



# A review of the legal framework in Zimbabwe relating to the protection of IDPs

In the context of the Kampala Convention and other supranational  
normative frameworks - Executive summary and recommendations



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December 2014

## Contributors

This report was prepared by Jacopo Giorgi and Johanna Klos of IDMC, in conjunction with Lynn Walker of NRC, experts from a research support committee and an advisory committee. Members of the former were individuals and representatives of institutions based in Zimbabwe, with specific expertise in legal aspects of the response to internal displacement in the country. The advisory committee comprised international experts in the areas of monitoring and supporting the making of law and policy on internal displacement, including: Erin Mooney, independent expert on IDP issues and author of a report providing a compilation and analysis of national laws relevant to internal displacement in the Central African Republic in line with international, regional and sub-regional standards,<sup>1</sup>; and Allehone Abebe, Legal Officer of the United Nations High Commissioner for Refugees. Both committees assisted with research and methodology and provided valuable comments to initial drafts of this report. An independent consultant, Daniel Berlin, further assisted with its preparation. IDMC takes full responsibility for the contents of this report including its recommendations.

Cover photo: Displaced people vote on their priorities. NRC Zimbabwe, August, 2014

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## Executive Summary

The Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) estimated that at the end of 2013, there were some 12.5 million internally displaced people (IDPs) in sub-Saharan Africa, more than one third of the global total. Unlike refugees, IDPs have not crossed an internationally recognised border. They therefore do not enjoy the broad protections guaranteed by the 1951 UN Refugee Convention and other international instruments.

There are a number of causes of displacement in Zimbabwe, including disasters, such as floods, droughts and storms, as well as development initiatives. The conditions of IDPs in Zimbabwe vary widely, depending on the cause and duration of their displacement. Their needs range from emergency humanitarian assistance to interventions aimed at securing durable solutions. Poor security of tenure is both a cause of displacement and an obstacle to durable solutions. Where displacements have taken place, providing adequate housing has posed challenges and had implications for safety and health. Further issues may be caused by a lack of access to civil registration and documentation and obstacles to accessing basic services (such as education and health) and livelihoods. As of December 2014, there was no information on the total number of IDPs in Zimbabwe.

Although the existing legal framework does not provide for any formal recognition of internal displacement, the

Government of Zimbabwe has acknowledged the existence of internal displacement. It did so in the Global Political Agreement (the 2008 compact between Zimbabwe's three major political parties which paved the way for a Government of National Unity, subsequently dissolved following elections in 2013)..

Zimbabwe became one of the first countries in Africa to demonstrate commitment to a legally enforceable IDP framework by signing the Convention on Protection and Assistance for Internally Displaced Persons (the "Kampala Convention"), endorsed by the African Union in October 2009. The country ratified the Kampala Convention in July 2013. The convention represents a milestone in IDP law, being the first legally-binding treaty seeking to create an enforceable IDP framework for an entire continent. In addition, the new Zimbabwean constitution which came into effect in May 2013 has significantly expanded human rights protections.

However, Zimbabwe has not yet passed implementing legislation for the Kampala Convention, as required of ratifying states. Thus its provisions do not form part of domestic law. Neither has Zimbabwe officially designated an authority responsible for IDP issues, as required by the convention.

The new constitution and other legal reforms have, however, significantly improved the protection environment



Children from displaced households attend a "satellite school". This is a school that is not formally registered because it does not meet national standards. NRC Zimbabwe, January 2014.

for IDPs. New citizenship provisions remove significant barriers to finding durable solutions for many Zimbabwean IDPs of foreign ancestry. Greater incorporation of international law and ratified treaties would create opportunities for the judiciary to expand the protections afforded to IDPs while the legislature would tackle the formidable task of aligning the laws of Zimbabwe with the Kampala Convention.

IDMC, in collaboration with national and international stakeholders, has produced this report in order to reduce the existing protection gaps. Based on a thorough desk study and extensive research, including information and consultations with local organisations, this report reviews the laws of Zimbabwe most relevant to internal displacement and evaluates them against international, regional and sub-regional standards governing the protection of IDPs. The study aims to provide the Government and other actors working on IDP issues with a map of the gaps in the existing legal framework which prevent IDPs from exercising their rights and proposes recommendations to fill these gaps.

IDMC and the contributors hope that all those engaged with IDP issues in Zimbabwe will find this report a useful tool as the nation embarks on the important task of addressing internal displacement in a comprehensive manner.

## The Way Forward

Key recommendations of this report include:

- translating the provisions of the Kampala Convention into national legislation in order to establish a comprehensive national framework to address internal displacement
- establishing a dedicated and sufficiently funded national institution to coordinate the IDP response in close cooperation with national and international humanitarian and development actors and civil society organisations
- incorporating in national law a definition of IDPs in line with that set out in the Kampala Convention and the Guiding Principles
- enshrining in domestic law a prohibition of discrimination based on displacement as well as discrimination among IDPs or non-displaced individuals and communities based on any ground
- reforming laws that create insecurity of tenure
- affirming IDPs' right to restoration of any housing, land and property assets or, if that is impossible, to compensation in line with international standards
- putting in place all reasonable measures required to seek the free and informed consent of IDPs and displacement-affected communities in relation to any displacement or resettlement decisions, including groups with particular needs
- establishing mechanisms to enable regular and comprehensive collection of disaggregated data on IDPs while ensuring its confidentiality
- allocating adequate resources for all phases of displacement.

## References and Acronyms

<i>"ACHPR"</i>	The African Commission on Human and Peoples' Rights.
<i>"Adequate Housing Report"</i>	The Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context prepared in 2013 by the U.N. Human Rights Council.
<i>"African Charter"</i>	The African Charter of Human and Peoples' Rights.
<i>"African Union Member States"</i>	The member states of the African Union.
<i>"Births and Deaths Registration Act"</i>	The Births and Deaths Registration Act [Chapter 5:02].
<i>"Burial and Cremation Act"</i>	The Burial and Cremation Act [Chapter 5:03].
<i>"CAR Report"</i>	E. Mooney, "Examen du cadre normatif de la République Centrafricaine relatif à la protection des personnes déplacées à l'intérieur de leur propre pays", Brookings Institution – University of Bern, "Project on Internal Displacement", February 2011.
<i>"Census and Statistics Act"</i>	The Census and Statistics Act [Chapter 10:05].
<i>"CESCR"</i>	International Covenant on Economic, Social and Cultural Rights.
<i>"Children's Act"</i>	The Children's Act [Chapter 5:06].
<i>"Citizenship of Zimbabwe Act"</i>	The Citizenship of Zimbabwe Act [Chapter 4:01].
<i>"Civil Protection Act"</i>	The Civil Protection Act [Chapter 10:06].
<i>"Committee on the Protection and Assistance of IDPs"</i>	The Committee on the Protection and Assistance of IDPs under the Model Legislation on the Implementation of the ICGLR Protocol on Protection and Assistance to Internally Displaced Persons.
<i>"Criminal Law (Codification and Reform) Act"</i>	The Criminal Law (Codification and Reform) Act [Chapter 9:23].
<i>"Constitution"</i>	The Constitution of Zimbabwe, as amended by Constitution Amendment No. 20 of 2013.
<i>"Constitution Amendment No. 19"</i>	The Constitution Amendment No. 19 of 2008.
<i>"Constitutional Court"</i>	The constitutional court of Zimbabwe.
<i>"Dar Es Salaam Declaration"</i>	The Dar Es Salaam Declaration on Peace, Security, Democracy and Development.
<i>"DCP"</i>	The Department of Civil Protection.
<i>"Draft African Union Model Law"</i>	African Union, Draft "African Union Model Law for the Implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa".
<i>"DRM"</i>	Disaster Risk Management.
<i>"DRR"</i>	Disaster Risk Reduction.
<i>"ECOSOC"</i>	The U.N. Economic and Social Council.
<i>"Education Act"</i>	The Education Act [Chapter 25:04].
<i>"Electoral Act"</i>	The Electoral Act [Chapter 2:01].
<i>"Electoral Amendment Act"</i>	The Electoral Amendment Act, 2014-6/2014.
<i>"Environmental Management Act"</i>	The Environmental Management Act [Chapter 20:27].
<i>"FAO"</i>	The Food and Agriculture Organisation of the United Nations.

<i>"Global Political Agreement"</i>	The Agreement between the ZANU-PF and the MDC on resolving the challenges facing Zimbabwe, signed by Robert Mugabe, Morgan Tsvangirai and Arthur Mutambara on 15 September 2008.
<i>"Government"</i>	The national government of Zimbabwe.
<i>"GNU"</i>	The Government of National Unity.
<i>"Great Lakes Instruments"</i>	The Dar Es Salaam Declaration, the Great Lakes Pact, the Great Lakes IDP Protocol and the Great Lakes Returning Persons' Property Rights Protocol.
<i>"Great Lakes Pact"</i>	The ICGLR Pact on Security, Stability and Development in the Great Lakes Region.
<i>"Great Lakes IDP Protocol"</i>	The ICGLR Protocol on Protection and Assistance to Internally Displaced Persons.
<i>"Great Lakes IDP Protocol Model Legislation"</i>	The ICGLR Draft Model Legislation on the Implementation of the Protocol on Protection and Assistance to Internally Displaced Persons.
<i>"Great Lakes Returning Persons' Property Rights Protocol"</i>	The ICGLR Protocol on the Property Rights of Returning Persons.
<i>"Great Lakes Returning Persons' Property Rights Protocol Model Legislation"</i>	The ICGLR Draft Model Legislation on Property Rights of Returning Persons.
<i>"Guidance on Profiling IDPs"</i>	The IDMC/UNOCHA Guidance on Profiling Internally Displaced Persons.
<i>"The Hyogo Framework for Action 2005 - 2015"</i>	The Hyogo Framework for Action 2005 – 2015: Building the Resilience of Nations and Communities to Disasters.
<i>"Housing Standards Control Act"</i>	The Housing Standards Control Act [Chapter 29:08].
<i>"IASC"</i>	The Inter-Agency Standing Committee.
<i>"IASC Framework"</i>	The IASC Framework on Durable Solutions for Internally Displaced Persons, April 2010.
<i>"IASC Operational Guidelines"</i>	The IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, January 2011.
<i>"ICGLR"</i>	The International Conference on the Great Lakes Region.
<i>"ICGLR Member States"</i>	The member states of the ICGLR.
<i>"ICRC"</i>	The International Committee of the Red Cross.
<i>"IDMC"</i>	The Internal Displacement Monitoring Centre.
<i>"IDPs"</i>	Internally Displaced Persons.
<i>"JET"</i>	The JIPS Essential Toolkit.
<i>"JIPS"</i>	The Joint IDP Profiling Service.
<i>"Kampala Convention"</i>	The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.
<i>"Kampala Declaration"</i>	The Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa.
<i>"Labour Act"</i>	The Labour Act [Chapter 28:01].
<i>"Land Acquisition Act"</i>	The Land Acquisition Act [Chapter 20:10].
<i>"Manual"</i>	Brookings Institution – University of Bern, "Protecting Internally Displaced Persons: A Manual for Law and Policymakers", October 2008.
<i>"MDC"</i>	The two factions of the Movement for Democratic Change Party.
<i>"Medical Services Act"</i>	The Medical Services Act [Chapter 15:13].

<i>"Memorandum of Understanding"</i>	The Memorandum of Understanding between the ZANU-PF and the MDC, signed by Robert Mugabe, Morgan Tsvangirai and Arthur Mutambara on 21 July 2008.
<i>"Mines and Minerals Act"</i>	The Mines and Minerals Act [Chapter 21:05].
<i>"Minimum Essential Elements"</i>	The 67 minimum essential elements of state regulation necessary to ensure adequate protection for IDPs, set out in Annex III of the Manual.
<i>"Missing Persons Act"</i>	Missing Persons Act [Chapter 5:14].
<i>"National Housing Policy"</i>	Government of Zimbabwe, "National Housing Policy", 2012.
<i>"National Registration Act"</i>	The National Registration Act [Chapter 10:17].
<i>"NGOs"</i>	Non-governmental organisations.
<i>"NRC"</i>	The Norwegian Refugee Council.
<i>"Paris Principles"</i>	The Principles relating to the Status of National Institutions, adopted by the United Nations General Assembly in December 1993.
<i>"PARK"</i>	The Profiling and Assessment Resource Kit.
<i>"Parliament"</i>	The parliament of Zimbabwe.
<i>"Pinheiro Principles"</i>	The United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons.
<i>"President"</i>	The president of Zimbabwe.
<i>"Pinheiro Principles Handbook"</i>	The Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles.
<i>"Private Voluntary Organisations Act"</i>	The Private Voluntary Organisations Act [Chapter 17:05].
<i>"Public Health Act"</i>	The Public Health Act [Chapter 15:09].
<i>"PVOs"</i>	Private voluntary organisations.
<i>"Refugees Act"</i>	The Refugees Act [Chapter 4:03].
<i>"Regional Town and Country Planning Act"</i>	The Regional Town and Country Planning Act [Chapter 29:12].
<i>"Rural District Councils Act"</i>	The Rural District Councils Act [Chapter 29:13].
<i>"SADC"</i>	The Southern and African Development Community.
<i>"Social Welfare Assistance Act"</i>	The Social Welfare Assistance Act [Chapter 17:06].
<i>"State"</i>	The Republic of Zimbabwe.
<i>"States Parties"</i>	The African states that have ratified or acceded to the Kampala Convention, as defined in the Kampala Convention.
<i>"Supranational Normative Frameworks"</i>	The sources of supranational norms set out in Part A, Section 3.
<i>"U.N. Guiding Principles"</i>	The United Nations Guiding Principles on Internal Displacement.
<i>"U.N. Guiding Principles Annotations"</i>	Authoritative annotations of the U.N. Guiding Principles, by Walter Kälin, first published in 2000 and then again in 2008 by the Brookings Project on Internal Displacement and the American Society of International Law.
<i>"UNCESCR"</i>	The United Nations Committee on Economic Social and Cultural Rights.
<i>"UNHCR"</i>	The United Nations High Commission for Refugees.
<i>"UNOCHA"</i>	The United Nations Office for the Coordination of Humanitarian Affairs.
<i>"Urban Councils Act"</i>	Urban Councils Act [Chapter 29:15].
<i>"Water Act"</i>	The Water Act [Chapter 20:24].
<i>"ZANU-PF"</i>	The Zimbabwe African National Union (Patriotic Front) Party.
<i>"Zimbabwe"</i>	The Republic of Zimbabwe.
<i>"Zimbabwe Human Rights Commission Act"</i>	The Zimbabwe Human Rights Commission Act [Chapter 10:30].

# A

## Introduction

### 1. Context

Internal displacement in Zimbabwe is not a unique phenomenon. IDMC estimates that around 12.5 million people in the Sub-Saharan region alone – more than one third of the global total figure – were internally displaced at the end of 2013. Internally displaced persons (“IDPs”) have no choice about the decision to abandon their homes; they are forced to leave. Unlike refugees, IDPs have not crossed an internationally recognised border, and therefore do not enjoy the broad protections guaranteed by the 1951 Refugee Convention and other international and regional instruments.

The Government of Zimbabwe acknowledged the existence of the internal displacement phenomenon in the Global Political Agreement (which is no longer binding),<sup>2</sup> and the Memorandum of Understanding.<sup>3</sup> Nevertheless, the existing legal framework does not provide for any formal recognition of internal displacement. In 2009, the Government participated with the United Nations in a rapid assessment to determine the scope of internal displacement, however, the findings of the assessment had not been released as of September 2014 and plans for an updated assessment and a nationwide quantitative survey had not moved forward. As of November 2014, there was no information on the total number of IDPs in Zimbabwe.

In the absence of a comprehensive survey, the only figures available are estimates based on past needs assessments. Estimating the total number of IDPs is made more difficult by the fact that a significant number have been displaced more than once and the fact that many have returned to their places of origin or have settled either locally or elsewhere in the country. UNOCHA reported in its 2009 Consolidated Appeal document for Zimbabwe that violence associated with the 2008 elections displaced 36,000 people,<sup>4</sup> although other anecdotal sources placed the number much higher. Most of those displaced have allegedly been able to return home, and few new displacements were reported in the run-up to, or during, the 2013 elections, which marked the end of the GNU in place since 2009 and installed a new administration.

Nevertheless, Zimbabwe was one of the first countries in Africa to demonstrate commitment to a legally enforceable framework on IDPs by proceeding to the signature of the Kampala Convention at the African Union Summit held in October 2009. In November 2013, the Government completed its ratification of the Kampala Convention.

Implementing the Kampala Convention, however, requires a thorough understanding and evaluation of the internal displacement situation and of the national legal framework. Only with such an understanding and after such an evaluation is it possible to formulate context-specific responses and assist the process of attainment of durable solutions.

Causes of internal displacement in Zimbabwe are manifold, including disasters, such as floods, droughts and storms,<sup>5</sup> as well as development initiatives. Major infrastructure development and improving Zimbabwe's macro-economic stability are significant Government policies. For example, the Government's Medium Term Plan (2011 – 2015)<sup>6</sup> has identified infrastructure development, using both State and private investment, as one of its “key objectives”. Some important areas include improving investor confidence in Zimbabwe's mining sector to improve the mining projects in Zimbabwe<sup>7</sup> and ensuring that Zimbabwe's natural resources are exploited more effectively, albeit with a focus on improving resources sustainability and minimising environmental damage.<sup>8</sup> However, many organisations have questioned Zimbabwe's record in protecting IDP rights when displacement has been caused by development work.

IDPs' conditions in Zimbabwe vary widely, depending on the cause and length of time of their displacement. Their needs range from emergency humanitarian assistance to interventions aimed at securing durable solutions.

Poor security of tenure is both a cause of displacement and an obstacle to durable solutions as it can make inhabitants vulnerable to forced evictions.<sup>9</sup> Property rights in Zimbabwe, particularly housing rights, are threatened by a legislative housing framework that remains largely unchanged from the colonial era, when zoning regulations and building standards were deliberately crafted to maintain segregated housing.<sup>10</sup> As a result, the housing titles of hundreds of thousands of people in Zimbabwe, many of whom are IDPs, still remain unrecognised. Large numbers of residents are thus at risk of repeated displacement.

The lack of access to civil registration and documentation may inhibit IDPs' right to vote and can present a further obstacle to accessing basic services, such as education. Zimbabwe's education system has historically been comparatively strong, but educational outcomes for displaced children have been adversely affected.

IDPs in Zimbabwe often face problems accessing medical treatment as a result of their displacement, because of large distances to health centres, for instance, and the poor provision of community health and sanitation facilities. Although the health service provision in the country has improved considerably since 2009, a number of public hospitals are still understaffed, and essential drugs are in short supply in public hospitals and clinics in both urban and rural areas.

Another consequence of displacement is the loss of access to livelihoods and markets. IDPs are often unable to find new sources of income and employment, which can result in dependency on aid and remittances. The resulting lack of financial resources further inhibits IDPs' access to suitable potable water and sanitation facilities, as in most cases they are unable to afford the usage of state or private-run water systems.<sup>11</sup> Where facilities exist in their area of displacement, these are often insufficient to satisfy all their basic needs, particularly in rural areas.<sup>12</sup>

The international community and civil society look forward to supporting the Government in their efforts to address internal displacement. In this spirit, this report intends to contribute to this important national process by providing a review of the laws of Zimbabwe most relevant to internal displacement in order to give full effect to the Kampala Convention and other international guidelines on internal displacement.

## 2. Scope, Methodology and Structure

The purpose of this report is to identify which of Zimbabwe's existing laws need to be amended or supplemented in order to comply with the country's obligations under the Kampala Convention. This report also considers recommendations based on other relevant international legal instruments (the "Supranational Normative Frameworks"), in particular the U.N. Guiding Principles on Internal Displacement.

The structure of this report mirrors the report on the Central African Republic by Erin Mooney which analysed the protections afforded to IDPs under national legislation in light of certain Supranational Normative Frameworks, namely; the U.N. Guiding Principles, the Kampala Convention, and the Great Lakes Instruments (the "CAR Report").<sup>13</sup> The design of the CAR Report in turn draws from the Brookings-Bern publication, "Protecting Internally Displaced Persons: A Manual for Law and Policymakers" (the "Manual"),<sup>14</sup> which provides guidance to law and policymakers on the full gambit of legal issues which affect IDPs. The Manual identifies the Minimum Essential Elements of state regulation necessary to ensure adequate protection for IDPs in accordance with

the Supranational Normative Frameworks.<sup>15</sup> The CAR Report organises the Minimum Essential Elements into 25 IDP-related themes and reviews the laws of the Central African Republic theme by theme. This report employs a comparative methodology for Zimbabwe, reviewing in separate chapters the ways in which various sources of Zimbabwean law address each of the following 23 IDP-related themes:<sup>16</sup>

1. Definition of IDPs
2. Protection of IDPs against Discrimination
3. Awareness Raising and Training
4. Data collection Relating to IDPs
5. Requirement for a Focal Institution Responsible for the Coordination, Protection and Assistance of IDPs
6. National Human Rights Institutions
7. Participation of IDPs
8. Allocation of Necessary Human, Financial and Other Resources
9. Cooperation with National and International Humanitarian Partners
10. Protection against Arbitrary Displacement
11. Reduction of the Risks of Displacement and Mitigation of Displacement-related Concerns in the Event of a Disaster
12. Ensuring Human Rights in the Event of Development-induced Displacement
13. Freedom of Movement
14. Family Life
15. Recognition, Issuance and Replacement of Documents
16. Property and Possessions
17. Electoral Rights
18. Food
19. Water and Hygiene
20. Basic Shelter and Adequate Housing
21. Health
22. Employment, Economic Activities and Social Protection Programmes
23. Education

Each chapter first sets out the relevant Minimum Essential Elements identified in the Manual and addresses the protections IDPs should expect to enjoy under the Kampala Convention and the other Supranational Normative Frameworks. Each chapter then considers the extent to which the Minimum Essential Elements and these protections are provided for by Zimbabwe's existing legal framework.

Where existing laws fail to meet the standards expected under the Minimum Essential Elements and the Supranational Normative Frameworks, recommendations are set out regarding issues that future legislation should address. These recommendations consider the relevant legal instruments in light of the situational context. The



A displaced woman fetches water from an unprotected source. NRC Zimbabwe, January 2014.

findings of the report are summarised in the table set out in the Appendix.

To provide the necessary context to the thematic chapters set out at Part D and Part E, the introductory part of the report provides: (1) an overview of the relevant Supranational Normative Frameworks; and (2) the current legal framework relating to IDPs in Zimbabwe. Part B addresses certain considerations in relation to the domestication of the Kampala Convention and Part C sets out key recommendations from the thematic chapters.

### 3. Overview of the Supranational Normative Frameworks and Other Sources

#### *a. Instruments Specific to Internal Displacement*

##### *i. The Kampala Convention*

The Kampala Convention<sup>17</sup> represents a milestone in IDP law: the first legally-binding treaty purporting to create an enforceable IDP framework for an entire continent.<sup>18</sup> As of January 2014, the Kampala Convention had been signed by 39 of Africa's 54 states, of which 22 had ratified it.<sup>19</sup> Zimbabwe ratified the Kampala Convention on 22 July 2013.<sup>20</sup>

The Kampala Convention formally "recognis[es] the inherent rights of internally displaced persons [...] as set out in" the U.N. Guiding Principles<sup>21</sup> and uses a similar structure to lay out the rights of IDPs before, during and after displacement. The Kampala Convention's definition of IDPs is almost identical to that of the U.N. Guiding

Principles; and, like the U.N. Guiding Principles, the Kampala Convention contains a prohibition against arbitrary displacement.<sup>22</sup> The definition of arbitrary displacement under the Kampala Convention differs from the Guiding Principles in that it does not specifically discuss development-induced displacement, which is addressed elsewhere in its text. On the other hand, the Kampala Convention contains an expansive list of "harmful practices" which can make a displacement arbitrary, potentially encompassing development-induced and other forms of displacement.<sup>23</sup>

Importantly, the Kampala Convention provides that "States Parties shall [...] [i]ncorporate their obligations under this Convention into domestic law by enacting or amending relevant legislation on the protection of, and assistance to, internally displaced persons in conformity with their obligations under international law."<sup>24</sup>

During the Kampala Convention process, the African Union also issued the Kampala Declaration<sup>25</sup> and the "Recommendations of the African Union Experts and Ministers in Charge of Forced Displacement Matters"<sup>26</sup> Although the Kampala Declaration mostly contains broad policy objectives, it also sets forth a few specific requirements, including the need to establish "high-level national mechanisms to address the problem of forced displacement",<sup>27</sup> which would improve the protection environment in Zimbabwe. As a formal declaration of a regional organisation in which Zimbabwe is a member (and currently serving as the vice-chair), the Kampala Declaration carries a certain moral weight, which might influence Zimbabwean policy.

### *ii. The U.N. Guiding Principles*

The U.N. Guiding Principles<sup>28</sup> represented the first serious effort to lay out the obligations of states under international law in relation to IDPs. Although not legally binding on any state, the U.N. Guiding Principles “codify and make explicit guarantees protecting internally displaced persons that are inherent in” international human rights law and international humanitarian law.<sup>29</sup> They have gained substantial standing and authority as governments, courts and other institutions have looked to them as an authoritative international framework setting out the definitive minimum standards governing IDP issues.<sup>30</sup> At the 2005 World Summit on Information Society, for example, the Heads of State and Government recognised the U.N. Guiding Principles as providing an “important international framework for the protection of internally displaced persons.”<sup>31</sup> Most significantly, for the purposes of this report, the Kampala Convention (discussed below) formally “recognis[es] the inherent rights of internally displaced persons [...] as set out in the 1998 United Nations Guiding Principles on Internal Displacement [...]”<sup>32</sup>

The U.N. Guiding Principles aim to address the needs of IDPs during all the phases of internal displacement: protection against displacement, protection during displacement and protection in the durable solutions phase, in which IDPs return, resettle or reintegrate locally.<sup>33</sup> A fundamental premise of the U.N. Guiding Principles is that states bear the primary responsibility for the people within their borders but that, if a state cannot or will not provide sufficient protection to IDPs, then the international community has an obligation and a right to offer assistance, which cannot be arbitrarily interfered with.<sup>34</sup> Whilst the U.N. Guiding Principles permit some forms of displacement (so long as the rights of IDPs are respected throughout such process) they contain a blanket prohibition on “arbitrary displacement”.<sup>35</sup>

### *iii. The Great Lakes Instruments*

Several instruments touching on the protection of IDPs have been signed by the ICGLR Member States. Zimbabwe is not one of the 12 core ICGLR Member States, but it is one of the states immediately bordering that region; furthermore, Zimbabwe participated in certain of the negotiations surrounding the instruments and is expected to be broadly supportive of the framework provided for by the Great Lakes Instruments.<sup>36</sup> For these reasons, Zimbabwe is designated a “co-opted member” of the ICGLR.<sup>37</sup>

The 2004 Dar Es Salaam Declaration<sup>38</sup> was adopted by the ICGLR’s then-11 core ICGLR Member States. (South Sudan joined the ICGLR in 2013<sup>39</sup>) Zimbabwe signed the Dar Es Salaam Declaration as a “Witness”.<sup>40</sup>

In 2006, the ICGLR adopted the Great Lakes Pact<sup>41</sup> which

entered into force in 2008 upon ratification by the requisite number of ICGLR Member States.<sup>42</sup> The Great Lakes Pact includes two protocols relevant to this report: the Great Lakes IDP Protocol<sup>43</sup> and the Great Lakes Returning Persons’ Property Rights Protocol.<sup>44</sup>

### *iv. The Pinheiro Principles*

The Pinheiro Principles<sup>45</sup> provide the first consolidated, universal approach to dealing effectively with outstanding housing and property restitution claims. The Pinheiro Principles focus on restitution as the preferred remedy for violations of IDPs’ and refugees’ rights to housing, land and other property.<sup>46</sup> The term “restitution”, in this context, refers to “undoing the effect of human rights violations and other causes of displacement [...]”<sup>47</sup> Restitution in the context of internal displacement would therefore involve the return to an IDP of the IDP’s original property – whether real property or personal property – as opposed to providing the IDP with compensation for loss of that property.<sup>48</sup> Whilst the Pinheiro Principles do contemplate compensation as a possible remedy,<sup>49</sup> restitution is viewed “as the preferred remedy for displacement and as a key element of restorative justice”, whether or not IDPs are able to return to their former homes.<sup>50</sup> The Pinheiro Principles are grounded firmly within existing international human rights law and international humanitarian law and are designed to provide practical guidance to states, United Nations agencies and the broader international community on how best to address the complex legal and technical issues surrounding housing, land and property restitution.

### *b. The African Human Rights System*

The African Charter<sup>51</sup> is a comprehensive human rights charter. It was adopted in June 1981 and entered into force in October 1986. Its purpose is to protect the human rights and freedoms of people living on the African continent.<sup>52</sup> As of September 2014, 53 states had ratified the African Charter (all African Union Member States except South Sudan).<sup>53</sup>

The African Commission on Human and People’s Rights (the “ACHPR”), which was created in 1987 under Article 30 of the African Charter, is tasked with the interpretation and monitoring of the implementation of the requirements established by the African Charter itself. The mandate of the ACHPR includes promotion of human rights, standard-setting involving the formulation of “principles and rules aimed at solving problems relating to peoples’ rights and fundamental freedoms”<sup>54</sup>; protective work such as receiving non-state complaints or communications alleging violation of rights and advisory work such as the interpretation of the text of the African Charter. The ACHPR also assesses states’ compliance with the provisions of the African Charter by receiving and considering periodic reports submitted by the states.

It is noteworthy that the ACHPR at its 35<sup>th</sup> Ordinary Session, established the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons. A protocol to the African Charter was subsequently adopted in 1998 whereby an African Court on Human and Peoples' Rights was to be created. This court functions as a kind appellate or review body of the decisions reached by the ACHPR. According to Article 5(i) of the protocol the court's jurisdiction comprises cases initiated by:

1. the ACHPR;
2. a state party in a case in which it was a complainant before the Commission;
3. a state party in a case in which it was a respondent before the Commission;
4. a state party whose citizen has been a victim of human rights violations; and
5. African inter-governmental organisations.

Whereas the rights of IDPs are not explicitly referred to in the African Charter, several provisions contained therein are of immediate relevance to internal displacement matters. Article 11(i), for example, establishes that "every individual [has a] right to freedom of movement and residence within the borders of a State provided he abides by the law". Equally relevant is Article 2, which recognises that "every individual shall be entitled to the enjoyment of the rights and freedoms guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. Article 3 acknowledges the principle of equality and of universal entitlement to equal protection of the law.

In several situations the ACHPR issued pronouncements, either in the form of general recommendations or in more specific, country-specific and case-based decisions on the protection of the human rights of IDPs. In particular, the ACHPR recommended the adoption of the national frameworks on migration issues compliant with international standards. The 2nd Ordinary Session held in Brazzaville, Republic of Congo (15 – 28 November 2007) recognised "the importance of the human rights of all migrants, including refugees and IDPs", and recommended "to ensure that national legislation relating to migration issues is consistent with and does not conflict with international human rights standards and conventions."

Several regional treaties provide complementary protection, including the African Charter on the Rights and the Welfare of the Child, the Protocol on the Rights of Women in Africa and the African Union Constitutive Act<sup>55</sup>.

### **c. Additional Sources**

Other sources that have been of significant assistance in

preparing this report include secondary sources practical guidance. Most important amongst these is "Protecting Internally Displaced Persons: A Manual for Law and Policymakers" (the "Manual"),<sup>56</sup> which addresses the technical and legal complexities of protecting persons against displacement and protecting IDPs during and after displacement.<sup>57</sup> Its core chapters are structured around specific categories of humanitarian assistance and recognised human rights.<sup>58</sup> In each chapter, the Manual identifies the relevant Minimum Essential Elements.

Additional guidance can be found in the IPU-UNHCR "Internal Displacement: Responsibility and Action. A Handbook for Parliamentarians"<sup>59</sup> and in the IDMC, Brookings Institution, "National Instruments on Internal Displacement: A Guide to their Development"<sup>60</sup>.

Further international legal instruments are referred to where relevant in the thematic chapters. These include: the International Covenant on Civil and Political Rights,<sup>61</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>62</sup> the U.N. Convention on the Rights of the Child,<sup>63</sup> the U.N. Convention on the Elimination of All Forms of Discrimination Against Women,<sup>64</sup> the Paris Principles relating to the status of national institutions,<sup>65</sup> the U.N. Development-Based Evictions Guidelines,<sup>66</sup> the Hyogo Framework for Action 2005 – 2015,<sup>67</sup> the SADC Disaster Risk Management Strategy 2012 – 2015<sup>68</sup>, the Report of the U.N. Special Rapporteur on Adequate Housing<sup>69</sup>, the **FAO Guidelines on the Responsible Governance of Tenure of Land**<sup>70</sup>, and the SADC Protocol on Education and Training.<sup>71</sup>

Finally, the Draft African Union Model Law<sup>72</sup> will provide a useful starting point for any state wishing to implement the Kampala Convention. While a final text is not yet available, a draft text has been reviewed. It is drafted as a comprehensive IDP law, avoiding the need for multiple amendments of existing legislation. In particular, the Draft African Union Model Law contains a repealing clause<sup>73</sup>, which provides that "all laws, decrees, executive orders, ordinances, or any parts thereof, which are inconsistent with the provisions of this legislation, shall be deemed repealed from the effective date of this legislation."<sup>74</sup>

The first part of the Draft African Union Model Law sets out some general objectives of the legislation<sup>75</sup> and principles to guide its interpretation and implementation.<sup>76</sup> A general obligation on governments and non-state actors to prevent internal displacement<sup>77</sup> is followed by provisions providing protections to IDPs that are specific to three common circumstantial causes of internal displacement: natural disasters (Chapter III), armed conflict (Chapter IV) and development projects (Chapter V). In this context, non-state actors including armed rebel groups are explicitly brought within the ambit of the legislation.

Chapter VI of the Draft African Union Model Law provides specific protections for the rights of IDPs in a number of the areas covered by the thematic chapters in this report, such as education<sup>78</sup> and health.<sup>79</sup>

The Draft African Union Model Law, as with any other model legislation, should be implemented with caution. The development of national legislation on internal displacement needs to take context-specific concerns into account. This should be done through consultation with all relevant parties, including IDPs and other populations affected by displacement.

#### 4. Overview of the Legal Framework Relating to IDPs in Zimbabwe

Zimbabwe's legal system emerged in the context of the Roman-Dutch legal traditions of southern Africa, as modified by English common law during the period of British rule. The legal system of Zimbabwe is therefore described as Anglo-Roman-Dutch. As is the case in most common law jurisdictions, the laws of Zimbabwe are not codified, with the exception of the criminal law.<sup>80</sup> The judiciary has a significant role in the development of Zimbabwean law because the doctrine of judicial precedent requires judges to follow earlier decisions of the same or a higher court in a matter that comes before them. Therefore, as in most common law jurisdictions, case law is an important source of Zimbabwean legal authority, and provides guidance for the interpretation of legislation.

##### **a. The Constitution**

In May 2013, Zimbabwe's Parliament adopted a new constitution that had been approved by popular referendum three months earlier. The Constitution asserts that it is the supreme law of Zimbabwe and that any law, practice, custom or conduct inconsistent with the Constitution is invalid in relation to any inconsistencies.<sup>81</sup> The Constitution reaffirms a "commitment to upholding and defending fundamental human rights and freedoms"<sup>82</sup> and expands the scope of protections offered to IDPs under the previous constitution of 1979.

The Constitution contains general human rights protections that are of particular relevance to typical circumstances of internal displacement. For example, the Constitution guarantees rights to life and liberty, as well as human dignity, personal security, privacy, freedom of association, freedom of movement and residence, a right to property, education, health care and food and water.<sup>83</sup> Each of these rights may be negatively affected by displacement, and they are specifically mentioned in the Kampala Convention as requiring special attention in displacement situations.<sup>84</sup>

The Constitution also contains a non-discrimination provision, which provides equal protection to all people under the law and prohibits discrimination based on, among other things, nationality, race, colour, tribe, place of birth, ethnic or social origin and language.<sup>85</sup> This provision does not, however, specifically prohibit discrimination based on displacement status, as called for by the Kampala Convention.<sup>86</sup>

The many provisions of the Constitution relevant to the treatment of IDPs are discussed in more detail in the thematic chapters in Part D and Part E of this report.

##### **b. Constitutional Provisions Relating to International Law and Ratified Treaties**

Zimbabwe has ratified the Kampala Convention and deposited its instrument of ratification with the African Union. Consequently, Zimbabwe is required (under the Kampala Convention<sup>87</sup> and the Constitution<sup>88</sup>) to incorporate the Kampala Convention into domestic law. Although the Kampala Convention does not form part of the domestic law of Zimbabwe,<sup>89</sup> the Constitution requires all courts and tribunals to apply any "reasonable interpretation" of domestic law that is consistent with a ratified treaty's provisions, in preference to an alternative interpretation that is inconsistent with the treaty.<sup>90</sup> Therefore, whilst IDPs may not be able to rely on specifically enforceable provisions of the Kampala Convention until it has been domesticated, they may be able at the present stage to demand that existing legislation be interpreted consistently with the provisions of the Kampala Convention.

Furthermore, the Constitution provides that "[c]ustomary international law is a part of the law of Zimbabwe, unless it is inconsistent with this Constitution or an Act of Parliament."<sup>91</sup> This may have some positive impact on the situation of IDPs in Zimbabwe as the U.N. Guiding Principles were drawn, in part, from customary international law and so, where not inconsistent with domestic law, elements of the U.N. Guiding Principles that draw on customary international law may still provide actionable rights for IDPs. The U.N. Guiding Principles also reflect customary international humanitarian rules as stated by ICRC in their 2005 Study on Customary International Humanitarian Law.<sup>92</sup>

##### **c. Other Legislation**

Other Zimbabwean laws affect the protections afforded to IDPs across the various thematic areas. These laws are discussed in the relevant thematic chapters at Part D and Part E of this report.

# B

## Considerations in relation to the domestication of the Kampala Convention

In order to facilitate the domestication process, the African Union has developed the Draft African Union Model Law for the implementation of the Kampala Convention and has conducted domestication workshops across the continent, including in Nigeria, Sierra Leone, Chad, the Democratic Republic of Congo, Uganda, Zambia and Lesotho.<sup>93</sup> Whilst a number of African Union countries have formally adopted national legislation or policies related to internal displacement – covering specific phases of displacement, focusing on particular aspects or rights or, like Kenya and Uganda, providing a comprehensive framework for the protection of IDPs' rights – none of these domestic processes has yet come to completion following the ratification of the Kampala Convention by the countries concerned. A number of the African Union Member States (including Nigeria and the Democratic Republic of Congo), nevertheless, are now engaged in the process of domestication.<sup>94</sup>

States must decide whether to address the relevant issues through a stand-alone displacement specific law or policy or through the introduction of amendments to existing legislation through piecemeal legislative amendment. The enactment of specific legislation governing the rights of IDPs and their treatment by governments has the advantage of establishing a complete legal framework which addresses internal displacement.<sup>95</sup> An IDP law may, amongst other things, provide a degree of legal certainty and give clear guidance to government institutions as they implement policy and indicate to the African Union and the international community that Zimbabwe is taking seriously its Kampala Convention obligations. Since the Draft African Union Model Law offers a pre-prepared template for the creation of a national IDP law, drafting such a law for Zimbabwe would be relatively straightforward.

Nevertheless, a series of amendments may be required to ensure that the text of the Draft African Union Model Law is adapted to reflect the existing country specific issues relating to Zimbabwe. The most significant barrier to adoption of a stand-alone IDP law is, however, the possible difficulty of reaching a consensus behind a wholesale change to the legal regime applicable to IDPs in Zimbabwe. Provisions relevant to the treatment of IDPs, at this stage, are found in different sections of the legislation and a comprehensive change would entail aligning the existing legislation to the provisions established under the new law.<sup>96</sup>

Implementing the Kampala Convention by piecemeal amendment of legislation and regulations that apply to IDPs may require less consensus and fewer procedural steps than the enactment of a comprehensive IDP law. Furthermore, in some cases, subordinate legislation or executive instruments may be used to amend the legal and regulatory regime, providing a degree of executive discretion and flexibility with regard to tailoring or updating measures relating to IDPs in light of any future changes in circumstances.

The decision to opt for piecemeal legislative amendment may be dictated by the prevailing circumstances and by the need to address specific IDP problems at a particular point in time. Piecemeal legislative amendments in relation to displacement issues have been the object of laws implemented in several different jurisdictions prior to the adoption of the Kampala Convention.<sup>97</sup> Outside Africa, in regions where there is no comprehensive regional treaty in place like the Kampala Convention, laws and policies that address only return and resettlement have also been adopted in Azerbaijan, Bosnia and Herzegovina, Colombia, Nepal and Serbia.<sup>98</sup> A complete list of national frameworks on internal displacement is accessible at the Brookings IDP Laws and Policies Index.<sup>99</sup>

The disadvantages to the piecemeal approach should also be noted: in particular, the possibility of a reduction in the coherence and sufficiency of the measures enacted. The implementation of the Kampala Convention by piecemeal amendment may also take longer than the enactment of a specific IDP law. Until the full set of amendments is completed, the African Union and the international community may express doubts as to the implementing state's intention to follow its Kampala Convention obligations in full.

# C

## Key recommendations

The key recommendations from the IDMC and the NRC to the Government, following the review of the relevant legal instruments discussed in the thematic chapters, are as follows:

1. To translate the provisions of the Kampala Convention into national legislation in a way that establishes a national framework addressing internal displacement in a comprehensive manner.
2. To identify and legally appoint a national institution responsible for the coordination of all efforts aimed at protecting and searching for durable solutions for IDPs, including liaising with national and international humanitarian and development actors and civil society organisations in the delivery of protection and assistance to IDPs. The legal definition of the mandate of the national institution responsible for IDPs should be accompanied by the provision of a specific yearly budget allocation for such institution to discharge its assigned tasks and the requirement to appeal to external funding in the event of unavailability of sufficient resources to address internal displacement concerns.
3. To incorporate into local legislation a definition of IDPs in line with those set out in the Kampala Convention and the U.N. Guiding Principles whilst making clear that the examples of displacement causes in the definition (i) are not exhaustive and that the definition (ii) does not create a specific legal status, but rather is to be used to address the specific vulnerabilities of IDPs through adequate provision under relevant laws and policies.
4. To enshrine in domestic law a prohibition of discrimination based on displacement as well as discrimination among IDPs or non-displaced individuals and communities based on any ground, including race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or any similar criteria.



Displaced people gather for a community meeting. NRC Zimbabwe, January 2014.

5. To introduce provisions into national legislation prohibiting all forms of arbitrary displacement, as defined in the Kampala Convention and the U.N. Guiding Principles, and to formulate criteria compliant with international human rights and humanitarian law standards to determine when a particular act may be considered to amount to arbitrary displacement. Such formulations should, in particular, consider the case of forced evictions, which can only be carried out lawfully under exceptional circumstances and in full accordance with relevant provisions of international human rights and humanitarian law.
6. In relation to the guarantees related to housing, land and property rights: (i) to reaffirm in the relevant legislation that IDPs have the right to have restored to them any housing, land and property assets of which they were deprived or, if that is impossible, to be compensated for any housing, land and property loss in accordance with the Kampala Convention, the U.N. Guiding Principles and the Pinheiro Principles and, to this end, to have effective access to courts or alternative institutional dispute settlement mechanisms; (ii) to reform laws that create insecurity of tenure, especially the Housing Standards Control Act, the Regional Town and Country Planning Act and other laws that permit arbitrary displacement, including by creating a legal obligation to search for alternatives before engaging in demolitions or evictions.
7. To enact specific legislation for: (i) the regular collection of those IDP data – disaggregated by age and sex – that are deemed necessary to inform targeted humanitarian or development programmes; and (ii) the maintenance and protection of relevant IDP data in a confidential and secure manner in order to ensure the privacy of IDPs. The two tasks could be achieved either through separate legislation or, respectively, (i) through amendment of the Census and Statistics Act and (ii) through the inclusion of displacement-related data in the list of categories of information disclosure which are presumed to be unreasonable, in line with Sections 61 and 52 of the Constitution.
8. To adopt, in line with the specific requirements of the Kampala Convention and the U.N. Guiding Principles, a policy that ensures the full participation of IDPs in all initiatives that have an impact on their lives and that the State puts in place all reasonable measures required to seek the free and informed consent of IDPs and displacement-affected communities in relation to any displacement or resettlement decisions. In addition, specific arrangements must be made to guarantee that all groups with particular needs are part of the planning and management of the search for durable solutions. With this in mind, a national consultative forum featuring representatives of both IDPs and local communities could be set up with a view to providing advisory opinions to the national institution in charge of the coordination of IDP protection and assistance activities.
9. To ensure that there are adequate resources to address the three phases of displacement. This could be achieved by: (i) taking into account the resources needed (including budgetary funds, human resources and humanitarian goods) when laws and policies relating to IDPs are drafted; (ii) coordinating the enactment of legislation and policies with Government budgetary cycles; and (iii) ensuring that authorities with responsibility in relation to IDPs have adequate funds.

## Appendix: Zimbabwean Legislation reviewed under each Thematic Chapter and Relevant Recommendations

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
1	Definition of IDPs		<ul style="list-style-type: none"> <li>Adopt into local law the definition of IDP that is used in the U.N. Guiding Principles and the Kampala Convention, whilst making it clear that (i) the specific causes of displacement illustrated in the descriptive identification of IDPs are not exhaustive and (ii) the IDP definition does not create a specific legal status but, rather, is used to enable relevant decision-makers to determine the applicability of the laws and policies relating to internal displacement.</li> </ul>
2	Protection of IDPs against Discrimination	Constitution.	<ul style="list-style-type: none"> <li>Enshrine in domestic law the prohibition of discrimination based on displacement as well as of discrimination against IDPs on any ground such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, or birth or any similar criteria.</li> </ul>
3	Awareness Raising and Training	Civil Protection Act. Constitution.	<p>In respect of raising awareness:</p> <ul style="list-style-type: none"> <li>Specify in any outline law relating to IDPs, or in a national policy or strategy document, that one of the functions of national or local institutions specifically tasked with addressing IDP issues is to raise awareness of the existence, nature and specificity of internal displacement.</li> <li>Include explicitly in the mandates of the various Independent Commissions awareness raising of issues specific to IDPs.</li> </ul> <p>In respect of providing training on the rights of IDPs:</p> <ul style="list-style-type: none"> <li>Specify in any outline law relating to IDPs, or in a national policy or strategy document, that one of the functions of national or local institutions specifically tasked with addressing IDP issues is to train Government officials at all levels whose work involves IDPs with respect to: (i) implementing IDP rights in accordance with the U.N. Guiding Principles, the Kampala Convention and domestic law; (ii) special protections and assistance that IDPs, or vulnerable groups of IDPs, may require; (iii) the general vulnerable situation of IDPs; and (iv) the search for durable solutions for IDPs and, more specifically, (v) housing-, land- and property-restitution mechanisms, as established in the Pinheiro Principles.</li> </ul>

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
4	Data Collection Relating to IDPs	Census and Statistics Act. National Registration Act.	<ul style="list-style-type: none"> <li>▪ Enact specific legislative provisions providing for: (i) the regular collection of relevant IDP data, including the collection of IDP data during national census activities, that is deemed necessary to adequately inform humanitarian response mechanisms and durable solutions programming; and (ii) the maintenance and protection of relevant IDP data in a confidential and secure manner in order to ensure the privacy of IDPs.</li> <li>▪ Enact, after sufficient guarantees and safeguards are in place to secure privacy of collected personal data, legislation to provide for the registration of IDPs in accordance with the Kampala Convention and solely for the purpose of facilitating the protection and assistance of IDPs. It must also be made clear that registration does not create a separate legal status for IDPs and that non-registered IDPs should not be precluded from assistance or protection.</li> </ul>
5	Requirement for a Focal Institution Responsible for the Coordination, Protection and Assistance of IDPs	Civil Protection Act. Constitution. Refugees Act. SI 2014-12.	<ul style="list-style-type: none"> <li>▪ Create an impartial statutory body taking the shape of a national committee and designate a Minister or a Government agency or another public institution or committee responsible for facilitating the coordination of activities aimed at protecting and assisting IDPs, and for cooperating with relevant international organisations or agencies and civil society organisations, in accordance with the Kampala Declaration.</li> <li>▪ Define and allocate a specific provision within the annual budget to enable the identified institution to adequately respond to IDP issues.</li> <li>▪ Define the focal institution's role, responsibilities and operational methodology.</li> </ul>
6	National Human Rights Institutions	Constitution. Constitution Amendment No, 19. Zimbabwe Human Rights Commission Act.	<ul style="list-style-type: none"> <li>▪ Ensure that the Zimbabwe Human Rights Commission's mandate is extended to explicitly address the protection of IDPs.</li> <li>▪ Amend the Zimbabwe Human Rights Commission Act to ensure adequate protection to IDPs, in conformity with the Paris Principles and the Framework for National Responsibility.</li> </ul>
7	Participation of IDPs	Constitution. Regional Town and Country Planning Act.	<ul style="list-style-type: none"> <li>▪ Formalise the participation of IDPs in the development of laws and policies relating to their protection and assistance, and recognises their right to participate in the decision-making processes.</li> <li>▪ Adopt a policy, in accordance with the Kampala Convention, U.N. Guiding Principles and the Great Lakes IDP Protocol, that ensures the participation of IDPs in the planning and management of their relocation, resettlement and reintegration, in particular special effort should be made to involve women and other vulnerable groups in the planning and management of their relocation and in the distribution of basic subsistence supplies.</li> <li>▪ Ensure, in compliance with the Pinheiro Principles, the participation of IDPs in housing, land and property restitution programmes.</li> </ul>

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
8	Allocation of Necessary Human, Financial and Other Resources	Civil Protection Act. Constitution. Government of Zimbabwe, "National Housing Policy". Minister of Finance & Economic Development, "The 2014 Zimbabwe National Budget Statement".	<ul style="list-style-type: none"> <li>▪ In compliance with the Kampala Convention, allocate adequate resources in the national budget to address the phenomenon of internal displacement and provide authorities with the necessary financial means to assist IDPs when responsibility is assigned to them.</li> <li>▪ Continue to prioritise the protection and assistance of IDPs in national legislative and policy frameworks, in order to secure international commitments to provide financial support to national efforts.</li> <li>▪ Provide appropriate institutions and mechanisms with adequate financial, human and other resources to facilitate housing, land and property restitution processes, in accordance with the Kampala Convention and the Pinheiro Principles.</li> </ul>
9	Cooperation with National and International Humanitarian Partners	Private Voluntary Organisations Act.	<ul style="list-style-type: none"> <li>▪ Include in the mandate of the IDP focal institution discussed in Section 5, the obligation to foster links with domestic and non-domestic humanitarian agencies, and coordinate assistance from such organisations, particularly where State resources are insufficient for it to comply with its obligations to protect and assist IDPs under the Kampala Convention and other applicable legal and policy frameworks.</li> <li>▪ In compliance with its obligation under the Kampala Convention, the Minimum Essential Elements and the Supranational Normative Frameworks identified above, should specifically provide for mechanisms to waive or expedite bureaucratic procedures in relation to providing access from international humanitarian organisations into and around the country to locations where IDPs reside.</li> <li>▪ Should ensure that national law adheres to the Kampala Convention and the U.N. Guiding Principles by including the obligation to ensure the security of relief personnel and their equipment. Those, who attack humanitarian relief personnel and their material, transport and supplies, should face criminal punishment.</li> <li>▪ Put in place technical measures to facilitate the operations of legitimate humanitarian and development agencies which provide humanitarian assistance to, and facilitate the achievement of durable solutions for IDPs.</li> </ul>

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
10	Protection against Arbitrary Displacement	Constitution. Government of Zimbabwe, “National Housing Policy”.	<ul style="list-style-type: none"> <li>▪ Enact legislation strictly prohibiting all forms of arbitrary displacement including the instances explicitly foreseen in the relevant international and national documents, such as the Kampala Convention and U.N. Guiding Principles, and establish a system of legal redress for victims of arbitrary displacement.</li> <li>▪ Create binding legislation enacting the National Housing Policy’s obligation that the Government facilitate alternative shelter before effecting evictions, respect all procedural guarantees set out in Principle 7 of the U.N. Guiding Principles and explicitly stating that evictions without alternatives violate Section 74 of the Constitution.</li> <li>▪ Enact legislation to penalise arbitrary displacement under circumstances in which it amounts to a crime against humanity or a war crime in accordance with the Kampala Convention.</li> </ul>
11	Reduction of the Risks of Displacement and Mitigation of Displacement-related Concerns in the Event of a Disaster	Civil Protection Act. Constitution.	<ul style="list-style-type: none"> <li>▪ Either amend the Civil Protection Act to include IDP protection specifically mandating that evacuations during a disaster are limited to the health and safety requirements of the affected population, or ensure that enabling legislation for the Kampala Convention provides for this.</li> <li>▪ Implement legislation that ensures durable solutions for IDPs that have been displaced by disasters, which take into account the resilience of resettled, reintegrated, or returned communities and to minimise the risks of future displacement.</li> <li>▪ Devote significant resources to inclusive DRM/DRR activities, and ensures that the Civil Protection Fund is adequately resourced. There should also be full cooperation with international humanitarian and development actors and civil society in disaster preparedness, and efforts to fully implement the Hyogo Framework for Action 2005 – 2015.</li> </ul>
12	Ensuring Human Rights in the Event of Development-induced Displacement	Constitution. Environmental Management Act. Mines and Minerals Act.	<ul style="list-style-type: none"> <li>▪ Amend the relevant legislation governing development projects, specifically the Mines and Minerals Act and the Environmental Management Act, to specifically address displacement and protecting the rights of IDPs, as required by the Kampala Convention.</li> <li>▪ Amend domestic legislation to include an obligation to search for alternatives to displacement in the implementation of development projects and introducing necessity and proportionality standards in development legislation could help balance the rights of investors and the State’s interests with the rights of IDPs. This would also bring legislation in line with the Supranational Normative Frameworks for IDP protection.</li> <li>▪ Develop legal provisions specifying the public interest grounds that may justify relocation, the procedures by which displacement is to be effected in relation to development projects, the scope of compensation and the right to administrative/judicial review.</li> </ul>

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
13	Freedom of Movement	Civil Protection Act. Constitution. Land Acquisition Act. Mines and Minerals Act.	<ul style="list-style-type: none"> <li>▪ Implement legislation which guarantees the right of freedom of movement specifically to IDPs, including the right of IDPs to circulate freely and seek safety in another part of the country, and the right to choose one's residence.</li> <li>▪ Clarify in legislation the specific application of the prohibitions on arbitrary arrest and detention of IDPs, which would include confinement in camps and that if such confinement or internment is necessary, it should not last longer than required by the circumstances.</li> <li>▪ Adopt implementing legislation for the Kampala Convention which contains specific provisions setting out a duty to promote and create conditions for voluntary return, local integration or settlement elsewhere in the circumstances of safety and dignity.</li> <li>▪ Implement legislation whereby competent authorities make special efforts to ensure the full participation of IDPs in the planning and management of their return or resettlement and reintegration. This legislation should include specific protections against involuntary movements of IDPs.</li> </ul>
14	Family Life	Births and Deaths Registration Act. Burial and Cremation Act. Children's Act. Constitution. Missing Persons Act.	<ul style="list-style-type: none"> <li>▪ Enact provisions in relevant legislation guaranteeing the right to family life and family unity of, and providing assistance to, all IDPs separated from family members, including vulnerable populations, such as children, women, the elderly, and those with special needs.</li> </ul>
15	Recognition, Issuance and Replacement of Documents	Citizenship of Zimbabwe Act. Constitution. National Registration Act.	<ul style="list-style-type: none"> <li>▪ Amend the Citizenship of Zimbabwe Act to comply with the relevant provisions set out in the Constitution.</li> <li>▪ Make the requirements for registration in the National Registration Act more flexible so as to avoid imposing 'unreasonable conditions' for IDPs.</li> <li>▪ Subsidise or even makes free the fees set for issuing identification documentation to IDPs, which are generally perceived as too high and beyond the reach of many Zimbabweans.</li> <li>▪ Should provide that failure to proceed to registration (or, on the part of IDPs, to comply with registration requirement) will not impair access to the protection/assistance required by IDPs.</li> <li>▪ Create and maintain an updated register of IDPs within their jurisdiction, in accordance with the Kampala Convention.</li> </ul>

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
16	Property and Possessions	Constitution. Environmental Management Act. Housing Standards Control Act. Regional Town and Country Planning Act. Rural Districts Council Act. Urban Councils Act. Urban Councils Amendment Bill.	<ul style="list-style-type: none"> <li>▪ Reaffirm in a law relating to IDPs their right to have restored to them any housing, land and/or property of which they were deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore, clarifying that right to such restitution is held by IDPs whether or not they return to their former homes.</li> <li>▪ Create a legal obligation for the Government to provide viable alternatives before engaging in demolitions or evictions.</li> </ul>
17	Electoral Rights	Constitution. Electoral Act. Electoral Amendment Act. SI 2013-85.	<ul style="list-style-type: none"> <li>▪ Provide simplified absentee voting procedures to allow IDPs to vote in their constituency of former residence.</li> <li>▪ Provide procedures allowing issuance of documentation required for registration purposes outside IDPs' constituency of former residence.</li> <li>▪ Provide a specific exception to the 12-month absence rule to allow IDPs to remain on the electoral roll in their constituency of former residence if they wish.</li> <li>▪ Provide simplified procedures for IDPs to register to vote in their constituency of displacement (the Electoral Act would allow for simplified registration procedures to be prescribed for IDPs without a change to the legislation).</li> </ul>
18	Food	Constitution. Government of Zimbabwe, "Zimbabwe Agenda for Sustainable Socio-Economic Transformation."	<ul style="list-style-type: none"> <li>▪ Acknowledge in new legislation and regulation relating to IDPs the right of IDPs to adequate food, considering the special needs of women, children, the vulnerable and people suffering from incapacities.</li> <li>▪ Include in the mandate of the IDP focal institution, the procurement, storage and distribution of food to IDPs or coordination thereof, and allocating the assignment of sufficient funds for this purpose.</li> <li>▪ Eliminate any obstacle hindering the sourcing of food for domestic consumption.</li> </ul>
19	Water and Hygiene	Constitution. Public Health Act. Water Act.	<ul style="list-style-type: none"> <li>▪ Zimbabwean legislation should include a specific section on IDPs within communities to ensure they have access to the water supplies allocated to that area by public or private authorities. IDPs should be able to access essential water supplies free of charge or at a subsidised rate if they are unable to afford water and sanitation facilities sufficient to meet their basic needs.</li> </ul>

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
20	Basic Shelter and Adequate housing	Constitution. Government of Zimbabwe, "National Housing Policy". Government of Zimbabwe, "Zimbabwe Agenda for Sustainable Socio-Economic Transformation". Housing Standards and Control Act. Regional Town and Country Planning Act. Rural Districts Councils Act. Urban Councils Act. Urban Councils Amendment Bill.	<ul style="list-style-type: none"> <li>▪ Pass legislation guaranteeing that IDPs receive adequate housing during and after displacement.</li> <li>▪ Ensure, in particular, that development-induced displacement and other evictions are accompanied by a viable resettlement programme ensuring that IDPs do not become homeless.</li> <li>▪ Promote security of tenure for IDPs by reforming out-dated laws that contribute to insecurity of tenure.</li> </ul>
21	Health	Constitution. Housing Standards Control Act. Public Health Act. Water Act. Medical Services Act.	<ul style="list-style-type: none"> <li>▪ Enact domestic law that protects IDPs' right to health, in compliance with the Kampala Convention. In particular, such legislation should comply with the Minimum Essential Element by incorporating mechanics to identify and prioritise groups with particular vulnerabilities and needs, and the U.N. Guiding Principles in providing for the protection of the rights of vulnerable groups within the IDP community, including the sexual health of displaced women and psycho-social support for individuals subject to the increased threat of gender-based violence and sexual assault as a result of their displacement. Such law should obligate the State to provide IDPs with access to treatment rather than placing the onus on IDPs to source their own treatment.</li> <li>▪ Include in the mandate of the IDP focal institution, the responsibility for ensuring that health services available to the general population are provided to IDPs in cases where IDPs cannot easily access such services, and that the particular health vulnerabilities that accompany displacement are addressed by national health legislation and policy.</li> </ul>

No.	Thematic Section	Relevant Zimbabwean Legal and Policy Sources	Recommendations
22	Employment, Economic Activities and Social Protection Programmes	Children's Act. Constitution. Labour Act. Social Welfare Assistance Act.	<ul style="list-style-type: none"> <li>▪ Include in the mandate of the IDP focal institution the promotion of IDPs' access to employment ensuring the right of IDPs to be protected from discrimination in all areas of employment and economic activity as well as their protection from exploitation.</li> <li>▪ Take steps to remove practical barriers that prevent IDPs from accessing employment or social protection programmes (such as requirements for documents to prove status or residence requirements).</li> </ul>
23	Education	Constitution. Education Act.	<ul style="list-style-type: none"> <li>▪ Enact domestic law that protects IDPs' right to health, in compliance with the Kampala Convention. In particular, such legislation should comply with the Minimum Essential Element by incorporating mechanics to identify and prioritise groups with particular vulnerabilities and needs, and the U.N. Guiding Principles in providing for the protection of the rights of vulnerable groups within the IDP community, including the sexual health of displaced women and psycho-social support for individuals subject to the increased threat of gender-based violence and sexual assault as a result of their displacement. Such law should obligate the State to provide IDPs with access to treatment rather than placing the onus on IDPs to source their own treatment.</li> <li>▪ Include in the mandate of the IDP focal institution, the responsibility for ensuring that health services available to the general population are provided to IDPs in cases where IDPs cannot easily access such services, and that the particular health vulnerabilities that accompany displacement are addressed by national health legislation and policy.</li> </ul>

## Notes

1. Mooney, "CAR Report". This "legal audit" of legislation in the Central African Republic was commissioned by the Representative of the United Nations Secretary-General on the Human Rights of IDPs and UNHCR in 2010, to provide technical assistance to the Government of the Central African Republic in line with its obligations under the Great Lakes Pact and other Great Lakes Instruments.
2. Global Political Agreement. The Global Political Agreement gave way to the formation of the GNU in Zimbabwe. Article 16.4(c) states that "all displaced persons be entitled to humanitarian and food assistance to enable them to return and settle in their original homes and that social welfare organisations shall be allowed to render such assistance as may be required." Under Article 18.5(h) the parties agree "to work together to ensure the safety of any displaced persons, their safe return home and their full enjoyment of the protection of the law."
3. Memorandum of Understanding, Article 10(i)(d) entitled "Interim measures" states: "The Parties agree that [...] they will work together to ensure the safety of any displaced persons and their safe return home and that humanitarian and social welfare organisations are enabled to render such assistance as might be required."
4. UNOCHA, "2009 Consolidated Appeal", p. 36.
5. Zimbabwe National Contingency Plan, December 2012 – November 2013, p. 6.
6. Zimbabwe Medium Term Plan 2011 – 2015, p. 16.
7. Zimbabwe Medium Term Plan 2011 – 2015, pp. 137 – 139.
8. Zimbabwe Medium Term Plan 2011 – 2015, pp. 161 – 163.
9. U.N. Human Rights Council, "Adequate Housing Report", III(A)(6).
10. Rakodi, and Mutizwa-Mangiza, "Housing Policy, Production and Consumption in Harare", p. 10.
11. See, e.g., Sithole, "Polluted Water Brings Disease to Rural Zimbabwe"; Mahove, "Zimbabwe: Displaced Farm Workers Face Crisis"; Martin and Lari, "Zimbabwe, Humanitarian Access Denied".
12. ZIMSTAT, "Multiple Indicator Cluster Survey 2014, Key Findings".
13. Erin Mooney, "Examen du cadre normatif de la République Centrafricaine relatif à la protection des personnes déplacées à l'intérieur de leur propre pays", Brookings Institution, University of Bern, "Project on Internal Displacement", February 2011.
14. Brookings Institution – University of Bern, "Protecting Internally Displaced Persons: A Manual for Law and Policymakers", October 2008.
15. Manual, Annex III.
16. For the purposes of this report, the following two themes were not addressed as standalone chapters: (i) "Provide for Measures that Cover All Three Phases of Displacement"; and (ii) "Humanitarian Aid in General".
17. African Union "African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa", 23 October 2009 (Kampala Convention).
18. IDMC, "Annual Report 2014".
19. African Union, "List of Countries which have Signed, Ratified/Accessed to the Kampala Convention".
20. African Union, "List of Countries which have Signed, Ratified/Accessed to the Kampala Convention".
21. Kampala Convention, Preamble.
22. Kampala Convention, Articles 1 and 3.
23. Kampala Convention, Articles 1 and 4.
24. Kampala Convention, Article 3(2)(a).
25. African Union, "Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa", 23 October 2009 (Kampala Declaration).
26. African Union, "Recommendations of the African Union Experts and Ministers in Charge of Forced Displacement Matters", 2009.
27. Kampala Declaration, Paragraph 1.
28. The United Nations Guiding Principles on Internal Displacement, Preface to the Revised Edition, September 2004.
29. Kälin, "Guiding Principles on Internal Displacement: Annotations", American Society of International Law and Brookings Institution, 2008, p. viii; Kälin, "How Hard is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework", p. 6.
30. Kälin, "Guiding Principles on Internal Displacement: Annotations", p. vii; Cohen, "Strengthening Protection of IDPs: The U.N.'s Role", p. 103.
31. U.N. General Assembly, "Resolution adopted by the General Assembly 60/1. World Summit Outcome", Paragraph 132.
32. Kampala Convention, Preamble.
33. Kälin, "Guiding Principles on Internal Displacement: Annotations", p. 2.
34. U.N. Guiding Principles, Principles 3 and 25.
35. U.N. Guiding Principles, Principle 6.
36. ICGLR, "Concept Note".
37. ICGLR, "Concept Note". Zimbabwe participated in

the negotiations that led to the Pact, described below. While not formally bound by the Great Lakes Instruments, co-opted membership gives an indication of support for the general framework of the Pact. See Kigozi, “Comparison of the Kampala Convention and the IDP Protocol of the Great Lakes Pact”.

38. ICGLR, “Dar Es Salaam Declaration on Peace, Security, Democracy, and Development”, 19 – 20 November 2004 (ICGLR, “Dar Es Salaam Declaration”).
39. ICGLR, “The Republic of South Sudan raised its flag at ICGLR headquarters”.
40. ICGLR, “Dar Es Salaam Declaration”.
41. ICGLR, “Pact on Security, Stability and Development in the Great Lakes Region”, 14 – 15 December 2006.
42. ICGLR, “Concept Note”.
43. ICGLR, “Protocol on the Protection and Assistance to Internally Displaced Persons”, 30 November 2006.
44. ICGLR, “Protocol on the Property Rights of Returning Persons”, 30 November 2006/
45. Centre on Housing Rights and Evictions, “The Pinheiro Principles: United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons” (Pinheiro Principles).
46. Pinheiro Principles Handbook.
47. Pinheiro Principles Handbook, p. 10.
48. Pinheiro Principles Handbook, pp. 24 – 25.
49. Pinheiro Principle 2.1 “All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal”.
50. Pinheiro Principles, 2.2.
51. Organisation of African Unity, “African Charter on Human and Peoples’ Rights”, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981 (African Charter on Human and Peoples’ Rights).
52. ThinkAfricaPress, “5: Understanding the African Charter on Human and Peoples’ Rights”.
53. ACHPR, “Ratification Table: African Charter on Human and Peoples’ Rights”.
54. Mandate of the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons.
55. African Union Constitutive Act.
56. Brookings Institution – University of Bern, “Protecting Internally Displaced Persons: A Manual for Law and Policymakers”, October 2008 (Manual).
57. Manual, Introduction (1).
58. Manual, Structure of the Chapters (7).
59. UNHCR, “Internal Displacement: Responsibility and Action”, Handbook for Parliamentarians No 20, 18 November 2013.
60. IDMC, Brookings Institution, “National Instruments on Internal Displacement: A Guide to their Development”, 2013.
61. U.N. General Assembly, “International Covenant on Civil and Political Rights”, 16 December 1966.
62. U.N. General Assembly, “International Covenant on Economic, Social and Cultural Rights”, 16 December 1966.
63. U.N. General Assembly, “Convention on the Rights of the Child”, 20 November 1989.
64. U.N. General Assembly, “Convention on the Elimination of All Forms of Discrimination Against Women”, 18 December 1979.
65. UNICEF, “The Paris Principles. Principles and Guidelines on Children Associated With Armed Forces or Armed Groups”, February 2007.
66. U.N. Development-Based Evictions Guidelines.
67. United Nations, “The Hyogo Framework for Action 2005 – 2015: Building the Resilience of Nations and Communities to Disasters”.
68. SADC Disaster Risk Management Strategy 2012 – 2015.
69. U.N. Human Rights Council, “Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context, Raquel Rolnik”, 30 December 2013 (U.N. Human Rights Council, “Adequate Housing Report”).
70. FAO, “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”, 2012.
71. SADC, “Protocol on Education and Training”, 1997.
72. African Union, Draft “African Union Model Law for the Implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa” (Draft African Union Model Law).
73. Draft African Union Model Law, Article 61.
74. It is suggested that this clause should be refined, if enacted in Zimbabwe, to provide that only the offending provisions, and not the instrument as a whole, should be deemed repealed.
75. Draft African Union Model Law, Article 3.
76. Draft African Union Model Law, Article 4.
77. Draft African Union Model Law, Article 5.
78. Draft African Union Model Law, Article 26.
79. Draft African Union Model Law, Article 27.
80. Criminal Law (Codification and Reform) Act. For a comprehensive review of the Zimbabwean legal system, see Saki & Chiware, “The Law in Zimbabwe”.
81. Constitution, Section 2.
82. Constitution, Preamble.
83. Constitution, Sections 48, 49, 51, 52, 57, 58, 66, 71, 75, 76 and 77.
84. Kampala Convention, Articles 7 and 9.
85. Constitution, Section 56.
86. Kampala Convention, Article 9.
87. Kampala Convention, Article 2(a).

88. Constitution, Section 34.
89. Constitution, Section 327(2)(b): “[a]n international treaty which has been concluded or executed by the President or under the President’s authority [...] does not form part of the law of Zimbabwe unless it has been incorporated into the law through an Act of Parliament”.
90. Constitution, Section 326 (2).
91. Constitution, Section 326 (1).
92. ICRC, “Customary International Humanitarian Law Volume I: Rules”.
93. African Union, IDMC, “The Kampala Convention One Year On”, p. 16.
94. African Union, IDMC, “The Kampala Convention One Year On”, pp. 6 – 7.
95. The Brookings-IDMC Guide mentions the following advantages to an IDP Law: the particular circumstances of a country are addressed in a comprehensive and consistent manner, the risk of unaddressed protection gaps is reduced, more flexibility is provided in terms of scope and format, and it is easier to monitor implementation.
96. The disadvantages inherent to this approach are that “the cross-cutting nature of such an instrument means many ministries and government bodies need to be involved, which may cause delay or difficulties in fostering national ownership of the new instrument; there may be more barriers to the creation of such an instrument (IDMC, Brookings Institution, “National Instruments on Internal Displacement”, p. 33).
97. See, e.g. Norms on the Resettlement of the Internally Displaced Populations..
98. Wyndham, “A developing trend: laws and policies on internal displacement”.
99. Brookings Institution, “IDP Laws and Policies Index”.

# About IDMC

The Internal Displacement Monitoring Centre (IDMC) is the leading source of information and analysis on internal displacement. For the millions of people worldwide displaced within their own country, IDMC plays a unique role as a global monitor and evidence-based advocate to influence policy and action by governments, UN agencies, donors, international organisations and NGOs.

IDMC was established in 1998 at the request of the Interagency Standing Committee on humanitarian assistance. Since then, IDMC's unique global function has been recognised and reiterated in annual UN General Assembly resolutions.

IDMC is part of the Norwegian Refugee Council (NRC), an independent, non-governmental humanitarian organisation.

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