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Keynote “Internal displacement: opportunities and challenges in a world of mobility and vulnerabilities”¹

*Cecilia Jimenez-Damary**

1. Introduction

It is with extreme delight that I join you today as the UN Special Rapporteur on the human rights of internally displaced persons (IDPs). Engaging with students and researchers of the academe has always been a priority in my term as mandate holder, in the hope that the situation of internally displaced persons can be more discussed and be a subject of good governance all over the world. The outcomes that sound research can provide to public policy makers and to the general public at large, with empirical data and analysis, are essential for the human rights of IDPs. So, thank you to those who are here – and those who are online – your presence is much appreciated.

For this opportunity, I thank the Global Campus of Human Rights for their kind invitation and the University of Pretoria for the warm hospitality and welcome. This invitation comes at the cusp of my six-term as UN Special Rapporteur – I have just five more months to go – and this is therefore a treat amongst my other commitments in my dialogues with UN member states, mainstreaming human rights into the United Nations system and engaging with civil society.

It is also so much pleasure for me to meet old friends again and meet new ones. And has been discussed, solidarity and learning from each other enables us all to be stronger together.

As scholars and researchers, you would have come across the worlds of refugees and migrants – an approach mirrored by the international policy making and architecture. On the other hand, a group of people “on the move”, i.e. internally displaced persons, are often left out of the equation

* UN Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs); more information at [link](#) in English and [link](#) in Français.

1 Keynote address at the Conference on Internal Displacement, for the GC Global Classroom 2022, University of Pretoria, South Africa, 30 May 2022.

of the migration spectrum. While much attention has recently been given to the opportunities and challenges in internal displacement, and now the new appointment of a special adviser to the UN Secretary General on solutions for internal displacement, we need to continuously up the narrative not only of the needs of IDPs but also in relation to prevention and participation.

In fact, in 2018, the 20th anniversary of the UN Guiding Principles on Internal Displacement, I convened with Austria, Honduras and Uganda, the GP20 Plan of Action, which served as a platform for states, UN agencies and civil society to discuss the main issues surrounding internally displaced persons – based on the sound human rights and international humanitarian law (IHL) normative standards provided by the Guiding Principles. The 3-year GP20 Plan of Action was capped by the publication of the best national practices which remain a principal reference for practitioners and academics alike (GP20 Prevent Protect Resolve 2020). From 2020 onwards, many developments ensued, not least the establishment by the UN Secretary General of a High-Level Panel on Internal Displacement whose report is, again, a key document for you. However, the challenges do remain, on the ground.

Most of you would probably know two Global Compacts adopted by UN member states in 2018. On the other hand, bringing visibility to the continuum of displacement - from internal to cross-border and vice-versa - and emphasising the need for a continuum of protection and solutions for all those forcibly displaced is part and parcel of the big picture. Some of you, I am sure, witness internal displacement in your countries or even, work on it. When I was in Morocco in 2018 for the Global Compact of Migration, I was privileged to have been hosted by some Christian churches who were assisting migrants in Marrakesh. Many of these migrants were from sub-Saharan Africa and were “passing through Marrakesh” in hopes of being able to cross to sea. One woman told me that she had fled war from her country and was separated from her husband. A man informed me that he had to leave behind his family hiding in a forest because of violence and that the family had been able to seek safety in another city. Most of the stories are similar but undocumented. The anecdotal evidence coming out is that there is a firm correlation in many cases between internal displacement in countries of origin and migration or refugee situations in countries of transit and destination. I would call this the complete spectrum of mobility – from internal displacement to external displacement - that needs more quality and quantitative evidence and analysis.

Meanwhile, the latest figures on the number of IDPs from the Internal Displacement Monitoring Centre (IDMC), for the end 2021, have not let up and have grown again. In 2021, there remain 59.1 million IDPs, accumulated over time – 53.2 are IDPs who had fled from conflict and violence; 5.9 million from disasters, including those related to climate change. During 2021, there were a total of 38 million newly internally displaced, of which 23.7 were from disaster and 14.4 million from conflict and violence. It is therefore clear that majority of those who remained IDPs

at the end of 2021 were conflict and violence-driven IDPs. I would also like to inform you that the figure of the number of IDPs – 59 million at the end of 2021 – the biggest so far, do not include the IDPs in the context of the armed conflict in Ukraine which has recently risen to 8 million this month.

There is an increasing rise in the gravity and intensity of internal displacement situations worldwide and the number of internally displaced persons indicate the urgent need for states to dedicate increased efforts to prevent arbitrary displacement. Moreover, amid the increasingly complex nature of armed conflicts and generalised violence, it has become harder to enhance compliance with international humanitarian law and human rights. Political solutions have become more elusive and displacement is increasingly prevalent and protracted. Situations of conflict and violence can also be compounded by disasters as drivers of displacement and, since 2020, by the COVID-19 pandemic and its far-reaching effects.

The majority of those recorded displaced by armed conflict and violence remain in protracted displacement – that is, with no durable solutions in sight – for an average of 20 years. This means that generations of internally displaced children are growing up in displacement, with their education negatively impacted. Disasters, particularly sudden onset natural hazards, are also known to cause multiple displacements, while slow-onset disasters have started to cause internal displacement from areas that will become inhabitable.

In addition, unknown number of people are displaced by development projects, land grabbing and human rights violations such as illegal evictions, which I encounter a lot. I would also like to bring to your attention development-induced displacement, which no one is systematically monitoring. All over the world, we receive cases and situations where people are being forced to leave their homes because of public and private projects such as hydro-electric projects, mining projects and building of highways, even conservation and forest rehabilitation evictions. This is a much needed research field of study. Meanwhile, the deafening silence on this issue by governments and the UN has motivated me to dedicate half of my upcoming report to the UN General Assembly to development-induced displacement (Jimenez-Damary 2022b).

Over the years, while the numbers keep on rising, the protection issues and assistance needs are becoming more grave and more urgent.

For the protection and assistance to internally displaced persons – or IDPs – the direct and primary responsibility remain firmly and rightly with the states. States, through their governments, also have the primary responsibility for the prevention of arbitrary displacement, to protect IDPs and to find solutions in accordance with international law standards. This important premise is founded on the principle of sovereignty as responsibility, which is embodied in the UN Charter and reiterated in various international instruments, among which is the Guiding Principles on Internal Displacement which was adopted by the United Nations in 1998. The role of international agencies and other actors to protect and

assist IDPs is, on the other hand, complementary, and they have the right to offer protection and assistance to states. Under international law and practice, states are prohibited to refuse such offers on an arbitrary basis.

So, what makes “internally displaced persons” different from refugees and migrants, bearing in mind that there are different groups of persons who compose the spectrum of mobility and that such mobility is a feature of human civilization from prehistoric times to the present?

The UN Guiding Principles on Internal Displacement provide a descriptive definition of IDPs as follows:

“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.” (Guiding Principles on Internal Displacement, introduction para. 2).

Thus, the definition provides a distinct element of non-voluntariness of mobility on the part of those displaced, provides probable causes, as well as territorial application. Moreover, it must be stressed that being internally displaced does not confer a specific legal status (contrary to refugees). In other words, IDPs enjoy the same rights as any other citizens or nationals, or resident foreigners, of the country of displacement.

The purpose of highlighting the situation of IDPs and working to enhance their protection is not to privilege IDPs over other groups; in fact, IDPs have the same rights as others in their country. They often experience many of the same risks as other civilians caught in conflict, who also are in need of protection. Yet, the experience of internal displacement also creates heightened as well as distinct protection risks for the reason they are forcibly displaced. These particular risks need to be understood and addressed so that the rights of IDPs are protected along with those of other non-displaced civilians. A human rights-based approach to internal displacement, is therefore needed to shift the discourse of national sovereignty to state responsibility on human rights law obligations.

As a consequence, we must ensure that attention to the protection of internally displaced persons is placed firmly in the context of the state’s national responsibility but also on the continuum of mobility. Data have shown that some internally displaced persons are motivated, and able, to cross borders to become international migrants, refugees or asylum seekers. On the other hand, refugees, migrants and those in exile from their homeland may return to their own home countries only to find themselves in secondary internal displacement.

Given the current situation, there are growing challenges for prevention, protection and solutions that dictate for the need to push for international

support for national responsibility for internally displaced persons. This is the reason that side by side with the developments for enhancement for protection for refugees and migrants, efforts are likewise being stepped up for internally displaced persons, which I will describe later as our opportunities.

In our conversation today, I would like to focus on three important aspects: prevention, climate change and IDPs participation.

2. The importance of prevention of conditions for displacement and of arbitrary displacement

The augmentation of the number of IDPs, the increasing gravity of protection and assistance issues, and the growing pressure on protection and humanitarian aid on states and the international community have made it clear that more has to be done to prevent crises and address the root causes and triggers of displacement. Preventing arbitrary displacement in line with international standards is the primary responsibility of states and protects the population from the harms associated with displacement. Preventing arbitrary displacement is also in the interest of states, as it can avoid fragmentation of social cohesion and be less costly and easier in governance, than responding to displacement once it has occurred.

It is important to emphasise, however, that liberty of movement and freedom to choose one's residence are rights protected under international human rights law,² and that displacement can have a protective nature and prevent other harm and human rights violations, particularly in situations where people have to leave their homes or places of habitual residence in search of safety. It is also important to recognize the dangerous situation of persons trapped in conflict zones, who must be allowed and enabled to leave the area.

Therefore, preventive measures must focus on addressing the conditions that lead to displacement and on protecting people from being forced to leave their homes, in line with international standards, and must not hinder civilians from seeking safety or aim to prevent human mobility.

Taking measures to prevent crises and conflict are essential to preventing the conditions leading to displacement. Such important measures are wide in scope and prevent a range of human rights violations, which include, but are not limited to, arbitrary displacement. There are also key measures that states can adopt to prevent arbitrary displacement specifically, which are the focus of my report to the UN General Assembly in 2021 (Jimenez-Damary 2021).

This includes ratifying relevant treaties on international humanitarian and human rights law and, at the regional level, the Kampala Convention, and taking measures to implement their obligations at the domestic level.

Laws and policies relating to the protection of internally displaced persons need to ensure an appropriate response to internal displacement when it

2 International Covenant on Civil and Political Rights (ICCPR), article 12.

occurs, so as to prevent multiple or secondary displacements. Amending any laws and policies that have a discriminatory effect on internally displaced persons in the exercise of their rights, and perpetuates displacement and poses obstacles to durable solutions, is essential in this respect.

Contrary to a common misconception, prevention is not relevant only before displacement occurs; it is relevant to all phases of displacement. Incorporating a preventive approach in the response to displacement prevents further displacement.

Humanitarian assistance and protection measures, while addressing the immediate needs of internally displaced persons, also prevent secondary displacement by creating the conditions for people to stay in safety and dignity in an area pending a solution to their displacement. States must therefore guarantee and facilitate conditions for effective and safe humanitarian access by both international and local actors providing them to populations in need.

Moreover, a preventive perspective is important in durable solutions and development processes, which must be designed and implemented in respect for human rights so as to prevent the recurrence of arbitrary displacement.

Far too often, political interests determine government policies that favour one type of solution to internal displacement over another, and authorities push through plans that might not meet the required standards. In some contexts, Governments have imposed premature camp closures in an attempt to forcefully end a displacement crisis while the conditions for durable solutions were not in place.

Thus, return, relocation and resettlement processes that do not meet the required standards may amount to arbitrary displacement. Internally displaced persons might also undergo secondary displacement to escape forced returns or relocations and move to informal settlements or other temporary accommodations where they are exposed to the risk of evictions and further displacement.

In post-conflict settings, peace processes that include displacement issues and the participation of internally displaced persons and affected communities play a fundamental role in resolving internal displacement and preventing its recurrence. Furthermore, transitional justice can help prevent further displacement by ensuring accountability for acts that had led to displacement. My report to the UN General Assembly in 2018 focused on the important role of transitional justice in internal displacement settings to protect the rights of internally displaced persons (Jimenez-Damary 2018).

A preventive approach to arbitrary displacement cannot be disconnected from a human-rights based approach.

Human rights violations are usually causes and consequences of arbitrary displacement. As such, human rights monitoring constitutes an effective early warning mechanism, and realising human rights is the main path to

preventing crises and related displacement, mitigating their effects when they take place and resolving them.

A human rights-based approach also takes into account the situation of different groups of people, as well as their agency and coping mechanisms, which are essential elements to inform prevention and protection strategies.

The international community has been devoting increasing attention to the prevention of crises and their consequences. The 2030 Agenda for Sustainable Development, which is grounded in human rights, recognises the interdependence of peace, security and sustainable development and the need to redouble efforts to resolve and prevent conflict. The international community has also recognised the importance of human rights and its interlinkages to security and development in sustaining peace (see UN Security Council Resolution 2282 (2016) and UN General Assembly Resolution 70/262).³ In 2016, the UN Secretary-General called for new and protracted internal displacement to be reduced by at least 50 percent by 2030 (United Nations Secretary-General 2016, paras. 81 to 85; Annex, 54 and 55). In his call to action for human rights in 2020, he recalled that prevention was a top priority across United Nations organizations and that there was “no better guarantee for prevention than for member states to meet their human rights responsibilities” (United Nations Secretary-General 2020). Prevention was one of the four pillars of the Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020 launched by the UN Special Rapporteur and other stakeholders on the twentieth anniversary of the UN Guiding Principles on Internal Displacement (GP20 2018), and was an area examined by the Secretary-General’s High-level Panel on Internal Displacement, which just released its findings and recommendations (IDPs Panel 2021).

Prevention therefore is a key challenge – from preventing arbitrary displacement to addressing the root causes directly or indirectly, by reducing the risks of disasters, and by providing solutions to current situations through durable solutions and by preventing its recurrence.

My report to the UN General Assembly in 2021 focuses on the prevention of arbitrary displacement in the context of armed conflict and generalised violence and I invite you to read it. The report covers an analysis of the issue, including prevention of recurrence for example, through arbitrary camp closures, and recommendations on priority actions for states and organisations in facilitating conditions to prevent arbitrary conditions.

3. The reality of climate change emergency linked to internal displacement

Of course, you may ask, what about other causes of internal displacement, such as natural disasters linked to climate change? This is a topical theme given the important decisions just taken in COP26 in Glasgow last year. In

3 See also UN Secretary-General’s report [A/72/707-S/2018/43](#), which asserts human rights as a critical foundation for sustaining peace.

fact, my mandate has always been preoccupied with the effects of climate change, both sudden onset and slow-onset adverse hazards that result in disasters, as causes of internal displacement and its consequences on internally displaced persons.

Human mobility linked to the adverse effects of climate change, including displacement, is expected to increase significantly over the coming years and decades, and most displaced persons are expected to remain within national borders. The impacts of displacement on the enjoyment of human rights are extensive, affecting people's rights to freedom of movement, housing, food, water and sanitation, health care and education, as well as their cultural and religious rights, among others.

Two years ago, in 2020, I presented a ground breaking report to the UN General Assembly on the links between internal displacement and the slow-onset adverse effects of climate change in order to increase the attention to the so-called "less dramatic" effects but that, over time, have tremendous effects, including internal displacement, on the daily lives and futures of affected populations (Jimenez-Damary 2020). Among these examples are rising sea levels, melting of glaciers and desertification. The UN Guiding Principles on Internal Displacement clearly stipulate that disasters may be a cause of internal displacement; these slow-onset adverse effects of climate change can turn into a disaster. Moreover, the Guiding Principles likewise provide that internally displaced persons may be persons who are obliged, and not necessarily forced, to leave their homes.

Indeed, human mobility in the context of slow-onset processes can take many forms, including displacement, migration and planned relocation. In most cases, movement is not entirely voluntary or forced, but rather falls somewhere on a continuum between the two, with different degrees of voluntariness and constraint. In many cases, movement can be an effective adaptation strategy and prevent arbitrary displacement. People are displaced when they are obliged to leave because they can no longer adapt to the changing climate; they have no option other than to leave, when, for example, an area has become uninhabitable or too dangerous for human habitation. Slow-onset processes can also compound other displacement drivers, such as intercommunal tensions, violence and armed conflict. The intersecting risks of climate change and armed conflict heighten the vulnerability of people and communities and undermine their adaptive capacity, increasing their risk of displacement.

Internal displacement in the context of slow-onset processes poses particular challenges and needs increased attention. While climate change is global, its adverse effects and related mobility affect people differently.

Communities living in certain areas, such as low-lying coastal areas, small island states and Arctic ecosystems, are more exposed to slow-onset events and therefore at higher risk of disaster displacement. People whose livelihoods depend heavily on ecosystems, such as indigenous peoples, farmers, herders, pastoralists and fisherfolk, are affected more directly and at higher risk of

displacement. Slow-onset processes and related displacement also intersect with gender, age, ethnicity, socioeconomic status, cultural background and disability, resulting in differentiated impacts on different groups and exacerbating pre-existing inequalities and vulnerabilities.

The COVID-19 crisis has increased the vulnerability of communities to natural hazards, while climate change increases the frequency and intensity of natural hazards, together resulting in a higher risk of disaster and displacement. Climate action undertaken in respect for human rights is essential to prevention, protection and solutions for internal displacement

States must take action to protect people from direct threats to life and other human rights impacts of foreseeable natural hazards and related displacement. It is crucial to enhance climate change mitigation and adaptation efforts and honour and increase commitments to reduce greenhouse gas emissions, to prevent human rights harms and the conditions leading to displacement associated with the adverse effects of climate change. States must also protect vulnerable groups from the adverse effects of climate change, disasters and displacement.

Disaster risk reduction, preparedness and climate change adaptation that is undertaken with respect for human rights and integrate the specific challenges of internal displacement in the context of the slow-onset adverse effects of climate change are essential for an effective provision of humanitarian assistance and protection, and to support durable solutions in these contexts.

Climate action cannot wait longer. This is one reason why we – in the Inter-Agency Standing Committee (IASC)⁴ – issued a collective statement (IASC Statement 2021) where we urged governments to take certain measures, among which are:

- Ensure a focus on the most vulnerable and marginalised people in crises, with a particular focus on women, youth, internally displaced people and refugees.
- Listen to communities and grassroots leaders, particularly women, youth and indigenous people, and engage them in decision-making and co-creating and owning solutions that put people, climate and nature at the centre of all actions.
- Invest in more effective preventative risk management and capacities at the local level, including on climate risk monitoring, early warning and early action.
- Increase financing for climate-adaptation action that targets the most vulnerable countries and communities.
- Turn global commitments into effective local action that empowers those most at risk.

4 IASC [link](#)

4. The essentiality of participation of IDPs

States must ensure the participation of affected persons in decision-making, obtain their free, prior and informed consent and ensure transparency and access to information, equality and non-discrimination, accountability and access to effective remedies. When I presented my first report to the UN General Assembly upon assumption of my mandate in 2017, this was the theme of my report and it garnered immediate support from the international community (Jimenez-Damary 2017). Unfortunately, much still remains to be done at policy, programmatic and operations levels in responding to the prevention, protection and durable solutions. Lately, in a women leadership webinar on the situation of forcibly displaced women, one IDP woman strongly put forward that narratives on their plight, while important, should be elevated to their involvement and genuine participation in leadership in decision-making on their present and their futures.

Let me add at this point also the importance of IDP participation in your research – not only as subjects but also as end users. One of the most interesting researches I have advised on was a conflict-related research that was conducted on the inter-play between conflict and natural disasters on the internal displacement of indigenous peoples in the Philippines. The researcher not only gathered her data and evidence from the IDPs themselves in their place of displacement; after the publication of her research, she also undertook two important post-research activities:

1. Made formal presentations of the findings of her academic research to the government and civil society interlocutors in the Davao City and in Manila; and
2. Conducted a workshop with the indigenous peoples IDPs on how the findings could be used to the advocacy of the IDPs.

Indeed, it is important to also acknowledge the great agency of IDP groups, as well as the host communities, and how we can support them. In many contexts they display remarkable strength, resourcefulness and resilience in the face of disasters and displacement, despite the challenges, barriers and discrimination that they face. They also have traditional knowledge and valuable perspectives that can contribute to the design of programmatic responses, disaster risk reduction strategies and durable solutions. Affected communities in all their diversity must be an integral part of response and solutions to internal displacement. IDP participation in decisions affecting there is also a human right and, as citizens of their country, a political right of which they are disenfranchised by reason of their forced displacement. This year, my final report to the UN Human Rights Council is on the participation of IDPs in electoral processes (Jimenez-Damary 2022a).

Dear colleagues, students and researchers: it is clear that the situations of internal displacement and that of internally displaced persons grow dire every year. Since 2020, the COVID-19 pandemic has exacerbated the vulnerabilities of internally displaced persons and the rate of vaccinations for persons of vulnerabilities have not been equal in access and availability.

In fact, despite the pandemic, conflict and violence continue to rage in some countries and hundreds of thousands of new people have been forced to leave their homes to seek for safety, while natural catastrophes and slow-onset disasters are catching us all on the edge.

Your presence and participation in this course commit you to a path of responsibility for the tasks of prevention, protection and durable solutions for internally displaced persons. At this point, I would like us to reaffirm the universality, indivisibility and interdependence of human rights – which I recall entailed enormous work in the 1993 World Conference on Human Rights, with your Secretary-General Manfred Nowak at that time. These remain key principles in the application of human rights in all times, and to the most vulnerable and marginalised of populations – including internally displaced persons.

Lastly, during my term as Special Rapporteur, which ends on October 31, 2022, I have had the most amazing engagement with many committed people like you. As the first IDP mandate holder from Asia, the first woman and the first from an IDP-hosting country, it continues to be a privilege to engage. While a new mandate holder will be appointed, please continue to inter-act with the mandate. Meanwhile, I look forward to learning from your research papers and, after this week, I hope our paths will cross again. As the Global Campus President Veronica Gomez stated, take advantage of my presence this week, this is why I am here.

Thank you for listening. And from here on, I would like to listen to you.

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