



# **Ten Years of Guiding Principles on Internal Displacement: Achievements and Future Challenges- A contribution from the Great Lakes Region of Africa**

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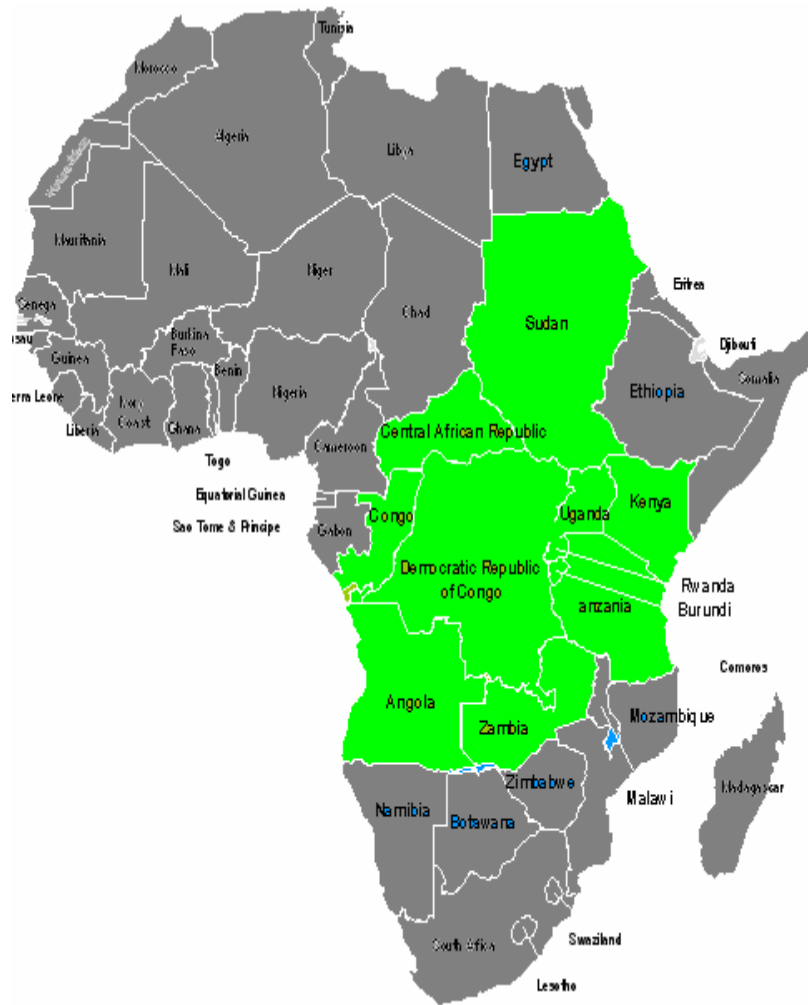


# Introduction

The International Conference on the Great Lakes Region (IC/GLR) is established by the Pact on Security, Stability and Development in the Great Lakes Region signed by the 11 Heads of State and Government in Nairobi on 26 December 2006.

The Pact binds 11 member countries of the International Conference on the Great Lakes Region. The member countries are: Angola, Burundi, Central Africa Republic, Democratic Republic of Congo (DRC), the Kenya, Republic of Congo, Rwanda, Sudan Uganda Tanzania and Zambia.

The Pact entered into force on 21st June 2008 after securing ratification of 8 required member states. (Sudan, Angola and Zambia have yet to ratify)



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# Introduction

**Content of the Pact:** The Pact constitutes the following instruments:

✿ **The Dar Es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region** (popularly known as the Dar Es Salaam Declaration) (2004)

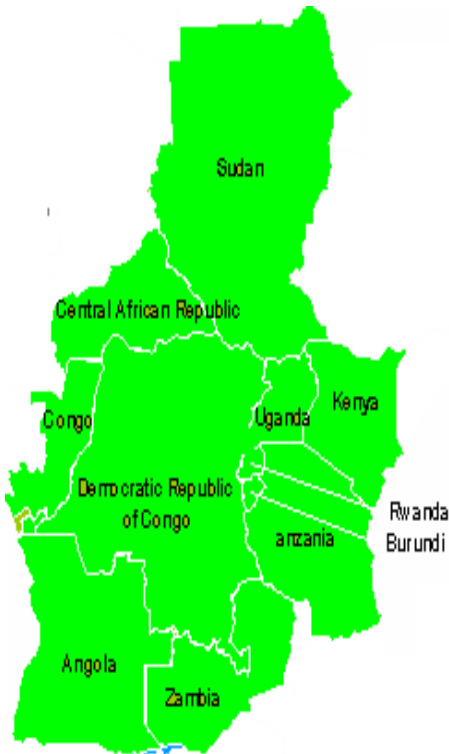
✿ **The Protocols-** (They are 10 of them)

✿ **The Programs of Action** (namely, Peace and Security, Democracy and Good Governance, Economic Development and Regional Integration, Humanitarian and Social Issues). There are six cross cutting issues namely-Gender, Human rights, human settlement, environment, HIV, youth)

✿ **The Regional follow up Mechanism( Summit, RIMC, NCM, Secretariat)**

✿ **The Special Fund For Reconstruction and Development**

✿ **The ICGLR Secretariat** with its headquarters in Bujumbura, Burundi was established pursuant to article 26 of the Pact as a follow up mechanism for implementation of the Pact



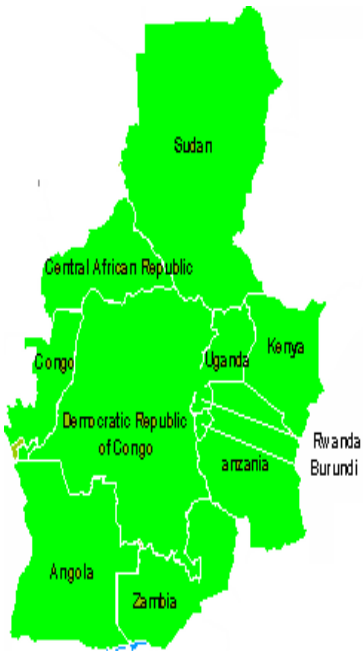
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# Introduction

The Pact itself is a binding legal offshoot of the political statement embedded in the Dar Es Salaam Declaration of 2004. The Dar Es Salaam Declaration captured the spirit of the leaders of the 11 Member States when they stated their collective determination:

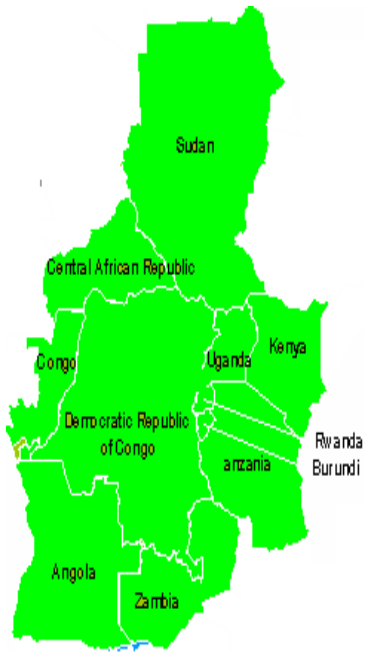
“to transform the Great Lakes region into a space of sustainable peace and Security for States and peoples, political and social stability, shared growth and Development...,with the full participation of all our peoples and in partnership with the United Nations, the African Union and the International Community as a whole”.

In their wisdom, the leaders identified four major priority areas **Peace and security, Democracy and Good Political Governance, Economic development and regional integration as well as Humanitarian and social issues** and 10 Protocols to be implemented in a comprehensive and integrated manner for sustainable peace and development .



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# Introduction



## ICGLR Transformed IDP UN Guidelines into Law:

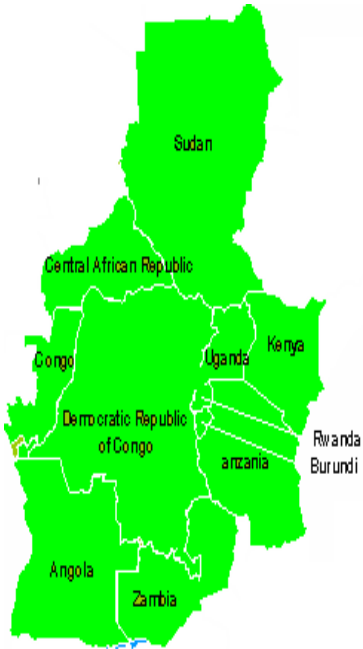
The Great Lakes Region was able to transform what were hitherto guidelines to legally binding instruments to fill the legal void that prevails in most of the legal systems in the countries of the region. The applicable legally binding instruments are:

- The Pact on security, Stability and Development in the Great Lakes Region
- The Protocol on Protection and Assistance to the Internally displaced Persons
- The Protocol on the Property Rights of Returning Persons

**The protocols are heavily influenced by the Guiding Principles.**

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# Introduction



- In 2007, the number of internally displaced persons in Africa was estimated at 50 million in which women and children represented 70-80%. The Great Lakes Region had the highest number of internally displaced persons with 5 million in Sudan, 1.7 million in Uganda, 1.25 in DRC, 350,000 in Kenya, 150,000 in Central African Republic, 100,000 in Burundi and 61, 700 in Angola.
- It should be noted that the majority of ICGLR member states do not have specific legislation regarding IDPs hence the needs to assist these countries to domesticate the protocols and the Pact to meet their commitments.

# **The Protocol on Protection and Assistance to the internally displaced Persons: Its objectives**

- **To establish a legal framework in the Great Lakes region for ensuring the adoption and implementation by Member States of the Guiding Principles on internal Displacement**
- **(b) Ensure legal protection by Member States of the physical safety and material needs of the internally displaced persons in accordance with the Guiding principles**
- **Provide a legal basis for the domestication of the guiding principles into national legislation by member states**
- **(d) Commit Member states to prevent and eliminate the root causes of displacement**

**Note**

**The UN Guiding Principles on Internal Displacement are annexed to this protocol.**

# **The Protocol on the Property Rights of Returning Populations: Its objectives**

**Obliges Member States to provide protection for the property of internally displaced persons and refugees during and after displacement**

**1**

**Establish legal principles according to which Member States shall ensure that refugees and IDPs, upon return to their areas of origin, recover their property with the assistance of the local traditional and administrative authorities**

**2**

**Provide a legal basis for resolving disputes arising from the recovery of property previously occupied or owned by IDPs and refugees in the Great Lakes region**

**3**

**Provide special protection for the property of returning women, children and communities with special attachment to land in the Great Lakes region**

**4**

**Ensure legal remedies for the loss or destruction of the property of IDPs and refugees and persons resettled or relocated elsewhere due to the construction of large scale development projects in the territories of the Member States.**

**5**

# Programme of Action and Project

**The Programme of Action on Humanitarian and Social Issues is the Framework for durable solutions on Humanitarian, Social and environment issues in the Great Lakes Region. This Programme of Action has 7 projects in which 4 are for the IDPs namely;**

- Compliance with international and regional instruments on human rights, international humanitarian law, issuance of identity documents to internally displaced persons and refugees, and statelessness**
- Protection, assistance and search for durable solutions for displaced populations (refugees and IDPs) and communities that host them**
- Legal framework on issues related to the recovery of land and properties by returning refugees and IDPs**
- Environmental assessment and restoration and rehabilitation of human settlements**

## Note

- (a) The protocols and Projects inform legislation and policy at national and regional levels.**
- (b) The 10 protocols and 33 priority projects contribute to eradicating the root causes of displacement**
- © The Conference secretariat has started implementation of the projects together with other actors within the UN and civil society**

# CHALLENGES

## Compliance challenges

The Programme of Action on Humanitarian and Social Issues is the Framework for durable solutions on Humanitarian, Social and environment issues in the Great Lakes Region. This Programme of Action has 7 projects in which 4 are for the IDPs namely

## Resource Challenges

To implement the Protocols and projects requires resources. The Member States do not have the resources commensurate to their obligations. Even when they have the resources the will is not always there. International assistance has been there but certainly not sufficient. For example the government of Burundi had the political will to have refugees return from Tanzania. They returned but they have now become IDPs because there are no resources, including land to resettle them.

## Root cause challenges

To date some conflicts persists in the region that continue to displace hundreds people in spite of the available instruments. rebellion and rebel movements remain a big stumbling bloc to addressing the root causes The situation in Eastern DRC is a vivid example.

Poor governance and democracy deficits have contributed greatly to these challenges.

# Way Forward

As evidence, ICGLR have all the necessary mechanisms and legal instruments in place. What is needed is political will and support of the international community to achieve our common objective. **We count on your support to address the challenges facing the Great Lakes Region.**

**Thank you for your  
attention**

