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Preparation Paper

Human Rights Council

“Human Rights of Internally Displaced Persons”

Introduction

The United Nations Human Rights Council (UNHRC) debates the issue of “Human Rights of Internally Displaced Persons”. We will focus on the following topics:

- Natural Disasters and Internally Displaced Persons (Case Study Haiti)
- Armed Conflicts and Internally Displaced Persons (Case Study Somalia)

In the end of the discussion we want to put forth a resolution containing adequate propositions for the international community on finding a durable solution for the problem of Internally Displaced Persons (IDPs).

United Nations Human Rights Council

The UNHRC was established by the UN General Assembly Resolution 60/251 on 15 March 2006 as the successor of the UN Commission on Human Rights with the main purpose of addressing situations of human rights violations. It is an inter-governmental body within the UN system made up of 47 States and responsible for strengthening the promotion and protection of human rights. The “Institution-building package”, adopted by the Council in 2007, provides elements to guide it in its future work. These elements include a Universal Periodic Review mechanism which will assess the human rights situations in all 192 UN Member States.

Internally Displaced Persons

Even though there are twice as many IDPs as refugees, they still receive less international attention. Many IDPs are exposed to violence and other human rights violations during their displacement. Recognizing the gap in international law, former Secretary General Boutros-Boutros Ghali appointed Francis Deng as the Representative of the United Nations Secretary-General on Internally Displaced Persons in 1992. Since 2004, Walter Kälin holds this position. One of the most important contributions made by Francis Deng was the development of international standards for IDPs, the Guiding Principles on Internal Displacement. They were presented to the UN Commission on Human Rights in 1998 and seek to protect all IDPs in internal conflict situations, natural disasters and other situations of forced displacement. The Principles also offer the first definition of IDPs.

Natural Disasters and Internally Displaced Persons

Natural disasters are defined by the UN as “the consequence of events triggered by natural hazards that overwhelm local response capacity and seriously affect the social and economic development of the region”. Poverty therefore is an important factor in understanding the effects of natural disasters. Poor people tend to live in less safe environments and in less safe shelters.

Slums are more vulnerable to earthquakes, landslides and flooding than the homes of the rich. Of the 200 million people whose lives were affected by natural disasters, about 36 million were forced to leave their homes in 2008 and are considered to be IDPs. Unlike those displaced by conflicts, this displacement is usually temporary.

Armed Conflicts and Internally Displaced Persons

At the beginning of 2009, the number of IDPs as a result of armed conflicts, generalized violence or human rights violations was at approximately 26 million according to the Internal Displacement Monitoring Centre (IDMC). Reported returns of about 2.6 million people in 2008 were outweighed by a new internal displacement of about 4.6 million people during the same period. New internal displacement was reported mainly from the Philippines (600,000), the Sudan (550,000), Kenya (500,000), the Democratic Republic of the Congo (at least 400,000), Iraq (360,000), Pakistan (over 310,000), Somalia (300,000), Colombia (270,000), Sri Lanka (230,000) and Georgia (128,000).

Case Study Haiti

The horrifying earthquake that hit Haiti in January 2010 caused the internal displacement of 1.3 million people who lost their homes and their entire property and have no place to go. They try to survive in spontaneous and organized settlements under most challenging circumstances and still depending on international aid with no change in sight.

Case Study Somalia

In Somalia, over 1.5 million people, most of them women and children, have been forced from their homes and are struggling to survive. These 1.5 million people make up 13% of the country's population. A major reason for the unbearable situation is the high level of violence and general insecurity in many parts of south and central Somalia. Atrocities are committed by all actors engaged in hostilities in south and central Somalia in a climate of impunity.

Durable Solutions

In many countries, practical problems such as the systemic failures in bringing humanitarian and development actors together to work hand in hand at an early stage of recovery are one of the main problems in finding durable solutions. IDPs are often not a priority in the recovery process and the lack of flexible funding in early recovery, in addition to differences in approaches and cultures lead to the recent failures.

Finding durable solutions for IDPs is a tremendous challenge and strongly requires the coordination and cooperation of a variety of actors from among national and local authorities, and the humanitarian and the development communities.

Update

Following official numbers there are about 25 million IDPs all over the world. But as Winston Churchill once stated: "Do not trust any statistic you did not fake yourself."

There are at least five million IDPs in 11 countries where the local authority is not willing to provide any assistance and protection. Those are only IDPs suffering from civil conflicts and violence. As stated in the Guiding Principles on Internal Displacement: "internally displaced persons are 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 State border."

This list of reasons for displacement is however not exhaustive. As hard as it is to define who is an IDP as difficult is it to properly and effectively address the problem of IDPs.

During their preparation delegates are therefore asked to focus on these problems (please bear in mind that you need to point out your country's position):

- About 70 to 80 % of IDPs are women and children. As a matter of fact, they are most likely to become victims of violence and abuse. How can they be protected (also consider the role of the UN Special Representative of the Secretary General for Children and Armed Conflict)
- Conditions in many refugee/IDP camps are far beyond the character of a camp. Infectious diseases spread easily and the lack of security within those camps does not help to protect those people who fled from violence.
- In order to fully tackle the problem of IDPs every delegate should address the following issues:
 - early-warning → protection → assistance/ rehabilitation → development needs
 - or in other words: addressing the root causes → durable solutions → development of benchmarks
- The lack of a legal definition of IDPs leaves the governments of the affected state responsible for them as he is for all its citizens as stated in the human rights. But, as many states are not willing or not able to assist and protect the IDPs, they fall in a gap between "normal" citizens and refugees, which have special rights according to the refugee law, such as the Geneva Convention.
- Consider that there exist regional approaches, such as the African Union Convention on the Protection and Assistance of IDPs in Africa (Kampala Convention, not signed by all African countries) and Protocol on the Protection of and Assistance to IDPs (Great Lakes Region).
- Think of how to include the Guiding Principles (which are not yet legally binding) into domestic law and into the universal periodic review of the UNHRC, figure out whether or not arbitrary displacement should be nationally and internationally criminalized in order to make it a situation the International Criminal Court could refer to (the Rome Statute of the International Criminal Court already defined the deportation or forcible transfer of population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes).
- On a national and international level it would be important to strengthen the collaboration between governments, agencies (UNHCR) and non-governmental organizations etc.
- Are there alternatives to the collaborative and the cluster approach?
- In how far are the necessities for assistance to IDPs because of natural disasters different from the needs of those displaced because of violence? How could the international community prepare and respond better to natural disasters in order to prevent the violation of the human rights of people displaced by those disasters?

Sources and Links for further Research

1. Obligatory Reading for all Participants

- Representative of the Secretary General on the human rights of IDPs:
<http://www2.ohchr.org/english/issues/idp/issues.htm>
- Guiding Principles on Internal Displacement:
<http://www.brookings.edu/fp/projects/idp/resources/GPsEnglish.pdf>
- Report of the Representative of the Secretary General on the human rights of internally displaced persons, Walter Kälin – Mission to Somalia (A/HRC/13/21/Add.2)
- Report of the Representative of the Secretary General on the human rights of internally displaced persons, Walter Kälin (A/HRC/13/21)
- Report of the Representative of the Secretary General on the human rights of internally displaced persons, Walter Kälin – Mission to Georgia (A/HRC/13/21/Add.3)
- UNHCR's role in support of an enhanced humanitarian response to situations of internal displacement (EC/58/SC/CRP.18)
- Protection of and assistance to internally displaced persons (A/RES/64/162)
- Assistance to refugees, returnees and displaced persons in Africa (A/RES/64/129)
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2. Further Information

- 2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons:
<http://www.unhcr.org/refworld/docid/4900944a2.html>
- Protecting Internally Displaced Persons: A Manual for Law and Policymakers:
<http://www.unhcr.org/refworld/docid/4900944a2.html>
- Refworld: <http://www.unhcr.org/refworld/topic/4565c2253e/4565c25f49d.html>
- Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development (A/HRC/6/L.46)
- Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/64/431)