes gone, and often it takes years or even decades for them to rebuild normal lives.

Displacement turns people into strangers: This is not only true for refugees who flee across borders to foreign lands, but also for internally displaced persons. Even if they are warmly welcomed and received by host communities and thus enjoy this great African tradition of hospitality, they do not belong to where they have been displaced, and are expected, after some time, to return to their homes or at least move on.

Displacement affects the human rights of people and exacerbates pre-existing vulnerabilities. As I have witnessed myself in many countries on this continent, internally displaced persons suffer from violence, including rape, discrimination, lack of access to adequate housing, health and education, or malnutrition and lack of water and sanitation.

Displacement puts a huge burden on host communities, affected countries and whole regions. We all know to what extent Africa with its more than 11 million internally displaced persons and millions of refugees suffer from this plight. Displacement not only creates huge humanitarian problems; if left unaddressed, it may also undermine stability and security, and jeopardize development.

Forty years ago, African countries – at that time, under the umbrella of the Organisation of African States – decided to do something about these problems and adopted the 1969 Convention Governing the Specific Aspects of the Refugee Problems in Africa. Forty years later, they are assembled here today to adopt the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa. This is an historic event.

True, the 1998 UN Guiding Principles on Internal Displacement which were initiated by an African, Dr. Francis Deng, and which are based on and reflect international humanitarian law and human rights law have informed internally displaced persons about their rights and provided guidance to many governments, international organizations and other actors in their endeavours to protect and assist the displaced. Although unanimously recognized by heads of States gathered at the 2005 World Summit as an important framework for the protection of internally displaced persons, the Guiding Principles remain, despite their authority, a non-binding instrument. It is Africa, that has taken the initiative to go beyond this present state of law: It is Africa, with the Protocol on the Protection and Assistance to Internally Displaced Persons adopted by the International Conference on the Great Lakes Region and the AU convention we will adopt today, that has, for the first time, created binding international law on internally displaced persons. Thus, African countries not only recognize their responsibility towards the displaced but also set an example and a model that hopefully will be followed by other regions of the world affected by internal displacement.

The AU Convention in front of us is particularly important for several reasons:

1. The Convention recognizes explicitly the specific predicament of internally displaced persons and that they must be protected and assisted;
2. The Convention is comprehensive, covering all phases of displacement from prevention, to treatment of persons while they are in displacement, to finding durable solutions for them through return or local integration;
3. The Convention embraces all causes of displacement, not only armed conflict, but also unrest, human rights violations, natural and man-made disasters and cases where people are forced out of their homes in the name of development. In this age of climate change whose effects are particularly severe for many regions in Africa, reference to natural disasters is particularly important;
4. The Convention does not just speak about rights without clarifying who the duty bearers are. Rather, this is an instrument that very clearly sets forth the respective obligations; and
5. The Convention does not limit itself to the role of the States parties but also covers the duties of non-state actors and the roles and responsibilities of the African Union as well as international humanitarian agencies and other organizations.

The challenge now is to ensure that the Convention adopted today will not become an instrument gathering dust on a bookshelf. The following is needed:

1. Ratification as soon as possible by as many States as possible. In this context, I would like to reiterate that the Convention is also relevant for countries lucky enough not to be affected by armed conflict because it covers all causes of displacement, including some of the effects of climate change.
2. An active role of civil society to promote the Convention and its ratification as well as to raise the awareness of the internally displaced about their rights and the corresponding obligations of governments.
3. Implementation of the Convention through the adoption of relevant laws and policies in countries concerned, the development of the necessary capacities at the national as well local levels to actually apply the Convention, and the allocation of the necessary resources. This is a complex challenge that deserves to be fully supported by the international community.

Let us not forget why we are here: It is to alleviate the suffering of internally displaced persons in Africa, to give them hope and to help them to rebuild their shattered lives. Let us pay tribute to these displaced women, children and men, to the youth and the elderly, the sick and those with disabilities who struggle every day to survive and, yet, have not lost their dignity and their dreams to regain normal lives one day. Let us acknowledge the communities who host these persons or (re-)integrate them, but also the humanitarian organizations and civil society who do their utmost to assist and protect the displaced under often extremely difficult circumstances, even if what they can do is far from being sufficient.

And finally, let us join hands in adopting, today, the African Convention on the Protection and Assistance of Internally Displaced persons and taking, tomorrow, the steps necessary to make its promises a reality on the ground.