

TRAINING PACKAGE

Capacity building on law and policy-making on internal displacement

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This training package was developed by the global protection cluster (GPC)'s task team on law and policy to support those involved in the development of national instruments on internal displacement. Based on a participatory methodology, it is a seven-step journey from preparation to implementation that puts national contexts at the heart of the discussion and embraces a human rights-based approach to the issue. The workshop's goal is to produce an action plan on the development and implementation of a national instrument designed by the participants during the last session.

Background

The 1998 Guiding Principles on Internal Displacement are widely recognised as the primary international framework on IDPs' assistance and protection. The 2006 Pact on Security, Stability and Development in Africa's Great Lakes Region (Great Lakes Pact) and its protocol on IDPs were the first legally-binding instruments on their protection and oblige member states to domesticate the Guiding Principles. Other regional organisations, such as the Council of Europe (CoE) and the Organisation of American States, have also called on their member states to develop national laws and policies on internal displacement in line with the Guiding Principles. The adoption of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in 2009 marked another milestone in the development of normative standards for IDPs' protection.

The number of countries to develop national laws or policies in line with these instruments is growing. They have done so for many reasons, including recognition that addressing and resolving internal displacement is a long-term and complex process that requires a sound legal and policy basis with necessary commitments in terms of capacity. More countries need to be encouraged and supported in doing likewise. National law and policy-making is an inherently sovereign task and part of a states' primary responsibility towards its displaced population, but the process often requires technical or training support.

Since 2008, the international community has developed three applicable tools. A manual for law and policy-makers that covers the content of a national instrument on internal

displacement, a guide to the various steps in the development of such an instrument and a handbook that addresses the role of parliamentarians. The training package focuses on the use of these tools in national contexts with a view to building capacity on law and policy-making and supporting consultative processes.¹

This training module focusing on the drafting and adoption of national instruments, and will also form part of the Friends of Kampala group's support for the domestication of the Kampala Convention.

Aim

The aim of the training package is to provide those involved in law and policy-making at the national and regional level with the technical skills in terms of process and content required for their work. National instruments on internal displacement aim to contribute to its prevention, the protection of IDPs and other people affected by displacement and the achievement of durable solutions.

Targets

a. Countries

The workshop should be held in countries approaching or already engaged in the institutional processes of developing a national instrument on internal displacement, and which require additional support in the planning phases or in the definition of their outputs.²

b. Participants

The workshop is intended for public institutions at the national and local level, humanitarian and development agencies, civil society organisations (CSOs) and associations working with and for IDPs. Candidates should be selected by the participating entities based on their potential role in developing, adopting and implementing legal or policy frameworks on displacement.

- 1 Brookings Bern, Protecting Internally Displaced Persons: A Manual for Law and Policy Makers, October 2008, available at: <http://goo.gl/6r4ubn>; IDMC/Brookings, National Instruments on Internal Displacement: A Guide to their Development, August 2013, available at: <http://goo.gl/Ok44ZV>; UNHCR/IPU, Internal Displacement: Responsibility and Action, handbook for parliamentarians, October 2013, available at: <http://goo.gl/Dvyq2A>
- 2 Regional workshops could also be envisaged targeting a diversified audience including MPs' regional networks and officials from AU and regional economic communities (RECs)

The profile of potential candidates ranges from ministry staff, MPs, government drafters and staff at CSOs and international humanitarian and development agencies who could potentially support such a process. Prior knowledge of the basics of IDPs' protection should be encouraged.

Structure and duration

The workshop should be delivered in 2.5 to three days.

Following a general introduction on internal displacement, participants present their national context and lay out the scenario. They then work through four main modules:

1. **Standards:** Analysis of their country's obligations towards IDPs under the international and regional legal frameworks
2. **National context:** Examination of the situation and assessment of the various steps of a national response
3. **Process and content:**
 - a. Preparation and application of the process
 - b. Stages: drafting, consultation, validation and adoption
 - c. Implementation: planning and coordination, knowledge and capacities, and monitoring and evaluation

Discussions and practical exercises are planned on decisions regarding the process, scope, format, type and content of a national instrument on internal displacement most applicable to the country in question.

Action plan: Based on the outcomes of the first three sessions, participants set out a national action plan for the development of their national instrument, including the assignment of roles and responsibilities.

The overall package follows a modular structure, into which a broad set of sessions can be plugged according to the needs of the country in question.

The structure and outputs of regional workshops would probably differ to some extent from the ones foreseen for national participants, but they would rely on the same concepts, notions, legal frameworks and instruments.

Depending on the participants and given the package's modular structure, the workshop can be shortened if needs be.

Methodology

The workshop includes a mix of presentations, problem-solving exercises, discussions and other participatory training techniques to address different learning styles and set participants on a learning path that leads to a practical output.

Country examples, cases of good practice and extracts of existing laws and policies are given to participants during presentations and as handouts, with a view to encouraging the sharing of experience.

The sources below are used during the exercises and group work to guide participants on process and content:

- Guiding Principles on Internal Displacement, 1998
- Great Lakes protocol on IDPs' protection and assistance, 2006
- Kampala Convention, 2009
- CoE committee of ministers' recommendation (2006)6 on IDPs
- Brookings-Bern framework for national responsibility, August 2005

- IASC operational guidelines on protection in situations of natural disasters, January 2011
- IASC framework on durable solutions for IDPs, April 2010
- Protecting Internally Displaced Persons: A Manual for Law and Policy Makers, Brookings-Bern, October 2008
- National Instruments on Internal Displacement: A Guide to their Development, IDMC-Norwegian Refugee Council/Brookings-London School of Economics (LSE), August 2013
- Internal Displacement: Responsibility and Action, UN Refugee Agency (UNHCR)-Inter-Parliamentary Union (IPU) handbook, October 2013