

Making the Kampala Convention work for IDPs

Guide for civil society on supporting the ratification and implementation of the *Convention for the Protection and Assistance of Internally Displaced Persons in Africa*



African Union
Economic, Social
and Cultural Council
(ECOSOCC)

iDMC internal
displacement
monitoring
centre

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Cover photo: Internally displaced people in Kenya in November 2009.
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The Economic, Social and Cultural Council (ECOSOCC) of the African Union

ECOSOCC is one of the principal mechanisms for African civil society organisations to interact with the AU Commission and AU member states. It was established under the Constitutive Act of the African Union as an advisory organ of the AU. ECOSOCC is composed of 150 civil society organisations from all AU member states. Its objectives include:

- Promoting the participation of African civil society in the implementation of the policies and programmes of the African Union;
- Forging strong partnerships between governments and all segments of civil society;
- Promoting and defending a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice;
- Promoting and strengthening the institutional, human and operational capacities of African civil society.

The Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.


IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.



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Abbreviations and acronyms

ACHPR – African Commission on Human and Peoples' Rights
EALA – East African Legislative Union
AU – African Union
AWEPA – Association of European Parliamentarians with Africa
CCAR – Coordinating Committee on Assistance and Protection to Refugees, Returnees and Internally Displaced Persons
CENSAD – Community of Sahel-Saharan States
CIDO – Citizens and Diaspora Organisations Directorate
COMESA – Common Market for Eastern and Southern Africa
CBO – Community-based organisation
CSO – Civil society organisation
EAC – East African Community
ECCAS – Economic Community of Central African States
ECOSOCC – Economic, Social and Cultural Council
ECOWAS – Economic Community of West African States
FBO – Faith-based organisation
HARDP – Humanitarian Affairs, Refugees and Displaced Persons Division
ICGLR – International Conference on the Great Lakes Region
IDMC – Internal Displacement Monitoring Centre
IDP – Internally displaced person
IGAD – Intergovernmental Authority for Development
IPU – Inter-Parliamentary Union
NGO – Non-governmental organisation
NHRI – National human rights institution
OAU – Organization of African Unity
PRC – Permanent Representatives' Committee
REC – Regional Economic Community
RSG on IDPs – Representative of the UN Secretary-General on the human rights of IDPs
SADC – Southern African Development Community
UMA – Arab Maghreb Union (Union du Maghreb Arabe)
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees

Foreword

One of the fundamental objectives of the African Union is to promote and protect human rights (Constitutive Act of the African Union, Article 3(h)). By adopting the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), the African Union has taken a vital step to strengthen the protection of the rights of some of the most vulnerable people on the continent. Whether displacement is caused by armed conflicts, natural disasters, or development projects, its impact on people is invariably severe. Displacement affects all aspects of people's lives, from access to food, water and shelter to access to basic services such as health and education, and from livelihoods to access to land. The Kampala Convention puts in place an African legal framework to prevent internal displacement, to protect and assist people during displacement, and to provide durable solutions for displaced people.

By adopting the Kampala Convention, the African Union has become the first continental organisation in the world to adopt a legally binding instrument to protect the rights of IDPs. The Kampala Convention is unique in another aspect too, in that it recognises the crucial role of civil society in providing protection and assistance to IDPs. Host communities, faith-based organisations and NGOs are often at the forefront of efforts to provide emergency relief to newly-displaced populations, and to advocate for their rights. The Kampala Convention calls on signatory States to cooperate with civil society organisations in providing protection and assistance to IDPs, and to enable and facilitate the role of civil society organisations to provide such protection and assistance.

In my role as ECOSOCC's Presiding Officer, I would like to congratulate ECOSOCC's Political Affairs Cluster on developing this Guide for civil society organisations on making the Kampala Convention work for IDPs. The Economic, Social and Cultural Council (ECOSOCC), as the AU organ representing African civil society, looks forward to working closely with the other organs of the African Union and AU Member States to ensure that the Kampala Convention has the impact it deserves to have. It is my hope that this Guide will encourage civil society organisations in all Member States to play their part in the promotion and protection of IDPs' rights.



Akere T. Muna,
Presiding Officer of the Africa Union Economic,
Social, and Cultural Council (ECOSOCC)



Introduction

1.1 The causes and impact of internal displacement in Africa

Internal displacement can result from many different causes. Internally displaced people (IDPs) may have had to flee their homes as a result of natural disasters such as floods or earthquakes, or because of armed conflicts between states, civil wars, situations of generalised violence or human rights violations. Displacement may also be caused by projects that are regulated by states, such as urban development programmes, the creation of industrial parks, infrastructure projects such as roads, bridges and dams, or industrial processes such as natural resource extraction.

Displacement tends to make people vulnerable to a number of threats. Having been obliged to leave their homes and sometimes their land, IDPs are often deprived of their livelihoods. They may have no choice but to live in isolated, insecure or inhospitable areas. They may be victims or witnesses of violence such as killings, rape or forced recruitment into fighting forces. They may have been separated from their families or continue to fear for the safety of family members left behind. IDPs who fled without civil status documents such as birth certificates or identity cards may not be able to access social services such as school and medical care, or to move freely within the country. Their situation may become worse in situations where they are displaced for many years and can neither return to their original home nor find another place to rebuild their lives.

It is impossible to estimate the number of IDPs worldwide because, with the exception of displacement due to conflict and violence, there is no global monitoring of displacement caused by all these different factors. It is estimated that at the end of 2009, 27.1 million people

were living in displacement worldwide as a result of on-going and new conflicts and violence, with Africa being the most affected continent with 11.6 million IDPs in 21 countries.¹ A 2009 report indicated that at least 36 million people were newly displaced in 2008 by sudden-onset natural disasters, but did not make an estimate of the number of people who remained displaced by disasters that had taken place in previous years.² The number of people displaced worldwide by large-scale infrastructure projects and other development projects is not known, but is thought to be higher.

In the early 1990s, the increasing number of internal conflicts and internally displaced people caused the United Nations (UN) to examine their situation more closely.³ Since then, the international community has paid increasing attention to the very different treatment and assistance afforded to refugees who crossed international borders because of persecution, war or generalised violence, and IDPs displaced by similar causes, who have not crossed an international border. From 1992, the first Representative of the UN Secretary-General on IDPs (the RSG on IDPs), Dr. Francis Deng, carried out comprehensive studies of international law to clarify how human rights and humanitarian law apply to IDPs. Taking into account refugee protection principles, the RSG on IDPs released the Guiding Principles on Internal Displacement (the Guiding Principles) in 1998.⁴

The Guiding Principles address situations of displacement caused by armed conflict, violence, disasters and development projects; they define who is an internally displaced person⁵ and highlight how internal displacement often results from or leads to violations of existing international humanitarian and human rights law. They reflect states' responsibilities to respect and ensure respect for the rights of IDPs. These include preventing

Kampala Convention, Preamble:

"We, the Heads of State and Government of the Member States of the African Union:

[...]

Recognising the inherent rights of internally displaced persons as provided for and protected in international human rights and humanitarian law and as set out in the 1998 United Nations Guiding Principles on Internal Displacement, which are recognised as an important international framework for the protection of internally displaced persons [...]"

displacement and minimising its effects, protecting and assisting IDPs during the phase of displacement and creating conditions for their safe return or settlement elsewhere in the country as well as their reintegration into society. The purpose of the Guiding Principles is not to create new legal norms but rather to give guidance on how to apply universal rights and guarantees to the specific situation of IDPs, and so help states to fulfil their obligations.

Historically, many African states have experienced forced population displacement, and many continue to do so. Over the past two decades the number of refugees in Africa has fallen, but the number of IDPs has not; today most of Africa's forcibly displaced people are internally displaced.⁶ States have therefore increasingly faced the need to respond to internal displacement of civilian populations. In 1969, the Organization of African Unity (OAU), as it then was, took the lead in addressing forced displacement at the continental level by adopting the Convention Governing the Specific Aspects of Refugee Problems in Africa. The OAU was the first regional organisation to adopt a binding instrument to specifically address the experience of refugees.

At a special summit in Kampala on 22-23 October 2009, the African Union (AU), successor to the OAU, again set a precedent in international law by adopting the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). Building on the Guiding Principles and the experiences, laws and policies of African states, the Kampala Convention provides a common legal framework for developing comprehensive responses to internal displacement. It represents an important milestone for the guarantee of IDPs' physical security and integrity, as well as IDPs' enjoyment of basic rights such as access to food, adequate housing, health care and education and their right to freely choose where to rebuild their lives – whether back home or in other parts of their country.

1.2 The role of African civil society and host communities in protecting and assisting IDPs

In many situations of displacement, host communities, community leaders and civil society organisations (CSOs), including community-based organisations (CBOs) and faith-based organisations (FBOs), are often the first to respond to the needs of IDPs and to help resolve disputes or tensions that arise in areas of displacement or return. The Kampala Convention explicitly sets out a role for CSOs, in all phases of displacement, thereby giving recognition to activities that CSOs have engaged in for many years.⁷ (For more detailed information about what the Convention states about cooperation with CSOs, see Chapter 3 of this Guide.)

Similarly, although the focus of attention is often on people gathered in camps or informal settlements with large-scale humanitarian aid operations, the vast majority of Africa's IDPs are in fact assisted by host communities, in rural or urban settings: ordinary people who are willing to share their homes and often limited resources with those in need. In some cases this assistance comes with risks: for example, in situations of armed conflict, helping IDPs may carry the risk of being perceived to be sympathising with one of the parties to the conflict.

“States Parties shall assess or facilitate the assessment of the needs and vulnerabilities of internally displaced persons and of host communities, in cooperation with international organizations or agencies.”
Kampala Convention, Article 5(5)

Over time, host communities that once welcomed displaced people with open arms may become less hospitable because there may not be enough food, water, jobs, schools or hospitals to meet the needs of an increased population. The Kampala Convention recognises the important roles that host communities play in protecting and assisting IDPs, and the burden this places on them.⁸ For example, the Convention calls for assessments of the needs of host communities as well as those of IDPs, and the extension of assistance to host and local communities where appropriate. These provisions are important to ensure that governments and aid organisations take steps to reinforce local infrastructures and social services to meet the needs of IDPs and host communities alike.

1.3 Purpose of the Guide

This Guide aims to identify ways for African CSOs to advocate with their governments for the ratification of the Kampala Convention and its incorporation into national law. It also gives guidance on how CSOs can use the Convention to contribute to effective protection and assistance of IDPs on the ground. It builds on examples of activities that CSOs have undertaken in the past to help prevent arbitrary displacement, to protect IDPs during displacement, and to help them find durable solutions.

The Guide is the result of a process of consultation with CSOs. An outline was presented at an AU CSO pre-summit meeting in Kampala in October 2009, organised by the AU's Economic, Social and Cultural Council (ECOSOCC) and its Citizens and Diaspora Organisations Directorate (CIDO). The outline was further discussed at a Round Table meeting in Kampala which brought together representatives of civil society, independent legal experts, the AU Commission, UN agencies and the International

Committee of the Red Cross (ICRC). Feedback and suggestions made at these meetings have been used to finalise the Guide.

1.4 Structure of the Guide

Chapter 1 of the Guide provides CSOs with background information about the causes and impact of internal displacement, about their roles and those of host communities in helping IDPs, and practical information about this Guide.

Chapter 2 highlights the developments that led to the signing of the ground-breaking Kampala Convention, including the Special Summit on Refugees, Returnees and IDPs and the AU CSO pre-summit meeting on internal displacement. It also discusses national and regional laws, policies and institutional mechanisms developed in Africa prior to the Convention to address internal displacement.

Chapter 3 discusses why the Kampala Convention is a precedent-setting development in international law and in what areas it provides a stronger and clearer legal basis for states and CSOs to protect and to promote the rights of IDPs.

Chapter 4 highlights some of the activities that CSOs can do to help ensure that the Kampala Convention is ratified without delay by states.

Chapter 5 provides examples of what CSOs can do to support the Convention's implementation, including the incorporation of the Convention into national laws and monitoring states' compliance with their obligations under the Convention.

2

Developments leading up to the Kampala Convention

Over many years, African states have worked with the AU, its partners in the UN, other intergovernmental organisations and CSOs, to address the protection needs of refugees and IDPs in Africa. The AU has taken a number of initiatives to consolidate peace in its member states, including through the deployment of peace support operations, the appointment of special envoys and special representatives, and the mobilisation of international support for post-conflict reconstruction. The AU has also adopted conventions and strategic policies that help peace to take deeper roots, address the causes of conflict and foster reconciliation. The AU Policy on Post-Conflict Reconstruction and Development, adopted in 2006, is an important example.

Building on these initiatives, and in keeping with the principle that Africa's problems need African solutions, the AU Executive Council set out in July 2004 to develop a legal framework for the protection of the rights of IDPs in Africa. Two years later a draft outline for an IDP convention was endorsed at a ministerial conference in Ouagadougou. After a series of states' meetings, consultations with African civil society and international partners, the draft convention on IDPs was adopted at a ministerial meeting in November 2008. The draft was discussed at a meeting of the AU and CSOs, and the following week, the final text of the Kampala Convention was adopted at a special summit held in Kampala on 22-23 October 2009. The Kampala Convention takes stock of national approaches including domestic laws and policies (discussed in section 2.1), as well as regional initiatives, such as the Pact on Security, Stability and Development in the Great Lakes Region (section 2.2).

For a detailed discussion of the provisions of the Kampala Convention, see Chapter 3 of this Guide.

2.1 National laws and policies

The primary duty for providing protection and humanitarian assistance to IDPs lies with states. The development of national laws, policies and strategies is an essential process by which states can ensure that they meet their obligations under international law. National legislation and policy can in turn provide a powerful basis for CSOs and IDPs to advocate for the protection of IDPs' full spectrum of rights – economic, social, cultural, civil and political.

The Kampala Convention addresses internal displacement comprehensively – that is, in relation to all causes of displacement and all phases of displacement – and requires states to incorporate their obligations under the Convention into domestic law.

“States Parties shall incorporate 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.”

Kampala Convention, Article 3(2)(a)

There is no one way to incorporate international obligations related to IDP protection into national laws and policies. But in all cases, two preliminary steps are necessary for the development of comprehensive and effective IDP laws or policies: assessing existing laws and policies that relate to different aspects of displacement, and identifying the causes and patterns of internal displacement. More than 20 countries worldwide have adopted national laws or policies to protect the rights of IDPs. African states were among the first to develop national laws and policies based on the Guiding Principles to better protect IDPs: Angola was the first in 2000, followed by Burundi (2001), Sierra Leone (2002), Liberia (2004), Uganda (2004) and Sudan (2009). Other states have draft IDP policies or laws, including Chad, Côte d'Ivoire, Kenya and Nigeria. Yet other states are using the Guiding Principles as the principal framework for addressing internal displacement.

The wide variety of existing IDP laws and policies reflect the different approaches taken by states to address internal displacement. These include:

- A brief instrument adopting the text of the Guiding Principles (such as in Liberia).
- A law or policy addressing a specific phase of displacement, such as return, resettlement and reintegration (such as in Angola, Burundi and Sierra Leone), or addressing a specific cause of displacement, such as natural disasters.
- A law or policy that elaborates on one or more specific rights of displaced people, such as the right to restitution and compensation for lost property. The Great Lakes Pact's Protocol on the Property Rights of Returning Refugees and IDPs discussed in section 2.2 is an example.

- A comprehensive law or policy addressing all causes (disasters, conflict, generalised violence, human rights violations, development projects) and all phases of internal displacement (prevention of displacement, protection during displacement, and creation of conditions for return or settlement elsewhere in the country and reintegration). This is the case with Uganda's National Policy for Internally Displaced Persons.

Something that IDP laws and policies generally have in common is that they clarify institutional responsibilities for national action and coordination in relation to internal displacement. In different countries this has been done in different ways, for example: by charging existing agencies with assistance and coordination on internal displacement issues; by creating new agencies or offices, often at the level of the President's or Prime Minister's Office; or by creating inter-agency task forces to ensure collaboration between all involved ministries and agencies. The identification of institutional responsibilities has proved to be important in providing IDPs and CSOs advocating on their behalf with an interlocutor and a forum for sharing information, raising concerns and finding ways to overcome barriers to effective protection and assistance. The Kampala Convention codifies this practice by requiring states to identify a national authority or body responsible for responding to internal displacement and cooperating with CSOs.⁹

In addition to advocating and liaising directly with governments in the development or review of national IDP laws and policies, CSOs can share their expertise and experience with national human rights institutions (NHRIs), which often have an important advisory role in relation to human rights-related legislation and policy. For more guidance, see the box on resources for developing national laws, policies and strategies in this chapter, and generally Chapter 5 of this Guide.

2.2 Pact on Security, Stability and Development in the Great Lakes Region

In response to some of the specific challenges faced by the countries of Africa's Great Lakes region, the AU and the UN initiated the International Conference on the Great Lakes Region (ICGLR). This process was founded on a recognition of the interconnectedness of the region's populations, its security and economies, and the need to seek regional solutions to issues affecting the entire region. The process culminated in the signing by 11 states of the Pact on Security, Stability and Development in the Great Lakes Region (the Great Lakes Pact) in December 2006. The Pact entered into force in June 2008 and has now been ratified by ten ICGLR member states.

The Great Lakes Pact comprises not only the Pact itself as the primary instrument but the 2004 Dar es Salaam Declaration, ten protocols, four programmes of action and a set of implementing mechanisms and institutions (including the Special Fund for Reconstruction and Development). These instruments reflect an ambitious package of undertakings by member states on issues ranging from economic integration to defence, development and human rights.

The Pact identifies four priority areas: economic development and regional integration; democracy and good governance; humanitarian and social issues; and peace and security. Central to the Pact are the ten protocols, which lay out more concrete legal frameworks for achieving the goals set out in the four priority areas. Two of these protocols deal specifically with protecting the rights of forcibly displaced people: the Protocol on the Protection and Assistance to Internally Displaced Persons (IDP Protocol), and the Protocol on the Property Rights of Returning Populations (Property Protocol). The adoption of these two protocols was a significant recognition by member states of the crucial link between protecting the rights of forcibly displaced people and achieving peace, security and development in the Great Lakes region.

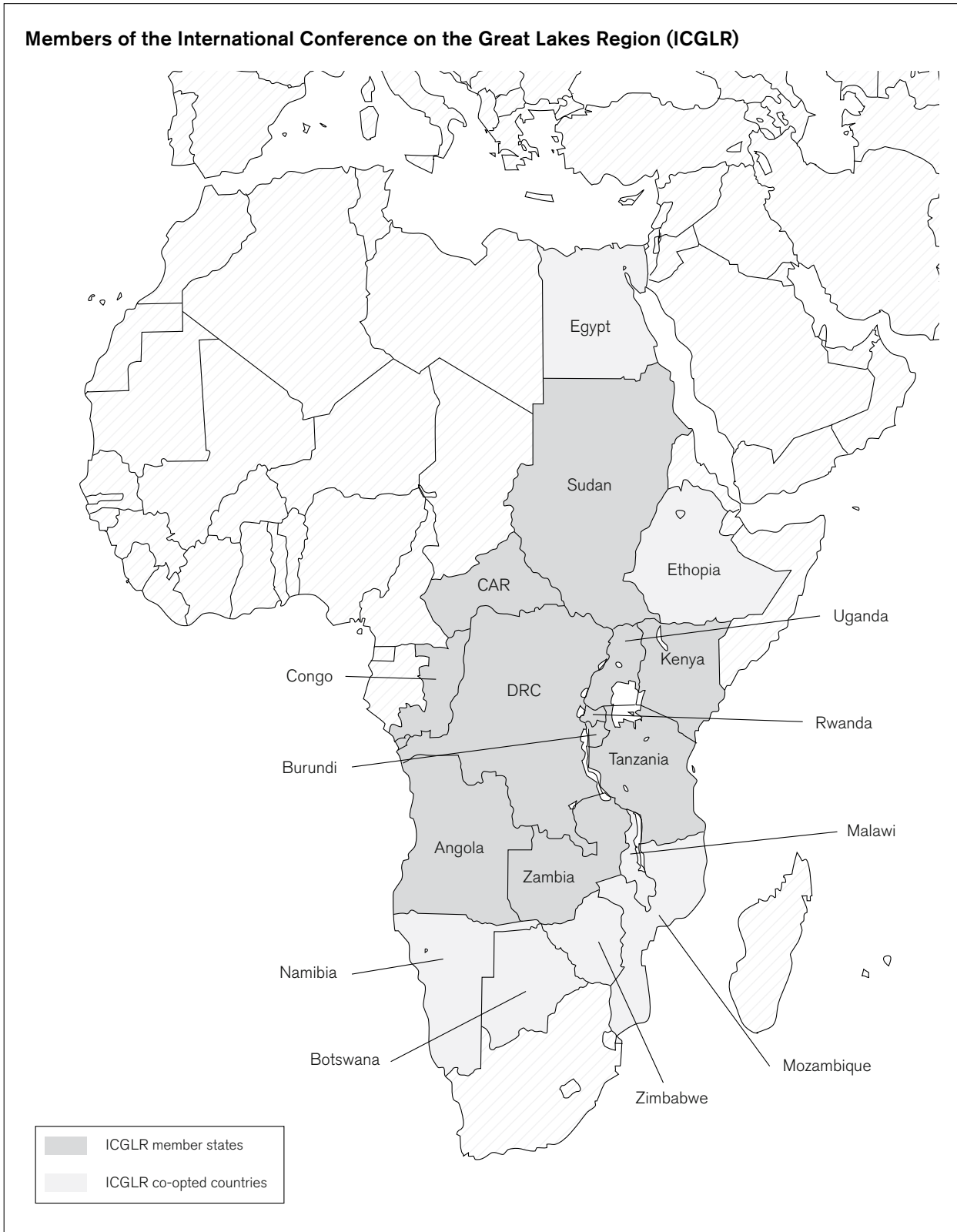
These two protocols are grouped together in the humanitarian and social pillar with the protocol on the Prevention and Suppression of Sexual Violence against Women and Children. Given the high prevalence of sexual violence in the various conflicts afflicting the Great Lakes region, and the heightened vulnerability of displaced women and children to such violence, this protocol too is of particular relevance to IDPs.

The Pact's IDP Protocol was the first multilateral instrument in the world to commit member states to the adoption and implementation of the Guiding Principles on Internal Displacement as a framework for protecting the rights of IDPs, to the use of the Annotations of the Guiding Principles as an authoritative source for interpreting the Guiding Principles¹⁰ and to the enactment of domestic legislation to implement the Principles.

The Great Lakes Pact and its IDP-related protocols reflect member states' commitment to uphold the existing protection standards set out in the Guiding Principles, including the definition of IDPs as set out in the Guiding Principles, and protection measures for IDPs due to all causes and in all phases of displacement. The Pact also addresses some of the specific concerns that have arisen from the experience of internal displacement in the Great Lakes region, such as protection measures for pastoralists, host communities and families of mixed ethnic identity. Furthermore, it strengthens the legal basis for IDPs to claim their

rights, including the rights to access to information, to participate in and be informed of decisions that affect their lives, and the right to receive humanitarian assistance.

CSOs can find guidance on how to use the Great Lakes Pact to promote the rights of refugees and IDPs in *The Great Lakes Pact and the Rights of Displaced People: A Guide for Civil Society*.¹¹



Resources for developing national laws, policies and strategies

Internal Displacement Monitoring Centre

www.internal-displacement.org

The Internal Displacement Monitoring Centre is the leading international body monitoring situations of internal displacement caused by conflict or violence. IDMC focuses on the following activities:

- monitoring internal displacement and providing comprehensive information and analysis on some 50 situations of displacement worldwide;
- advocating for the rights of the displaced with international stakeholders;
- providing training to government officials, CSOs and NHRIs; and
- increasing visibility and awareness of internal displacement.

Brookings-Bern Project on Internal Displacement

www.brookings.edu/projects/idp.aspx

This Project supports and works with the RSG on IDPs to strengthen the capacities of national authorities, national human rights institutions and civil society organisations to respond to internal displacement. It organises seminars and workshops, publishes studies on the bases of academic and field research and has developed a number of tools for developing national laws, policies, strategies and institutional frameworks to address internal displacement. These include:

- **Framework for National Responsibility**

This is a key document (available in English, French, Arabic and Portuguese) to assist governments to exercise their responsibility on internal displacement, setting out 12 areas for action. It equally serves as guidance for CSOs and IDPs to monitor, assess and advocate for an effective and holistic response to internal displacement.

- **Database of national laws, regional and international instruments**

This database includes national laws and policies, regional and international instruments, the Guiding Principles (in more than 45 languages) and its legal annotations.

- **Manual for Law and Policymakers**

This manual guides efforts to align domestic legislation and policies with international norms to ensure

respect for IDP rights. It provides guidance on a wide range of human rights and highlights essential elements to include in national IDP laws and policies.

- **Framework on Durable Solutions for Internally Displaced Persons**

This document aims to provide clarity on the concept of a durable solution, to provide general guidance on the process and conditions necessary for achieving a durable solution and to assist in determining to what extent a durable solution has been achieved.

- **Addressing Internal Displacement in Peace Processes, Peace Agreements and Peace-Building**

This documents sets out considerations on how the issue of internal displacement can best be integrated into peace processes, peace agreements and peace-building. It offers recommendations to international mediators, international organisations, and civil society actors.

- **Human Rights and Natural Disasters: Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster**

This document provides the human rights background underpinning the UN Inter-Agency Standing Committee (IASC) Operational Guidelines on Human Rights and Natural Disasters, and lists practical operational steps to best implement them.

The Kampala Convention – an overview

The Kampala Convention is the first regional convention comprehensively to address internal displacement, including prevention, response and durable solutions. It explicitly protects the rights of people displaced by natural disasters, armed conflict, generalised violence, human rights violations and development projects. It reiterates existing international and AU law, including human rights and international humanitarian law standards. By reinforcing these norms and bringing them together into one instrument, it offers a unique legal framework to address the specificities of internal displacement on the African continent, and provides a clearer and stronger legal basis for IDPs' protection. This chapter discusses some of the main provisions of the Kampala Convention.

At the Special Summit of the AU in Kampala in October 2009, the AU not only adopted the Kampala Convention but also the Kampala Declaration and a set of Recommendations. Neither the Declaration nor the Recommendations are legally binding on states. Nevertheless, the Declaration and Recommendations are important documents, as they are indicative of states' official position on issues related to internal displacement. They thus provide an important framework to guide their actions in relation to issues of internal displacement, whether or not they have ratified the Kampala Convention.

3.1 IDP definition

“Internally Displaced Persons” means persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized State border”
Kampala Convention, Article 1(k)

The IDP definition in the Kampala Convention is consistent with the Guiding Principles and provides for equal treatment of all internally displaced people, whether displaced by armed conflict, generalised violence, human rights violations, disasters or development projects.¹² The definition is not restricted to citizens but includes non-nationals who are displaced within their country of habitual residence. While every person who is displaced,

irrespective of nationality, is entitled to basic protection and assistance under the Kampala Convention, some rights, such as voting rights, may be restricted to citizens.¹³

3.2 Responsibilities of states

“States Parties shall [...] respect and ensure respect and protection of the human rights of internally displaced persons, including humane treatment, non-discrimination, equality and equal protection of law”
Kampala Convention, Article 3(d)

The Kampala Convention sets out the responsibilities of states regarding internal displacement, the rights of IDPs and the rights and duties of other relevant stakeholders such as armed groups, CSOs, international organisations and the AU.¹⁴ States undertake to prevent arbitrary displacement,¹⁵ to protect IDPs' fundamental human rights during displacement,¹⁶ and to find durable solutions.¹⁷ States also commit to identify a national authority or body responsible for responding to internal displacement.¹⁸

In line with international humanitarian law (the “laws of war”), the Kampala Convention recognises that, in situations of armed conflict, non-state armed groups have obligations to respect the rights of IDPs.¹⁹ For example, armed groups are prohibited from carrying out arbitrary displacement, separating family members, restricting IDPs' freedom of movement, recruiting children or permitting them to take part in hostilities and impeding humanitarian assistance and passage of relief aid. Equally, and in accordance with states' duties to prevent interference with the enjoyment of human rights by non-state actors, states must hold members of armed groups criminally responsible for human rights abuses and violations of international humanitarian law.²⁰

The Convention tasks the AU with supporting the efforts of states to protect and assist IDPs by: coordinating the mobilisation of resources; collaborating with international organisations, humanitarian agencies and civil society organisations; sharing information with the African Commission on Human and Peoples' Rights (ACHPR); cooperating with the ACHPR Special Rapporteur for Refugees, Returnees, IDPs and Asylum Seekers;²¹ as well as convening the Conference of States Parties.²²

The Kampala Convention commits states to respecting the mandate and Constitutive Act of the African Union, including its right to intervene in AU member states in cases of war crimes, genocide and crimes against humanity; and the right of AU member states to request intervention from the AU to restore peace and security.²³

3.3 Prevention and protection against displacement

“States Parties shall [...] Refrain from, prohibit and prevent arbitrary displacement of populations”

“States Parties shall devise early warning systems, in the context of the continental early warning system, in areas of potential displacement, establish and implement disaster risk reduction strategies, emergency and disaster preparedness and management measures and, where necessary, provide immediate protection and assistance to internally displaced persons”

Kampala Convention, Article 3(1)(a) and 4(2)

One of the aims of the Kampala Convention is to “promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement”.²⁴ To this end, it requires states to prevent displacement as a result of conflict and human rights violations, by respecting their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to arbitrary displacement.²⁵ In relation to displacement caused by natural disasters, the Convention requires states to devise early warning systems, to establish and implement early warning systems, and to adopt measures for disaster preparedness and disaster management.²⁶

The Convention provides that all people have a right to be protected against arbitrary displacement. Prohibited acts causing arbitrary displacement include: policies of racial discrimination or other similar practices aimed at or resulting in altering the ethnic, religious or racial composition of the population; harmful practices;²⁷ generalised violence; collective punishment; violations of human rights or international humanitarian law.

In the case of development or other projects, whether carried out by public or private actors, states must ensure that feasible alternatives to displacement are explored, that the socio-economic and environmental impact of development projects are assessed prior to the undertaking of such a project, and that people likely to be displaced are informed and consulted.²⁸

States are also required to “endeavour to protect” communities with special attachment to and dependency on land due to their particular culture and spiritual values from being displaced from such land, except where the displacement is justified by “compelling and overriding public interests”.²⁹

3.4 Protection and humanitarian assistance

The Kampala Convention provides that states shall bear the primary duty and responsibility for providing protection and assistance to IDPs, without discrimination of any kind.³⁰ Accordingly, the Convention imposes obligations on states to assess the needs and vulnerabilities of IDPs and host communities (or to facilitate such assessments),³¹ and to provide adequate humanitarian assistance to IDPs, in all phases of displacement.³² Where appropriate, such assistance must be extended to local and host communities.³³

The Kampala Convention highlights the specific needs of separated and unaccompanied children, female heads of household, expectant mothers, mothers with young children, the elderly and the disabled.³⁴ Steps must be taken to protect displaced people against sexual and gender-based violence, harmful practices, recruitment of children as well as human trafficking and smuggling.³⁵

“States shall provide internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities”

Kampala Convention, Article 9(2)(b)

States must allow the rapid and unimpeded passage of relief consignments, equipment and humanitarian personnel to IDPs. They must also enable and facilitate the role of local and international organisations and humanitarian agencies, CSOs and other actors in providing protection and assistance to IDPs.³⁶

At the same time, the Kampala Convention requires international organisations and humanitarian agencies to act in conformity with international law and the laws of the country, to respect the rights of IDPs under international law and to conduct activities in accordance with the principles of humanity, neutrality, impartiality and independence, as well as international standards and codes of conduct.³⁷

“States Parties shall provide sufficient protection and assistance to internally displaced persons, and where available resources are inadequate to enable them to do so, they shall cooperate in seeking the assistance of international organizations and humanitarian agencies, civil society organizations and other relevant actors. Such organizations may offer their services to all those in need.”

Kampala Convention, Article 5(6)

3.5 Cooperation with civil society organisations

Cooperation between states and CSOs is essential for effective IDP protection and assistance. The Convention commits states parties to cooperating with CSOs and allowing them to provide assistance to IDPs. Several provisions of the Kampala Convention, similarly to the Guiding Principles,³⁸ specifically concern humanitarian assistance and the role of international organisations and humanitarian agencies.³⁹ What is innovative about the Convention is that it includes provisions which explicitly set out a role for CSOs in all phases of displacement, and so recognises the value of CSOs’ activities for the protection and assistance of IDPs.⁴⁰

The Kampala Convention provides that international organisations, humanitarian agencies, CSOs and other actors may offer their services to all those in need. States have a duty to seek assistance from such organisations when its available resources are inadequate to protect and assist IDPs. States should enable and facilitate the role of such organisations to provide protection and assistance, but retain the right to prescribe technical arrangements, such as permits for the passage of relief items.⁴¹

3.6 Equal rights for IDPs

The Kampala Convention promotes the principles of non-discrimination, equality and equal protection of the law, which were set out in the 1981 African Charter on Human and Peoples’ Rights as well as in other regional and international instruments. It explicitly refers to the principle of non-discrimination in the preamble and four distinct provisions.⁴²

IDPs, being displaced within their country of nationality or habitual residence, are entitled to the full protection of their rights on the same basis as other citizens or habitual residents of the country. No IDP should be the subject of discrimination, either on grounds of their displacement or on any other grounds such as their race, ethnicity, or political affiliation.

Sometimes treating IDPs differently in order to respond to their specific needs is unavoidable or even justified.⁴³ Special measures may be required to ensure that IDPs have the same access to services as the rest of the population. But what is true for IDPs holds for non-displaced people too: for example in some situations, the populations who remain behind in war or disaster zones might also have specific protection and humanitarian assistance needs that must be addressed by means of special measures.

“States Parties shall protect the rights of internally displaced persons [...] by refraining from, and preventing [...] discrimination [...] on the grounds that they are internally displaced persons”

Kampala Convention, Article 9(1)(a)

“States Parties shall take necessary measures to ensure that internally displaced persons are received, without discrimination of any kind and live in satisfactory conditions of safety, dignity and security”

Kampala Convention, Article 9(2)(a)

Experience has shown that, as a result of displacement, IDPs often lack basic necessities, are vulnerable to risks like sexual violence and family separation, are unable to access education and have difficulty finding work opportunities. In anticipation of these recurring problems, the Kampala Convention highlights a number of specific measures for states to take, including:

- **Registration and personal documentation:** States must maintain a register of all IDPs and, independently of this, must issue or replace documents necessary for IDPs’ enjoyment of their rights, such as passports, personal identification documents, birth certificates and marriage certificates. Women, men, and separated and unaccompanied children have the right to have these documents issued in their own names. States are prohibited from imposing unreasonable conditions, such as requiring IDPs to return to their area of habitual residence, to obtain such documents.⁴⁴
- **Property, land and compensation:** States must take measures to protect individual, collective and cultural property belonging to displaced people, whether it was left behind or is in their possession. States must also establish mechanisms for resolving disputes relating to the property of IDPs. States must take all appropriate measures, whenever possible, to restore the lands of communities with a special dependency and attachment to such lands. More generally, states commit to providing effective remedies to all people affected by displacement, including through the establishment of

effective legal frameworks to provide just and fair compensation and other forms of reparations to IDPs for

“States Parties shall consult internally displaced persons and allow them to participate in decisions relating to their protection and assistance”

Kampala Convention, Article 9(2)(k)

damage incurred as a result of displacement.⁴⁵

- **Information, consultation and participation:** States must consult IDPs and allow them to participate in decisions related to their protection and assistance during displacement. States must also ensure that internally displaced citizens are able to enjoy their right to public participation, including the right to vote and to be elected to public office. In relation to durable solutions, states must give IDPs information so that they can make a free and informed choice on whether to return, integrate locally or relocate elsewhere in the country, and they must ensure IDPs' participation in finding sustainable solutions. People who are likely to be displaced by projects must be informed and consulted about feasible alternatives.⁴⁶
- **Family unity and reunification:** States must take measures to trace and reunify members of families separated during displacement and otherwise facilitate the re-establishment of family ties. Members of non-state armed groups are specifically prohibited from separating family members.⁴⁷

“States Parties shall enable internally displaced persons to make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions”

Kampala Convention, Article 11(2)

3.7 Durable solutions

The Kampala Convention commits states to seeking lasting solutions to the problem of displacement and explicitly recognises IDPs' right to voluntarily chose to return home, integrate locally in areas of displacement or relocate to another part of the country. States are responsible for promoting and creating satisfactory conditions for each of these options on a sustainable basis and in circumstances of safety and dignity. States must endeavour to incorporate relevant principles contained in the Kampala Convention into peace negotiations and agreements for the purpose of finding sustainable solutions to the problem of internal displacement.⁴⁸

3.8 Monitoring states' compliance

The Kampala Convention provides for the establishment of a Conference of States Parties to monitor and review the implementation of the objectives of the Convention.⁴⁹ This Conference is meant to serve as a means for states to enhance their capacity for cooperation and mutual support. It shall be convened “regularly”, although the Kampala Convention does not stipulate what this means in practice.

States must also indicate the measures they have taken to give effect to the Kampala Convention whenever they present their reports under Article 62 of the African Charter on Human and Peoples' Rights, which has been ratified by all 53 AU member states.⁵⁰ Those AU member states that have joined the African Peer Review Mechanism (APRM) must also report on such measures when they present their reports under the APRM.⁵¹

4

Scope for action by civil society: raising awareness and advocating for ratification of the Kampala Convention

4.1 Introduction

The adoption by the AU of the Kampala Convention, the Kampala Declaration and Recommendations at the AU Special Summit in Kampala in October 2009 was an important milestone in its own right. But for the full potential of the Convention to be realised, a number of things need to happen next.

First, information about the Summit outcomes must be made widely available. Knowledge of the Convention, Declaration and Recommendations will help to inform the decisions and actions of all those affected by internal displacement as well as all the actions and decisions of other stakeholders who are working to address the problem of internal displacement.

Second, individual states must ratify the Convention. The Convention will enter into force once it has been ratified by 15 states. The Convention will then be legally binding on those 15 countries, and it will automatically become binding on every state that ratifies it thereafter. All African states should be encouraged to ratify the Convention without delay, not just states that are currently affected by internal displacement. After all, it is important that all states are proactive in preventing arbitrary displacement, and are prepared for potential causes of displacement, such as natural disasters, and any displacement that may result from them.

Third, states which have ratified the Convention must incorporate it into national law, and take the necessary steps to implement it. In other words, they must take the necessary steps to ensure that government bodies and officials respect and protect the rights of IDPs in practice.

Before turning to the role of civil society in relation to each of these three objectives, it is important to note that there are many different types of non-governmental organisations (NGOs) and CSOs, each with their own mission and areas of expertise. Accordingly, in any discussion of specific activities for NGOs and CSOs in relation to the outcomes of the Summit, it is helpful to make a distinction in broad terms between two types of organisation. On the one hand, there are organisations whose primary function is to lobby and advocate for the protection and promotion of human rights, including the rights of IDPs. On the other hand there are organisations that focus primarily on the provision of goods and services, such as food aid or education, or medical, legal or counselling services, to individuals in need including IDPs.

These two types of organisations have different roles to play in raising awareness and promoting the ratification and implementation of the Kampala Convention. In this chapter and the next there are a number of suggestions for particular post-Summit activities for civil society. Some of these suggestions are more appropriate for advocacy organisations, while others are more suitable for service providers. NGOs and CSOs that are working with this guide are therefore encouraged to look at these suggestions from the perspective of their own mission statement and their particular strengths, and to focus on those activities that fit best within their normal sphere of action. Few organisations will be in a position to engage in all the possible activities that are suggested here; what is important is that different parts of civil society work together to ensure that jointly they contribute to timely and effective implementation of the Summit outcomes.

For this purpose, CSOs may want to seek out opportunities to work together as part of national, regional and continental networks and alliances. Coalitions of CSOs could share information, coordinate and support joint efforts to ensure ratification and implementation and to monitor the progress made by states.

In this chapter we look at activities to encourage states to ratify the Kampala Convention, through dissemination of the Summit outcomes and targeted advocacy for ratification, so that the Convention enters into force at the earliest possible time. In the next chapter we will look at activities to ensure that the Convention is incorporated into national law and that states take the necessary steps to implement it without delay.

4.2 Raising public awareness of the Kampala Convention

Civil society organisations have an essential role to play in raising awareness of the Convention. It is important to ensure that people who have been displaced, or who are at risk of displacement, know about the Kampala Convention and the ways in which it sets out to protect their rights. Equally, organisations that work with displaced people or advocate for their rights will also need to be aware of the Convention and its provisions, so that they can start using it to achieve their goals.

More generally, information about the Convention must be available to all people, organisations and institutions

with any responsibility for preventing arbitrary displacement and for protecting the rights of IDPs. This applies to those with local and national duties, and also regional and continental roles.

Consequently, activities aimed at raising awareness of the Kampala Convention must reach out to a wide variety of target groups, from IDPs and host communities to CSOs and national and international NGOs working with IDPs, local authorities, NHRIs, parliamentarians and members of government. At the level of the African Union, it is equally important to ensure that, for example, members of the Pan-African Parliament have knowledge of the Kampala Convention.

Civil society organisations can use a broad range of activities to help raise awareness of the Convention. Some examples are:

- Translating (key provisions of) the Kampala Convention into local languages.
- Distributing the text of the Kampala Convention, or relevant extracts, to displaced people and to organisations that work with displaced people, in the form of leaflets, flyers, or posters which outline the main provisions of the Convention in simple terms.
- Organising exhibitions and displays about situations of displacement, or about communities at risk of displacement as a result of natural disasters or projects, which highlight ways in which the Convention protects the rights of the people affected.
- Producing radio programmes about the Convention, in collaboration with local and national radio stations. Radio programmes are a useful means to ensure that information about the Convention reaches people who cannot read.
- Using drama, quizzes and games to spread information about the Kampala Convention. Such activities may be a particularly effective way to reach children and youth.
- Organising workshops or training days about the Kampala Convention for IDP representatives, IDP organisations and other stakeholders.
- Organising events for government officials and IDP representatives, which encourage participants to develop national strategies for the Convention's ratification and implementation. Inviting local and national media representatives to events would help ensure that the outcomes are shared with a wider audience.
- Organising public lectures and debates involving government representatives, parliamentarians, independent legal experts and displaced people or people at risk of displacement.
- Briefing journalists about the Kampala Convention and encouraging them to discuss the Convention in the written media (including newspapers and on the internet), and in radio and TV programmes. Creating competitions for the best article or documentary on internal displacement and the Kampala Convention.
- Supporting or encouraging well-known people to become public champions for the Kampala Convention.

- Writing letters to the editor and guest articles for local and national newspapers to highlight the importance of the Kampala Convention in relation to particular situations of displacement.
- Identifying the relevant people, offices and departments within Africa's Regional Economic Communities (RECs) with responsibilities relevant to internal displacement (including departments responsible for human rights, humanitarian affairs, disaster preparedness, and development), and organising information-sharing and consultative meetings for them.
- Organising briefings for other interested parties, including members of regional parliamentary forums, the Pan-African Parliament, AU Commission officials, international NGOs, UN agencies, members of the diplomatic community and the AU's development partners.

4.3 Advocating with governments for ratification of the Kampala Convention

Some states have already ratified the Kampala Convention; some will probably want to follow suit without much delay, while others might need more encouragement or persuasion to ratify the Convention. Where governments fail to prioritise the ratification of the Convention, it will be important for civil society to encourage them to do so. The first step is to identify and address the reasons for the delay. Some governments may believe that ratification of the Kampala Convention is simply not sufficiently urgent to demand their immediate attention. Other governments may argue that the Convention is not particularly relevant for them because their countries are not currently affected by internal displacement. And yet other countries may not be ready to abide by the obligations on states as set out in the Convention.

Efforts by civil society to push for ratification of the Convention in each country will need to address such arguments. For example, CSOs can help to make the case for ratification by providing information about the number of people who are currently displaced in a particular country, and the obstacles these IDPs presently face in enjoying their rights. CSOs can also work to document how the ratification of the Convention would help to prevent displacement, address the root causes of displacement, protect the rights of displaced people, and enable them to achieve durable solutions.

More generally, civil society can play an important role in mobilising support for ratification of the Kampala Convention. By raising awareness of the Convention (see section 4.2), civil society organisations can help to create broad support among different sectors of society for the timely ratification of the Convention, increasing the pressure on the government to ratify without delay.

Beyond raising awareness and sharing information about the Kampala Convention, civil society can engage in a

Ratification of the Kampala Convention

Following the adoption of the Kampala Convention at the AU Special Summit in Kampala in October 2009, AU member states will need to ratify the Convention. Each country has its own process for ratification of regional and international instruments. CSOs should understand the procedure so they can engage effectively with the process; legally-focused CSOs are well-placed to provide guidance.

Once a country has ratified the Kampala Convention, it must execute an “instrument of ratification”, which is a document that lets other countries know that it has officially decided to become a State Party to the Convention and to be bound by the Convention. The

ratification instrument must then be deposited with the Chairperson of the AU Commission.

The IDP Convention will enter into force 30 days after the deposit of the instruments of ratification by 15 AU member states, and will legally bind these first 15 states from that date onwards. All states which ratify the Convention after it has entered into force will be bound by the Convention from the date they deposit their instrument of ratification with the Chairperson of the AU Commission.

An overview of the countries that have signed and ratified the Kampala Convention is available at: www.africa-union.org/root/au/Documents/Treaties/treaties.htm.

range of other activities to encourage governments to ratify the Convention. Some examples include:

- Working with law societies and bar associations to identify gaps in the existing legal framework in individual states in terms of the protection of the rights of IDPs, and highlight the way in which the Kampala Convention would help to address such gaps.
- Working with NHRIs to generate momentum for ratification (see box on NHRIs in section 5.2).
- Providing information to relevant parliamentarians, parliamentary committees and ministry officials about problems related to internal displacement in their country, and highlight the ways in which the Kampala Convention would help to address these problems.
- Identifying parliamentarians who are ready to support the early ratification of the Kampala Convention, and support their efforts to lobby for timely ratification.
- Asking other stakeholders, including donor governments and international organisations, to advocate with governments of AU member states to ratify the Kampala Convention without delay.
- Monitoring the steps that have been taken towards ratification of the Kampala Convention and report on progress in regular monitoring reports, meetings, publications and through the media.

4.4 Advocating at the regional level for ratification of the Kampala Convention

Only states can ratify the Kampala Convention. But regional or continental mechanisms can be used to persuade states to prioritise its ratification, and CSOs can usefully engage with these mechanisms. They include:

- **Regional Economic Communities**
The eight Regional Economic Communities (RECs) in Africa may provide regional platforms for the

ratification of the Kampala Convention (and also for its implementation; see section 5.4). CSOs could encourage the RECs to require member states to report on the steps they have taken toward ratification of the Convention at the regular meetings of the RECs. All RECs could also be encouraged to adopt a target date for ratification by all member states of the REC in question. Once one or more member states of a particular REC has ratified the Convention, civil society can work with representatives of these states to try to persuade the remaining members of the REC to follow suit. (See the box on RECs at the end of section 4.)

CSOs could work together with the parliaments and parliamentary unions (where these exist) of the RECs to create momentum for ratification. The East African Legislative Assembly (EALA) is the legislative arm of the East African Community; ECOWAS has the ECOWAS Parliament, and IGAD has the IGAD Inter-Parliamentary Union.

- **International Conference on the Great Lakes Region**

Ten of the 11 member states of the International Conference on the Great Lakes Region (ICGLR) have ratified the Pact on Security, Stability and Development in the Great Lakes Region. They are thus bound by the Pact and its Protocols, including the Protocol on the Protection and Assistance to IDPs and the Protocol on the Property Rights of Returning Persons (see section 2.2). The Pact and its protocols informed the drafting process of the Kampala Convention. In ICGLR countries, advocacy efforts for the ratification of the Kampala Convention should build on the fact that these countries have already committed themselves to protecting the rights of IDPs under the Pact and its protocols.⁵²

The Economic, Social and Cultural Council (ECOSOCC)

ECOSOCC was established under the Constitutive Act of the African Union as an advisory organ of the African Union. The ECOSOCC President participates in the meetings of the AU Executive Council and Assembly at the twice-yearly AU Summits, and presents reports of the ECOSOCC Standing Committee to the AU Executive Council.

ECOSOCC's objectives include:

- Promoting the participation of African civil society in the implementation of the policies and programmes of the African Union;
- Forging strong partnerships between governments and all segments of civil society;
- Promoting and defending a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice;
- Promoting and strengthening the institutional, human and operational capacities of African civil society;

ECOSOCC is composed of 150 CSOs, as follows:

- 2 CSOs from each AU member state;
- 10 regional CSOs;
- 8 continental CSOs;
- 20 CSOs from the African diaspora;
- 6 CSOs nominated by the AU Commission in consultation with Member States.

ECOSOCC is organised in ten clusters:

- Peace and Security
- Political Affairs
- Social Affairs
- Infrastructure and Energy
- Human Resource, Science and Technology
- Gender
- Commerce, Trade and Industry
- Rural Economy and Agriculture
- Economic Affairs
- Cross-Cutting Programme

CSOs that are not members of ECOSOCC can still be associate members of one of the ECOSOCC clusters.

More information about ECOSOCC is available at www.ecosocc-au.org

4.5 Advocating at the AU level for ratification of the Kampala Convention

Just as CSOs can seek to work together with regional institutions and mechanisms to encourage AU member states to ratify the Kampala Convention, they can also utilise the AU's institutions and mechanisms to achieve the same objective. Some examples for possible collaboration include:

■ **AU Economic, Social and Cultural Council (ECOSOCC)**

ECOSOCC, which comprises a total of 150 CSOs from all AU member states, is an advisory organ of the AU. It is one of the principal mechanisms for African civil society to interact with the AU Commission and AU member states. The ECOSOCC President participates in the twice-yearly AU summits, and thus has access to AU leaders at the highest levels. ECOSOCC is organised in ten clusters; CSOs without full membership can apply for associated membership of one or more clusters and can thus contribute to debates and decision-making. Members and associated members can ensure that the issue of ratification of the Kampala Convention is included in the reports by the ECOSOCC President to the AU Summits. (See the box on ECOSOCC.)

■ **Political Affairs Department of the AU Commission**

Responsibility for guiding the drafting process of the AU IDP Convention, and for organising the AU Special Summit on Refugees, Returnees and IDPs in Kampala at which the Kampala Convention was adopted, lay with the Department of Political Affairs of the AU Commission, and in particular its Humanitarian Affairs, Refugees and Displaced Persons Division (HARDP). CSOs can lobby the AU Commissioner for Political Affairs to ensure that the ratification of the Convention remains high on the agenda of the AU.

■ **Pan-African Parliament**

The Pan-African Parliament was established in 2004, and currently operates as a consultative and advisory body of the AU. It is expected to evolve into a body with legislative powers. The members of the Pan-African Parliament are currently elected by the member states. Two of the Pan-African Parliament's Permanent Committees are of particular relevance to the Kampala Convention: the Committee on Justice and Human Rights and the Committee on Co-operation, International Relations and Conflict Resolution. CSOs can lobby individual members of the Pan-African Parliament to ensure that it encourages AU member states to ratify the Kampala Convention in a timely manner.

■ **African Commission on Human and Peoples' Rights**

As noted in section 3.8, the Kampala Convention provides that states must indicate the legislative and other

measures they have taken to give effect to the Kampala Convention whenever they present their reports under Article 62 of the African Charter on Human and Peoples' Rights, which has been ratified by all 53 AU member states.⁵³ CSOs have a role to play in encouraging governments to include information about their efforts to ratify and implement the Kampala Convention in their reports to the African Commission on Human and Peoples' Rights (ACHPR). After a state has submitted its report to the ACHPR, and ahead of the consideration of the report by the ACHPR at one of its ordinary sessions, CSOs can provide further information to the ACHPR about the progress or lack of progress by the state towards ratification of the Convention. (See the box on the ACHPR.)

- **Forum for the participation of NGOs in the ACHPR (the NGO Forum)**
NGOs could propose resolutions on the ratification of the Kampala Convention during meetings of the NGO

Forum prior to the twice-yearly ordinary sessions of the ACHPR. The NGO Forum submits proposed resolutions to the ACHPR for consideration and adoption.

- **Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants**
CSOs should work closely in particular with the ACHPR's Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants to advocate for ratification by all AU member states of the Kampala Convention. (See the box overleaf on the Special Rapporteur.)
- **Coordinating Committee on Assistance and Protection to Refugees, Returnees and Internally Displaced Persons**
The AU's Coordinating Committee on Assistance and Protection to Refugees, Returnees and IDPs (CCAR), which includes NGOs among its membership, provides another platform for follow-up on the Kampala Convention. The CCAR advises the Sub-Committee on Refugees,

The African Commission on Human and Peoples' Rights (ACHPR)

The African Commission on Human and Peoples' Rights is charged, under the African Charter on Human and Peoples' Rights, with three major functions: the promotion of human and peoples' rights; the protection of human and peoples' rights; and the interpretation of the African Charter.

NGOs with observer status with the ACHPR may participate in the discussions during the public sessions of the Commission. The ordinary sessions of the ACHPR give NGOs the chance to raise concerns about rights violations, including by providing written or oral information on the human rights situation of IDPs in AU member states, all of which have ratified the African Charter.

Ahead of each session of the ACHPR, some of the participating NGOs meet in what is known as the Forum for the Participation of NGOs in the ACHPR (also known as the NGO Forum). NGOs can use the Forum to raise issues relating to IDP rights and the Kampala Convention, and to propose resolutions on these matters. These may then be adopted by the NGO Forum in plenary meetings. The outcome of the Forum is presented to the ACHPR at its opening session, and the Forum submits proposed resolutions for the Commission to consider and adopt.

One of the main functions of the ACHPR is to monitor states parties' implementation of their human rights obligations set out in the African Charter (Article 62).

States parties are required to submit a report to the ACHPR every two years on legal and other measures they have taken to implement the African Charter. Under the Kampala Convention, states parties to the Convention must include information on the legislative and other measures they have taken to give effect to the Convention (Art. 14(4)).

NGOs have a crucial role to play in supporting the ACHPR's monitoring function throughout the reporting process. Once a state has submitted its report to the ACHPR, NGOs can submit written information to the ACHPR ahead of its consideration of the state report. NGO reports of this type are known as "shadow reports" or "parallel reports".

Following the consideration of the state party report by the African Commission, the Commission issues what are known as "concluding observations". This document normally reflects the positive steps taken by the government concerned as well as shortcomings and recommendations to the government for future action. National NGOs in particular have a key role to play in the follow-up to concluding observations and in monitoring states' compliance with the Commission's recommendations.

Source: Amnesty International, *A Guide on the African Commission on Human and Peoples' Rights*, www.amnesty.org/en/library/info/IOR63/005/2007

Returnees and IDPs of the AU's Permanent Representatives' Committee (PRC). CSOs can thus use the CCAR as a mechanism to bring matters relating to the Kampala Convention to the attention of the PRC Sub-Committee. Since the PRC reports to the AU Executive Council, the CCAR also provides another avenue for civil society to put matters relating to the Kampala Convention on the agenda of the Executive Council. (See the box in section 5.4 for further information about the PRC, the PRC Sub-Committee and the CCAR.)

promoting and strengthening human rights through the IPU's technical assistance projects.

- **The Association of European Parliamentarians with Africa (AWEPA) www.awepa.org**
AWEPA works with African Parliaments to support the realisation of human rights, democracy and development in Africa, by strengthening the core functions of parliaments: oversight, representation and legislation. One of the ways in which AWEPA seeks to achieve this objective is by strengthening the participation of civil society in the political process.

4.6 Working with supra-national parliamentary organisations

Civil society can collaborate with associations of national parliaments to encourage AU member states to ratify the Kampala Convention. Examples of such associations include:

- **Inter-Parliamentary Union www.ipu.org**
The protection and promotion of human rights are among the main goals of the Inter-Parliamentary Union (IPU). In particular, the IPU seeks to strengthen the role of parliaments as guardians of human rights. Its activities include: issuing publications to familiarise parliamentarians with human rights standards and topics; making information available on the functioning of parliamentary human rights committees; providing support to parliamentary human rights committees, and

The ACHPR's Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants

One of the ACHPR's Commissioners is the Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants. According to the resolution adopted at the 36th Ordinary Session of the African Commission on Human and Peoples' Rights in Dakar, Senegal, on 7 December 2004, the Special Rapporteur's mandate is to:

- a. seek, receive, examine and act upon information on the situation of refugees, asylum seekers and internally displaced persons in Africa;
- b. undertake studies, research and other related activities to examine appropriate ways to enhance the protection of refugees, asylum seekers and internally displaced persons in Africa;
- c. undertake fact-finding missions, investigations, visits and other appropriate activities to refugee camps and camps for internally displaced persons;
- d. assist Member States of the African Union to develop appropriate policies, regulations and laws for the effective protection of refugees, asylum seekers and internally displaced persons in Africa;

- e. cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental and non-governmental bodies, international and regional mechanisms involved in the promotion and protection of the rights of refugees, asylum seekers and internally displaced persons;
- f. develop and recommend effective strategies to better protect the rights of refugees, asylum seekers and internally displaced persons in Africa and to follow up on his recommendations;
- g. raise awareness and promote the implementation of the UN Convention on Refugees of 1951 as well as the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa;
- h. submit reports at every ordinary session of the African Commission on the situation of refugees, asylum seekers and internally displaced persons in Africa.

More information about the Special Rapporteur is available at:
www.achpr.org/english/_info/index_rdp_en.html.

Regional Economic Communities (RECs)

The AU has recognised eight Regional Economic Communities (RECs). Many AU member states are members of more than one REC.

- **Community of Sahel-Saharan States (CEN-SAD):** 28 member states

Benin, Burkina Faso, Central African Republic, Comoros, Chad, Côte d'Ivoire, Djibouti, Egypt, Eritrea, The Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Liberia, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Sao Tomé and Príncipe, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia

- **Common Market for Eastern and Southern Africa (COMESA):** 19 member states

Burundi, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, Zimbabwe

- **East African Community (EAC):** 5 member states

Burundi, Kenya, Rwanda, Tanzania, Uganda

- **Economic Community of Central African States (ECCAS):** 10 member states

Angola, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Republic of Congo, Sao Tomé and Príncipe

- **Economic Community of West African States (ECOWAS):** 15 member states

Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo

- **Intergovernmental Authority for Development (IGAD):** 7 member states

Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan, Uganda

- **Southern African Development Community (SADC):** 15 member states

Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe

- **Arab Maghreb Union / Union du Maghreb Arabe (UMA):** 5 member states

Algeria, Libya, Mauritania, Morocco, Tunisia

5

Scope for action by civil society: implementation of the Kampala Convention

The signing and ratification of the Kampala Convention by AU member states is an important step toward protecting the rights of IDPs, but only a first step. States must follow ratification of the Convention with steps to implement it. CSOs have an important role to play in ensuring that states take the necessary steps toward implementation, while they can also contribute directly to the Convention's implementation by providing protection and assistance to IDPs.

On the basis of their interactions with displaced people and host communities, CSOs are often among those best-placed to identify the obstacles that stop IDPs enjoying their rights. Such obstacles may present themselves in various forms. The most pressing problem may be the government's lack of capacity to protect and assist IDPs. In other cases, the government may lack the will to respond to the needs of some or all IDPs. The problem may be of a legal nature, where the existing legal framework in a particular country may fail to guarantee protection of all of IDPs' rights.

CSOs can help to identify the precise nature of these obstacles, and to develop a strategy to overcome these obstacles and to ensure the realisation of IDPs' rights as set out in the Kampala Convention.

Even in states that have not yet ratified the Kampala Convention, CSOs can lay the ground for the implementation of the Convention, in anticipation of its ratification. A total of 17 states signed the Convention immediately after its adoption at the Special Summit in Kampala in October 2009, and more states have done so since, thus signalling their intention to be bound by the Convention.⁵⁴ Moreover, the Kampala Declaration and the Recommendations that were adopted at the Special Summit, while not themselves legally binding, provide an important framework to guide states' actions in relation to issues of internal displacement, whether or not they have ratified the Kampala Convention.

5.1 Continued awareness-raising

If IDPs and people at risk of displacement are to benefit from the Kampala Convention, states must do more than just ratify the Convention: they must proceed to implement it. Implementation has two components. First, states must amend existing law and policies (or adopt new laws and policies) in order to bring their legal frameworks into

line with their obligations under the Kampala Convention. Second, states must respect their own laws and policies; that is, they must act to protect and assist IDPs effectively.

To ensure that states take the necessary steps to implement the Convention, and then abide by their obligations under this implementing legislation, it will be important for CSOs to ensure that the Kampala Convention remains high on the agenda of policymakers and legislators. They thus have an important role to play in contributing to a sustained interest in the Convention, even after it has been ratified, to ensure that states take the necessary steps to discharge their responsibilities under it. This means that all the activities suggested in section 4.2 remain relevant for CSOs even after a particular state has ratified the Kampala Convention.

5.2 Reviewing the legal framework

It will be important to establish the extent to which states' existing legal frameworks are in line with the Kampala Convention. Laws and policies should be reviewed on a wide range of subjects including personal identification documents, housing, land and property issues, and access to schools, work and health care.

As noted in section 2.1, a number of states also have specific IDP laws or policies in place. These, too, should be reviewed to determine whether their provisions are in line with states' obligations under the Kampala Convention.

For the 11 states that are also members of the International Conference on the Great Lakes Region (see section 2.2), the review of the legal framework should also take into account obligations to protect and assist IDPs under the Great Lakes Pact and its protocols.

There are two aspects to such a review, sometimes referred to as a "legal audit". On the one hand, there may be gaps in the existing national legal frameworks, in the sense that national laws and policies may not address some of the rights set out in the Kampala Convention. On the other hand, there may be inconsistencies between the existing legal frameworks and the Kampala Convention, either because national laws are directly in conflict with some of the provisions of the Convention, or because national laws and policies create certain obstacles to IDPs' enjoyment of the rights protected by the Convention. On the basis of

information about such gaps and inconsistencies, states must legislate to amend the existing legal framework to bring it into line with the Kampala Convention.

Civil society can contribute to this review process in a number of ways. Examples include:

- Encouraging stakeholders (parliaments, NHRIs, national bar associations, law schools and academics) to organise and contribute to comprehensive legal audits.

National human rights institutions (NHRIs)

National human rights institutions (NHRIs) are independent institutions, established under the constitution or by law, whose functions are to promote and protect human rights. They can take the form of human rights commissions, ombudsman's offices, or specialised national institutions mandated to protect the rights of particular vulnerable groups (such as ethnic minorities, indigenous populations, women or children). NHRIs are mandated to monitor and report on respect for human rights in their countries, to investigate allegations of human rights violations, and to advise their government on the development of laws and policies. NHRIs thus have a crucial role to play in promoting and protection the rights of IDPs, through informing government policies on preventing arbitrary displacement and on responding to existing situations of internal displacement.

The UN principles relating to the status of NHRIs, known as the Paris Principles, set out basic guidelines for establishing NHRIs, including requirements to ensure their independence and autonomy from the government, a membership that reflects the pluralism in their societies, a broad mandate, investigative powers and resources. The International Coordinating Committee of National Human Rights Institutions (ICC) is responsible for accrediting NHRIs in accordance with the Paris Principles. A list of NHRIs worldwide, including their status under the Paris Principles, is available on the website of the National Human Rights Institutions Forum (www.nhri.net).

The Network of African NHRIs (NANHRI) helps NHRIs in African countries to fulfil more effectively their mandates of human rights monitoring, promotion, protection and advocacy. Contact details for NHRIs in AU member states are available at www.nanhri.org.

The Paris Principles were endorsed by the UN General Assembly in resolution 48/134 of 20 December 1993. The Paris Principles are available at www2.ohchr.org/english/law/parisprinciples.htm.

CSOs can either take a lead role in conducting legal audits, or, where other stakeholders are willing and able to take a lead role, they can provide input by providing evidence and examples of situations where the rights of IDPs are insufficiently protected by existing laws and policies.

- Organising expert debates or workshops on the steps needed to bring existing national laws into line with the Kampala Convention. These events could include academics, lawyers, judges, national bar associations, law societies, NHRIs, and national chapters of the International Commission of Jurists.
- Encouraging parliamentarians and parliamentary committees to take legislative action to bring national laws into line with the Kampala Convention, in line with parliaments' responsibility to draft and adopt legislation.
- Working together with NHRIs to encourage national parliaments to draft new legislation, or draft amendments to existing law and policies, to bring the legal framework into line with the Kampala Convention. (See the box on NHRIs.)

5.3 Monitoring states' actions

The development of national legal frameworks in line with the Kampala Convention is an important step towards the implementation of the Convention and the protection of IDPs' rights. But legal frameworks alone do not suffice, even when they perfectly reflect the rights and obligations set out in the Convention. The laws and policies must be implemented in practice to have any impact. CSOs should thus monitor the extent to which governments' actions are in line with their legal obligations to protect the rights of IDPs, and to report on failures to implement them with a view to encouraging governments to make the necessary adjustments.

National activities for CSOs could include:

- Monitoring the implementation of laws and policies, and collecting information systematically about problems that IDPs face in accessing their rights.
- On the basis of such information, advocating for changes in government policies or government responses to particular situations of displacement.
- Establishing legal clinics for IDPs to advise them on their rights under national and international law and to help them access remedies through the justice system where necessary.

At the regional and the AU levels, possible CSO activities include:

- ECOSOCC members could discuss matters relating to the implementation of the Kampala Convention at the ECOSOCC meetings prior to the Ordinary Summits of the AU. The Political Affairs Cluster Committee of

ECOSOCC has a special role in ensuring that CSOs' observations about the implementation of the Kampala Convention are included in the annual ECOSOCC reports to the AU Assembly, and in the statements by the ECOSOCC president to the Council and Assembly at the twice-yearly ordinary summits of the AU.

- As noted in section 3.8, the Kampala Convention provides for the establishment of a Conference of States Parties to monitor and review the implementation of the objectives of the Convention.⁵⁵ No explicit mechanism is provided under the Convention for CSOs to provide information to this Conference of States Parties. CSOs could explore the possibilities for using ECOSOCC, or the CCAR and the PRC Sub-Committee, as platforms for bringing information about the implementation of the Convention to the attention of the Conference of States Parties. (See the boxes on ECOSOCC in section 4.5, and on the CCAR and the PRC Sub-Committee in this section.)
- As noted in section 4.5, whenever states present their reports under Article 62 of the African Charter on Human and Peoples' Rights (which they must do every two years), states that have ratified the Kampala Convention must include information about the legislative and other measures they have taken to give effect to the Convention. CSOs should work with governments to ensure that they meet their obligations in this respect. CSOs can also provide information to the ACHPR, prior to the consideration by the ACHPR of the state report, to highlight particular problems in relation to IDP rights, including reports of violations by states of their obligations under the Kampala Convention.
- NGOs may also propose resolutions during the NGO Forum prior to the regular sessions of the ACHPR, for consideration and adoption by the ACHPR, in relation to failures by particular states to abide by their obligations under the Kampala Convention. (See the box on the ACHPR in section 4.5.)
- Finally, CSOs can also engage with the various mechanisms of the Regional Economic Communities (see section 4.4) and with the Pan-African Parliament (see section 4.5) to ensure proper and comprehensive monitoring of the implementation of the Kampala Convention.

5.4 Contributing to the protection of IDP rights

Apart from encouraging governments to provide protection and assistance to IDPs in line with their duties and responsibilities under the Kampala Convention, there is much that civil society organisations can do to contribute directly to the protection of the rights of

PRC Sub-Committee and the CCAR

The AU has a Permanent Representatives' Committee (PRC), consisting of all AU member states' permanent representatives to the AU. The PRC has a Sub-Committee on Refugees, Returnees and Internally Displaced Persons, which has the same membership as the PRC itself. UNHCR has observer status at the PRC Sub-Committee. The PRC Sub-Committee meets two or three times a year, and has a Bureau of five member states, one from each of the five official AU regions. The Bureau regularly conducts country missions and prepares reports for the PRC Sub-Committee. Once endorsed by the PRC, these reports are presented to the AU Executive Council.

The AU also has a Coordinating Committee on Assistance and Protection to Refugees, Returnees and Internally Displaced Persons (CCAR). The CCAR membership consists of AU member states, UNHCR and NGOs. The CCAR secretariat is provided by the Humanitarian Affairs, Refugees and Displaced Persons (HARDP) division of the Political Affairs Department of the AU Commission. The CCAR is expected to meet twice a year. The CCAR Working Group meets in Addis Ababa when it is not possible to call a meeting of the full CCAR.

The CCAR provides a platform for follow-up on the Kampala Convention, and for IDP and refugee matters in general. The CCAR is an advisory body to the PRC Sub-Committee on Refugees, Returnees and IDPs; CSOs can thus use the CCAR as a mechanism to bring matters relating to the Kampala Convention to the attention of the PRC Sub-Committee. Since the PRC reports to the AU Executive Council, the CCAR also provides an indirect mechanism for CSOs to put matters relating to the Kampala Convention on the agenda of the Executive Council.

IDPs and people at risk of displacement. Indeed, as was noted in section 1.2, CSOs have often already been at the forefront of the response to the protection and assistance needs of IDPs.

This section gives examples of activities for identifying IDPs and their needs in relation to the three phases of displacement: protecting people from arbitrary displacement; protecting the rights of IDPs during displacement; and protecting rights related to durable solutions for people who have been displaced. The scope for activities for CSOs under each of these broad headings is virtually limitless; only a few examples are highlighted below.

Accurate information: a pre-condition for protection and assistance

Efforts to provide adequate protection and assistance to IDPs must be based on accurate information about the number of IDPs (including the number of children, women and men in different age groups) in all locations, such as camps, cities, rural settings. It is therefore important to ensure that all IDPs are identified from the start.

“States Parties shall create and maintain an updated register of all internally displaced persons within their jurisdiction or effective control. In doing so, States Parties may collaborate with international organizations or humanitarian agencies or civil society organizations.”

Kampala Convention, Article 13(1)

It must be noted that there are circumstances where not all IDPs will want to come forward to be registered as such, especially where they have been displaced by the actions of their own government, or where they may risk reprisals from non-state armed groups for registering as IDPs. CSOs have a role to play in ensuring that any registration system takes account of these considerations. As noted in section 3.6, IDPs are entitled to protection and assistance on the same basis as other citizens and residents of their country. Protection and assistance of IDPs must never be made conditional on registration as IDPs.

The provision of assistance to IDPs should be guided by IDPs' levels of vulnerability and their needs.

“States Parties shall assess or facilitate the assessment of the needs and vulnerabilities of internally displaced persons and of host communities, in cooperation with international organizations or agencies.”

Kampala Convention, Article 5(5)

In situations where civil society organisations have information that people have been displaced, but where there is insufficient information to guide protection and assistance programmes for IDPs, CSOs can either encourage the responsible authorities to assess the outstanding needs of IDPs, or they can do assessments themselves.

Some groups of IDPs may be more difficult to identify or to locate. Disabled, chronically-ill and elderly IDPs, especially those without relatives or other care-givers, may not be able to participate in assessments or registration exercises. In some situations, community leaders and others may fail to include, or seek to exclude, members of marginalised groups from assessments, such as widows or households headed by women or children, IDPs

living with HIV/AIDS, IDPs from certain religious or ethnic groups, or IDPs with certain political affiliations. Urban IDPs, or IDPs who live with host communities rather than in camps, may be difficult to distinguish from the local population.

Assessments must be organised in such a way as to ensure that all IDPs who wish to be identified are included. CSOs have a special role in ensuring that this is the case. On the one hand, CSOs can advocate with the responsible authorities for assessments to be done specifically for neglected or unidentified groups of IDPs. On the other hand, CSOs can work to ensure that general IDP assessments include everyone they should, for example by working with IDP grassroots organisations and by using informal networks to make information about the assessment available to all those concerned.

Prevention of displacement and protection against arbitrary displacement

States are prohibited from arbitrarily displacing people.⁵⁶

This does not mean that states are never allowed to displace people. People may be evacuated when their safety and health is in danger as a result of natural disasters. Similarly, the security of civilians may warrant forced displacement in situations of armed conflict. Under certain circumstances, states may also displace people through forced evictions if this is in the public interest, for example where homes need to make way for public infrastructure or development projects. However, for such forced evictions to be lawful, they must be undertaken in a non-discriminatory way and in accordance with strict criteria in terms of consultation, notification and the provision of alternative housing.⁵⁷ Where forcible displacement by the state is not done in accordance with the law, it amounts to arbitrary displacement.

There is an important role for civil society in monitoring situations of forcible displacement by the state, in order to ensure that such forcible displacement does not amount to arbitrary displacement. Where people have been arbitrarily displaced by the state, CSOs can assist the victims to obtain a legal remedy, including compensation.

In situations of armed conflict, there could also be a role for CSOs in making non-state armed groups aware of their obligation to respect international humanitarian law (also known as “the laws of war”), including the prohibition on the displacement of civilians, unless such displacement is necessitated by the security of the civilians or imperative military reasons. The International Committee of the Red Cross has a mandate to monitor respect for international humanitarian law and to protect civilians in armed conflict; where CSOs are concerned about the fate of civilians in armed conflict, they can alert local representatives of the ICRC to the situation.

In relation to displacement caused by natural disasters, while states cannot prevent disasters such as earthquakes or storms, they can do much to prepare for them by implementing disaster risk reduction measures. These measures may help to reduce the impact of natural disasters, including by limiting the resulting displacement. CSOs can help to identify people who would be at risk of displacement from certain natural disasters such as floods, and they can advocate with governments for the development of adequate disaster relief and preparedness plans. CSOs can help to raise awareness of these plans to the populations at risk. Where necessary, CSOs can highlight failures by the state to take adequate preventative measures.

Protection and assistance during displacement

The primary responsibility for protection and assistance of IDPs lies with the state (see section 3.4). However, as was noted in section 1.2, in practice host communities and CSOs play an important role in helping IDPs to have full enjoyment of their rights.

CSOs can contribute to realising IDPs' right to information and participation, in relation to all aspects of the Kampala Convention, by making relevant information available in languages spoken by IDPs (or by advocating for government authorities to make information available in suitable languages), for example about available services, about IDPs' rights in relation to their land and homes, or about their different settlement options. CSOs should also respect and advocate for the right of IDPs to participate or be represented in all decisions that affect them. IDPs' skills and understanding of the local circumstances should be considered in the design of assistance programmes, to ensure that such programmes reinforce IDPs' abilities to provide for themselves.

CSOs can advocate for comprehensive IDP assessments, including vulnerability and needs assessments, and ensure the collection of data which is disaggregated by sex and age. Alternatively, CSOs can themselves take the lead in designing and implementing assessments. CSOs can further contribute to the protection of the rights of vulnerable groups of IDPs by ensuring that their specific needs are taken into account in the design of humanitarian and other programmes.

CSOs have a role in monitoring the protection of IDPs' rights and in reporting on violations of IDP rights in all situations of displacement, whether caused by conflict, human rights violations, natural disasters or development projects.

CSOs can also draw attention to situations where assistance is provided inequitably to different groups of displaced people. Where humanitarian access to specific

groups of displaced people is denied, either by governments or by non-state armed groups, CSOs can advocate for humanitarian access to displaced communities. Where the state is either unable or unwilling to respond to the needs of IDPs, CSOs can, where necessary, call for assistance from international partners, and advocate for unhindered passage for relief items and humanitarian personnel.

Finally, CSOs can provide direct assistance to IDPs, such as food, clothes and cooking utensils. They can also provide services, such as basic medical services, education, psycho-social counselling, and legal aid.

Durable solutions

Just as CSOs have an important role in complementing the activities of the state during displacement, they continue to have an important role in the search for durable solutions for IDPs. Much of what CSOs do for IDPs during displacement remains important to help them find durable solutions. For example, IDPs may still need information and assistance regarding security, livelihoods, education, health care and property rights.

CSOs can specifically target their activities to contribute to durable solutions for IDPs. CSOs can help to raise IDPs' awareness of their rights in terms of durable solutions, whether IDPs return to their places of origin or decide to settle elsewhere in the country. These might include property rights (for example to restitution or compensation for damage to property) or the right not to be discriminated against (for example in their access to services or employment). CSOs can conduct research on the situation of IDPs (including unidentified IDPs) and their specific outstanding needs. CSOs can also help to ensure that IDPs are given opportunities to participate in all decisions about durable solutions.

CSOs also have a role in monitoring the situation of former IDPs after they have returned to their places of origin, or have permanently settled elsewhere in the country (either in their places of displacement or in a third location), to ensure that their rights relating to durable solutions continue to be protected. CSOs can advocate for legal or policy frameworks to address gaps related to durable solutions (for example in relation to the property rights of returnees).

CSOs can assist IDPs with skills training and the creation of livelihood opportunities, to enable them to start rebuilding their lives. They can also contribute to peace-building activities aimed at ensuring good relations between IDPs and the local communities where IDPs intend to settle permanently, be it in their places of origin, in their place of displacement, or elsewhere in the country.

Links to relevant organisations

- **African Union: www.africa-union.org**
 Economic, Social and Cultural Council (ECOSOCC):
www.africa-union.org/ECOSOC/home.htm
www.ecosocc-au.org
 Citizens and Diaspora Organisations Directorate (CIDO):
www.africa-union.org/CIDO.htm

- **The ECOSOCC Secretariat is based at CIDO:**
 African Union Commission
 P.O. Box 3243
 Addis Ababa
 Ethiopia

- **African Commission on Human and Peoples' Rights (ACHPR): www.achpr.org**
 No 31 Bijilo Annex Layout
 Kombo North District, Western Region
 P.O.Box 673, Banjul
 The Gambia
 Tel: (220) 441 05 05; 441 05 06
 Fax: (220) 441 05 04
 E-mail: achpr@achpr.org
 Contact details for all Commissioners: www.achpr.org/english/_info/members_achpr_en.html
 Information about the ACHPR's Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants is available at: www.achpr.org/english/_info/index_rdp_en.html

- **Regional Economic Communities (RECs)**
 - Community of Sahel-Saharan States (CEN-SAD): www.cen-sad.org
 - Common Market for Eastern and Southern Africa (COMESA): www.comesa.int
 - East African Community (EAC): www.eac.int
 - Economic Community of Central African States (ECCAS): www.ceeac-eccas.org
 - Economic Community of West African States (ECOWAS): www.ecowas.int
 - Intergovernmental Authority for Development (IGAD): www.igad.org
 - Southern African Development Community (SADC): www.sadc.int
 - Arab Maghreb Union / Union du Maghreb Arabe (UMA): www.maghrebarabe.org/en

- **International Conference on the Great Lakes Region (ICGLR): www.icglr.org**
 Executive Secretariat of the International Conference on the Great Lakes Region
 P.O. Box 7076
 Bujumbura - BURUNDI
 Telephone: (257) 22 25 682/5/7
 Fax: (+257) 22 25 6828
 Email: info@icglr.org
 The full text of the Great Lakes Pact and its Protocols is available at:
www.lse.ac.uk/collections/law/projects/greatlakes/ihl-greatlakes-summary-new-docmt.htm

- **National Human Rights Institutions (NHRIs):**
 - Network of African NHRIs: www.nanhri.org
 - National Human Rights Institutions Forum: www.nhri.net

- Pan-African Parliament: www.pan-african-parliament.org
- Inter-Parliamentary Union (IPU): www.ipu.org
- Association of European Parliamentarians for Africa (AWEPA): www.awepa.org
- International Commission of Jurists: www.icj.org

List of relevant Guides / Handbooks / Tools / Manuals

- Guiding Principles on Internal Displacement: www.idpguidingprinciples.org
 - Annotations to the Guiding Principles on Internal Displacement, revised edition, 2008: www.asil.org/pdfs/stlp.pdf
- Addressing Internal Displacement: A Framework for National Responsibility, April 2005, www.brookings.edu/reports/2005/04_national_responsibility_framework.aspx
- When Displacement Ends: A Framework for Durable Solutions, March 2010, www.brookings.edu/reports/2010/0305_internal_displacement.aspx
- Protection Internally Displaced Persons: A Manual for Law and Policymakers, October 2008, www.brookings.edu/papers/2008/1016_internal_displacement.aspx
- The Great Lakes Pact and the Rights of Displaced People: A Guide for Civil Society, September 2008, www.internal-displacement.org/greatlakes

Notes

- 1 Internal Displacement Monitoring Centre, Global Overview of Internal Displacement 2009, May 2010.
- 2 United Nations Office for the Coordination of Humanitarian Affairs and the Internal Displacement Monitoring Centre, Monitoring Disaster Displacement in the Context of Climate Change, September 2009.
- 3 For information about the number of (international and internal) conflicts, see the Uppsala Conflict Data Program, www.pcr.uu.se. A graph of the number of conflicts of different types can be found at www.pcr.uu.se/research/UCDP/graphs/conflict_types_2008.pdf.
- 4 The Guiding Principles were presented by the Representative of the United Nations Secretary-General on Internally Displaced Persons to the UN Commission on Human Rights at its fifty-fourth session in 1998 (E/CN.4/1998/53/Add.2) as an addendum to his annual report (E/CN.4/1998/53). The Guiding Principles have been translated into over 40 languages.
- 5 Paragraph 2 of the Introduction to the Guiding Principles states that “internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”
- 6 Refugee statistics are available at www.unhcr.org/pages/49c3646c4d6.html. IDP statistics are available at www.internal-displacement.org.
- 7 Preamble and Articles 2(e), 3(2)(b), 4(3), 5(6), 5(7), 8(3)(c), 8(3)(d), 9(3), 11(3).
- 8 Preamble and Articles 3(2)(c), 5(5), 9(2)(b).
- 9 Article 3(2)(b).
- 10 Walter Kälin, *Guiding Principles on Internal Displacement: Annotations, Revised Edition*. Studies in Transnational Legal Policy No. 38 (The American Society of International Law and The Brookings Institution – University of Bern Project on Internal Displacement), 2008.
- 11 Internal Displacement Monitoring Centre and International Refugee Rights Initiative, *The Great Lakes Pact and the Rights of Displaced People: A Guide for Civil Society*, September 2008, www.internal-displacement.org/greatlakes.
- 12 Article 1(k).
- 13 Article 9(2)(l).
- 14 Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.
- 15 Articles 4, 10.
- 16 Articles 3, 5 and 9.
- 17 Article 11.
- 18 Article 3(2)(b).
- 19 Article 7(5).
- 20 Article 7(4).
- 21 Article 8(3).
- 22 Article 14(3).
- 23 Articles 8(1) and 8(2) respectively.
- 24 Article 2.
- 25 Article 4(1).
- 26 Article 4(2).
- 27 Article 1 defines harmful practices as “all behaviour, attitudes and/or practices which negatively affect the fundamental rights of persons, such as but not limited to their right to life, health, dignity, education, mental and physical integrity and education”.
- 28 Article 10.
- 29 Article 4(5).
- 30 Article 5(1).
- 31 Article 5(5).
- 32 Articles 3, 4, 5, 7, 9, 10 and 11.
- 33 Article 9(2)(b).
- 34 Article 9(2)(c).
- 35 Article 9(1)(d).
- 36 Articles 3(1)(j) and 5(7).
- 37 Article 6.
- 38 Guiding Principles 24-27.
- 39 Provisions relating exclusively to international organisations or international humanitarian agencies are Articles 5(3), 5(5) and 6.
- 40 Preamble and Articles 2(e), 3(2)(b), 4(3), 5(6), 5(7), 8(3)(c), 8(3)(d), 9(3), 11(3).
- 41 Articles 5(6)-5(7).
- 42 Articles 3(1)(d), 5(1), 9(1)(a) and 9(2)(a).
- 43 Walter Kälin, *Guiding Principles on Internal Displacement: Annotations, Revised Edition*. Studies in Transnational Legal Policy No. 38 (The American Society of International Law and The Brookings Institution – University of Bern Project on Internal Displacement), 2008, p.13.
- 44 Article 13.
- 45 Articles 9(2)(i), 11(4), 11(5) and 12.
- 46 Articles 9(2)(k), 9(2)(l), 10(2) and 11(2).
- 47 Articles 7(5)(c) and 9(2)(h).
- 48 Articles 2(a), 2(c), 3(2)(e) and 11.
- 49 Article 14.
- 50 Article 14(4).
- 51 *Idem*.
- 52 For more information, see Internal Displacement Monitoring Centre and International Refugee Rights Initiative.

tive, The Great Lakes Pact and the Rights of Displaced People: A Guide for Civil Society, September 2008, www.internal-displacement.org/greatlakes.

53 Article 14(4).

54 In accordance with article 18 of the 1969 Vienna Convention on the Law of Treaties, states which have signed the IDP Convention are “obliged to refrain from acts which would defeat the object and purpose” of the Convention. An overview of the AU member states that have signed and/or ratified the Kampala Convention is available at www.africa-union.org/root/au/Documents/Treaties/treaties.htm.

55 Article 14(1).

56 Articles 3(1)(a) and 4(1).

57 For more information see Committee on Economic, Social and Cultural Rights, General Comment 4: The Right to Adequate Housing (art. 11.1 of the Covenant), 13 December 1991; and General Comment 7: The Right to Adequate Housing (art. 11.1 of the Covenant): Forced Evictions, 20 May 1997.

