

Internal displacement in Africa: A development challenge

Exploring development initiatives to alleviate internal displacement caused by conflict, violence and natural disasters



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Cover photo: A recently returned mother and child walk towards their new hut in Dzaipi sub-county, Adjumani District, Uganda. The IDP camps clustered around the trading centres in Adjumani emptied as families return to their villages, September 2010. © Will Boase for USAID/OTI/NUTI www.willboase.com

Introduction

This brochure is a result of a knowledge and learning initiative on human rights and forced displacement, carried out by the IDMC, the the Institute of Public Law of the University of Bern and managed by the World Bank/Global Program on Forced Displacement. The purpose of this brochure is to provide guidance on how to integrate human rights approaches into development responses to forced displacement. The lessons of this booklet are derived from an analytical study on internal displacement in Africa, produced by the 'the Institute of Public Law of the University of Bern. The brochure has been presented and discussed at a workshop organized by the African Union Commission.

Internally displaced people (IDPs) “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” (1998, Guiding Principles on Internal Displacement). As of the end of 2011, more than 26 million people were internally displaced by conflict and violence across the world. More than a third of them were in Africa, the region with the highest number of IDPs and where they outnumber refugees by five to one. Sudan, Democratic Republic of the Congo (DRC) and Somalia have the continent’s largest populations of internally displaced people. Large numbers of people in Africa have also been internally displaced by natural disasters, especially drought.

Internal displacement situations are often fluid, with new displacements and movements of people in search of a durable solution sometimes happening at the same time. Preventing new displacement is as much of a challenge as resolving existing situations. In a number of African countries, IDPs live in protracted displacement; their process of finding a durable solution has stalled, often leaving their rights unprotected and their communities marginalised. The former Representative of the UN Secretary-General on the human rights of IDPs, Walter Kälin, has observed that IDPs in many African countries are often worse off when humanitarian organisations withdraw following an emergency, leaving them without any real prospects of rebuilding their lives in a sustainable manner.

A father who had been internally displaced for over a decade in northern Uganda told Kälin in 2009: “I don’t need food aid. I need help in clearing my land, a shovel and seeds. And some rain.” In essence, he said that internal displacement was not only a humanitarian, human rights or peace-building challenge, but also a development one.

Internally displaced persons versus refugees

Most people forced to leave their homes because of conflict and violence, human-made or natural disaster settle in safer areas within their own country and do not cross into another country. They are known as internally displaced people (IDPs). Refugees are those who had to flee from individual persecution or, in states which have ratified the 1969 OAU Convention, violence or events “seriously disturbing public order”, and who crossed an international boundary to seek safety in a country other than their own.

Why development actors should pay attention to internal displacement

“ While forced displacement is a humanitarian crisis, it also has significant developmental impacts affecting human and social capital, economic growth, poverty reduction efforts, and environmental sustainability. Forced displacement has an important bearing on meeting the MDGs [Millennium Development Goals], since displaced populations tend to be the poorest and often experience particularly difficult access to basic services. ”

Harild and Christensen, The Development Challenge of Finding Durable Solutions for Refugees and Internally Displaced Persons, background note, World Development Report 2011.

Internal displacement caused by armed conflict, other situations of violence or natural disasters has traditionally been seen primarily as a humanitarian and human rights issue, and sometimes as a security challenge. Humanitarian organisations are regarded as key to addressing it. Development-focused organisations tend to become involved only when a situation is stable enough to allow for sustainable initiatives.

Displacement and development, however, are not unrelated. On the one hand, lack of development can trigger instability and conflict which leads to displacement, as do the lack of early warning, preparedness, disaster risk management and adaptation in countries prone to natural disasters. Lack of development can also hinder the return of people to devastated areas and affect other settlement options. Displacement might also undermine or even reverse the development of a region and it always increases the risk of impoverishment and perceived marginalisation.

On the other hand, well-designed development interventions can help to prevent displacement by stabilising fragile areas and reducing the risks associated with disasters. Displacement can even offer development opportunities. Displaced people can make positive contributions to their host communities, boost the local economy and create opportunities that may benefit both themselves and their hosts, so encouraging peaceful relations. An influx of la-

bour may improve food production, and the upgrading of health and education services has a lasting local impact, even after IDPs have returned to their homes.

Displacement as a process of impoverishment

Displacement impoverishes individuals, families and communities. IDPs often lose land, property, livelihoods and access to health services and education in the process, while hosts may exhaust their resources in coping with the new arrivals, especially in Africa where most IDPs stay with relatives or in host communities.

Impoverishment can be understood as a loss of natural capital, human-made physical capital, human capital and social capital. There are nine risks or processes that cause the impoverishment of people affected by displacement: landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property and services, social disarticulation and the loss of education opportunities. (*Impoverishment Risk and Reconstruction (IRR) model developed by Michael Cernea.*)

Why human rights matter

“ A human rights-based approach to development is above all a responsibility-based approach. It asks 'who is, and who should be, responsible for what with respect to whom?' ”

Paul Lundberg, Decentralized Governance and a Human Rights-based Approach to Development, p. 5.

In Africa, governments have realised that recognising IDPs' human rights and accepting the primary responsibility to respect, protect and fulfill those rights are essential elements in addressing internal displacement and its devastating effects.

Human rights provide key principles, complementing and supporting development aims such as the Millennium Development Goals (MDGs) and good governance. Without acknowledging that everyone has the rights to health and education, and the corollary obligations of the state, respective MDGs can hardly be reached. It is difficult to see how good governance can be achieved if people are unable to express their opinions on matters affecting their lives, or if corrupt authorities are not held accountable. In this sense, development actors increasingly recognise human rights principles and standards as a factor to be taken into account. Some have adopted human rights-based approaches while others have integrated them into their activities implicitly.

Protecting IDPs in Africa: four key instruments

- The **African Charter on Human and Peoples' Rights** (1981) is ratified by all 53 African Union (AU) member states and provides a full-fledged human rights framework applicable to situations of internal displacement. It also contains unique features, such as the right to development, that are important to IDPs' protection.
- The **Guiding Principles on Internal Displacement** (1998) set out IDPs' rights during all phases of displacement, that is to say before and during displacement and in their search for durable solutions. The Guiding Principles are not legally binding, but provide guidance to governments by pulling together and restating states' obligations under international human rights and humanitarian law.
- The **Protocol on the Protection and Assistance of Internally Displaced Persons** is one of ten protocols contained in the Great Lakes Pact on Security, Stability and Development (2006). It commits the pact's 11 member states to incorporating the Guiding Principles into their domestic legal order, and is the first sub-regional instrument to make the Guiding Principles legally binding in its signatory states.
- The **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa** (Kampala Convention, 2009) is the first regional instrument in the world to impose detailed legal obligations on states and their authorities to respect, protect and fulfil IDPs' economic, social, cultural, civil and political rights.

What does the right to development mean?

The right to development stipulates that development processes must lead to the empowerment of a people, that they must improve its choices, capabilities, opportunities and well-being. Where communities contribute to a development process by giving up their land, they have not only a right to just compensation but also to receive an equitable share of the benefits. States undertaking or enabling a development project are obliged to inform communities fully of its nature and consequences, to consult them adequately and effectively and to allow them to participate meaningfully in all parts of the process, including the planning phase, that are relevant to their lives. Most notably, states must obtain communities' free and informed consent in accordance with their customs and traditions if a development or investment project will have a major impact upon them.

Significance of the Kampala Convention as a human rights instrument

The primary responsibility to assist and protect IDPs lies with governments, but this is not always recognised and the necessary legal and institutional frameworks are sometimes non-existent or ineffective. Human rights instruments in general and the Kampala Convention in particular address these weaknesses by:

- Entitling IDPs as rights holders to demand specified protection, assistance and rehabilitation measures from authorities in their country.
- Obliging authorities as duty-bearers to respect, protect and fulfil IDPs' human rights and to take specific measures to do so.
- Allocating clear responsibilities to authorities in operational areas relevant to human rights.
- Creating a framework of accountability for cases where authorities neglect their responsibilities and violate their obligations.

The right to development: a peoples' right in Africa

The right to development is a collective right of "peoples ... to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind" (Article 22 of the African Charter on Human and Peoples' Rights). This right, which exists only in Africa as a legally binding guarantee, is particularly relevant for those internally displaced communities that constitute a "people" on the basis of a common history, culture and religion.

The role of development actors in domesticating and implementing the Kampala Convention

As well as hosting the largest internally displaced population in the world, Africa has also done most to develop a sound normative framework to protect IDPs' rights.

Unless countries domesticate and implement these key instruments, however, they will not make a difference to IDPs' lives. A number of African states, including Angola, Burundi, Central African Republic, Kenya, Liberia, Nigeria, Sierra Leone, Sudan and Uganda, have already developed national laws and policies based on the Guiding Principles and the Great Lakes Pact's IDP Protocol, or are in the course of doing so. When the Kampala Convention comes into force, there will be added pressure for more African states to establish national instruments on internal displacement, as this is one of the obligations under the Kampala Convention.

National and international development actors can play an important role in supporting states in fulfilling their obligations under the Kampala Convention.

National development actors are critical in supporting their governments – along with other relevant stakeholders – in establishing national instruments on internal displacement and ensuring they include a development angle. The implementation of such instruments requires concerted and robust efforts by a broad range of primarily national and local authorities. The support of national and international development actors is indispensable to ensure that challenges specific to displacement, such as the reconstruction of basic services in areas of return, are addressed. Such initiatives go a long way to meeting the MDGs in the countries concerned.

International development organisations can also use their good offices and set incentives by offering donor support to states and ministries in charge of domesticating the convention, and helping to build national and local capacities to that end.

Added value? Five human rights principles relevant to development processes

These five human rights principles can guide the design, planning and implementation of development projects. Answers to the questions under each principle will inform development initiatives from a human rights-based perspective.

1 Responsibility: Right holders and duty bearers

Who are the right holders and what are their rights in a specific situation?

- Do IDP communities have rights as a collective under the African Charter of Human and Peoples' Rights? What collective rights?
- Do IDPs and members of other affected communities have specific rights they can claim?
- Do displaced women, children, persons with disabilities, or members of minorities have specific rights they can claim?
- Do members of host communities and other affected people have specific rights they can claim?

Who are the duty bearers and what are their obligations in a specific situation?

- Who is responsible to address specific claims of IDPs at the local level?
- Who is responsible to address specific claims of IDPs at the central level?
- Is it clear who is responsible for what or are there gaps in the allocation of responsibilities?

2 Access to information and participation

Is information, consultation and participation of IDPs and others affected by a specific program or project ensured?

- Do IDPs and other affected people de facto and de jure have the possibility to exercise their right to information, freedom of expression and of association and the right to participate in public affairs affecting them?
- Are measures in place to ensure that IDPs and other affected people are not just heard but effectively and meaningfully involved in planning and implementing programs and projects that affect them?
- Is the effective and meaningful involvement of women, youth and marginalized groups ensured?
- Do certain IDPs lack the possibility/capacity to express themselves freely and meaningfully and how are problems of social and cultural barriers or power dynamics addressed?

3 Human rights consistency, in particular non-discrimination

Is it ensured that specific programs and projects do not violate the rights of those affected by them?

- Are programs and projects framed in a way to avoid discrimination on grounds such as race, gender, language, religion, political or other opinion, ethnic, national or social origin, property, birth or other status?
- Are monitoring measures in place to detect and address unintended discriminatory or otherwise harmful effects, particularly on vulnerable and marginalized groups?

4 Do no harm

Are specific programs and projects framed in ways that are consistent with relevant rights of IDPs and others affected by displacement?

- Are programs and projects framed in a way to avoid other negative and harmful impacts on people affected by them?
- Are programs and projects addressing social and cultural rights such as the right to food, housing, health and education ensuring that relevant goods and services are available in sufficient quantity, accessible without discrimination in geographical, administrative and financial terms?
- Are programs and projects addressing other human rights taking into account the specific entitlements enshrined in them?

5 Accountability

Is accountability at all relevant levels ensured?

- Are relevant judicial, quasi-judicial or administrative complaint and redress mechanisms in place at all stages? Are traditional or other alternative dispute settlement mechanisms available?
- Do IDPs and other affected people possess sufficient knowledge about such mechanisms and the capacity to use them?
- Is access to such mechanisms guaranteed or are there obstacles such as high costs, administrative hurdles, language requirements, or discrimination and corruption?
- Are available complaints/redress mechanisms efficient and effective?

Why development actors are needed: Entry points for development initiatives

Development actors play a crucial role in securing durable solutions for IDPs, but initiatives are equally important in preventing displacement and addressing IDPs' rights during their displacement, particularly when it becomes protracted.

Preventing displacement

Strengthening community resilience: Some communities are better equipped than others to cope with pressures to flee during armed conflict or in the context of environmental changes. Less resilient, and especially marginalised ones are more likely to flee if their situation becomes more difficult. Development initiatives can contribute to strengthening communities' resilience, for example by improving food security, livelihood opportunities, availability of drinking water, access to basic health and education services and local governance structures.

Reducing risks associated with natural disasters: Development actors have a recognised role to play in reducing risks related to natural disasters. Measures suggested in the 2005 Hyogo Framework for Action include the flood and hurricane-proofing of housing, roads and other infrastructure; the upgrading of drainage systems; the planting of riparian forest buffers; the construction of dams, sea walls and dykes; mangrove planting; beach stabilisation; the construction of buildings on elevated plots and other land planning measures, soil conservation and the improvement of livestock management.

During displacement

Strengthening coping and absorption capacities of host communities: The vast majority of IDPs in Africa do not live in camps or settlements, but stay with families or on their own in host communities, which also become affected by



An NRC staff member interviews an internally displaced woman on durable solutions and access to land at Karehe IDP site, Burundi (IDMC, November 2010).

displacement. Support for such communities should not only focus on humanitarian aid, but also on development initiatives to strengthen basic infrastructure and services, and increase food security and the availability of shelter and housing – measures that would benefit host communities at the same time as helping IDPs.

Addressing protracted displacement: More than two-thirds of the world's IDPs live in situations of prolonged and protracted displacement. All too often, this can breed dependence among those receiving humanitarian assistance. The restoration or improvement of livelihood opportunities and attending to the lack of adequate housing, water, sanitation, health and education services in areas where IDPs live are development challenges. Addressing them helps IDPs to become self-sufficient again and, at the same time, increases the general level of development and reduces poverty in targeted areas.

Achieving and sustaining durable solutions

Durable solutions that bring displacement to an end can be achieved through IDPs' sustainable return to their places of origin, integration in their places of refuge or settlement and integration in another part of the country. Durable solutions can, however, only be said to occur when specific conditions are met. The 2010 Inter-Agency Standing Committee (IASC) Framework on Durable Solutions stipulates that an adequate standard of living, including access to adequate food, water, housing, health care, basic education, employment and livelihood opportunities; and effective mechanisms to restore housing, land and property or provide compensation, are all necessary elements. The establishment of such conditions requires timely development initiatives that build on the achievements of humanitarian action and make them sustainable.

Michael Cernea in his Impoverishment Risk and Reconstruction model (see box) describes major impoverishment risks of displacement that have their equivalent in human rights guarantees as enshrined in international and African instruments. The processes leading from food insecurity and increased morbidity, for example, are directly linked to the human rights to adequate food and health. By applying these guarantees, the reversing processes become states' obligations as duty bearers towards IDPs as rights holders.

Using the Impoverishment Risk and Reconstruction model as an entry point for development actors

Internal displacement increases the risk of impoverishment. It calls for processes to reverse these impoverishment risks by addressing the needs of displaced people and communities:

- From landlessness to restitution of, or access to land after displacement, and if possible temporary use of land during it
- From joblessness to re-employment after displacement, and if possible temporary employment during it
- From homelessness to permanent housing after displacement and temporary shelter during it
- From marginalisation to social inclusion both during and after displacement
- From food insecurity to adequate food and nutrition both during and after displacement
- From increased morbidity to improved health care both during and after displacement
- From the loss of common property to the restoration of community assets and services
- From social disarticulation to the rebuilding of networks and communities both during and after displacement
- From the loss of education opportunities to the restoration of access to them

(Impoverishment Risk and Reconstruction (IRR) model, developed by Michael Cernea.)

What development actors can do

Development actors can contribute meaningfully to addressing and resolving internal displacement and to reversing IDPs' impoverishment risks.

Four key considerations for development action

1. Development planning must include enough flexibility to allow for timely initiatives by development actors when displacement situations change.
2. IDPs must be informed and consulted during development planning, and their specific needs must be factored into area-based approaches.
3. Specific programmes targeting IDPs should be linked to general development plans as a way of making them effective and sustainable. General development plans, meanwhile, should also be adapted in a way that allows IDPs to benefit from them according to their needs. For example, connecting IDPs and host communities to local, national, regional and international market opportunities will lead to sustainable livelihoods and economies.
4. The (re)construction of infrastructure is necessary for local authorities to function, for the provision of basic services and for the (re-)establishment of livelihoods. It is also essential to ensure that trained staff and resources are available to run and maintain such infrastructure and services.

Four key areas of intervention

Development actors can support the implementation of the Kampala Convention by intervening in the four key areas of governance, basic services, livelihoods and food security, and housing, land and property rights.

1 Strengthening national and local governance

Strong governance by capable, responsive and accountable national and local authorities is a necessary precondition to progress on improving access to basic services, livelihoods and the protection of housing, land and property rights.

In Article 3 (2b and c), the Kampala Convention reiterates the primary responsibility of national authorities to assist and protect IDPs, and refers to the importance of a localised response by stating states' obligation to develop policies and strategies on internal displacement at both national and local levels.

Development action:

In countries with decentralised structures, local authorities are the first responders when displacements or returns occur. Local responses, however, are typically hampered by the unclear allocation of powers and responsibilities, ineffective or insufficient financial decentralisation, lack of capacities and conflicts of loyalty among elected local authorities and officials. Development initiatives to strengthen local governance might aim to:

- Improve local capacities to address internal displacement and support durable solutions in a transparent and accountable manner.
- Support local authorities in the design, planning and implementation of community-based projects to (re-)integrate IDPs.
- Design flexible systems at the national level for devolving financial resources to respond to the needs created by the influx and presence of IDPs, be they in places of refuge and subsequent integration, return or settlement.
- Establish or strengthen measures to address local authorities' accountability towards IDPs, for example through the setting up of local complaints mechanisms.

2 Improving access to basic services

IDPs often lose their access to basic services, affecting their rights to water, sanitation, health care and education. Humanitarian assistance tends to target IDPs in camps and settlements while those living outside camps struggle to access similar services. Humanitarian organisations often leave the country or receive less funding after the initial emergency phase, resulting in a deterioration of basic services, especially when displacement becomes

protracted. IDPs seeking a durable solution may return to areas where basic services have collapsed or were destroyed and have not been re-established. They may face administrative obstacles or outright discrimination when trying to access basic services. The persistent lack of access to basic services, sometimes during all phases of their displacement, seriously compromises IDPs' rights to water and sanitation, health and education and hinders communities in their efforts to achieve a durable solution.

Article 9 (2) of the Kampala Convention stipulates that states must provide IDPs, and where appropriate host communities, with adequate humanitarian assistance, including health services, sanitation and education to the fullest extent possible and with minimum delay. Special measures must be taken to protect women's reproductive and sexual health and provide psychosocial support for victims of sexual and other abuse. Providing these services is part of a state's obligation to seek durable solutions to displacement as stipulated in Article 11 (1).

States are responsible for deciding which ministries or institutions will carry out these tasks. Concerted efforts by humanitarian and development actors are often essential in supporting them.

Development action:

Development actors are routinely involved in improving basic services. Initiatives should take IDPs' specific needs and vulnerabilities into account and contribute to restoring their access to these services both during and after displacement by:

- Expanding and upgrading existing services to cope with increased demand in IDPs' places of refuge, particularly where an influx of IDPs compounds other urban pressures. Initiatives should be sustainable and continue even once IDPs leave, to ensure development gains for their host communities.
- Ensuring that basic services put in place by humanitarian organisations are taken over by ministries, local authorities or communities when the emergency phase ends and that they are accessible to host communities.
- Re-establishing basic services in areas of return; and when necessary setting them up or expanding them in areas of local integration or relocation/settlement.
- Ensuring in all cases that legal, administrative and de facto obstacles faced by IDPs when accessing basic services are removed.

Example: Life-saving development efforts in northern Somalia

The continuous flow of IDPs into Puntland and Somaliland places a burden on local authorities and communities. Kälin, the former Representative of the UN Secretary-General, has highlighted the need for development initiatives such as investments in basic infrastructure, services and livelihoods as important life-saving measures (RSG Somalia report 2009, paragraph 33): "Such development interventions reduce dependency on humanitarian aid and strengthen the capacity of displaced and host communities to cope with the distress and the burdens imposed upon them as a consequence of displacement, at times when humanitarian aid cannot reach them." Working with their UN partners, ministries have established joint programmes in Hargeisa, Bossasso and Galkayo which aim to improve IDPs' living standards by better protecting their human rights, in particular by improving their physical security, upgrading temporary settlements and improving access to basic services and livelihood opportunities. The programmes also seek to identify and achieve durable solutions, so combining the need for continued humanitarian efforts with recovery and development initiatives.

3 Re-establishment of livelihoods and food security

Livelihoods and food security are intimately connected, especially in rural areas. In fact, the re-establishment of livelihoods is key to improving IDPs' food security and fulfilling their right to food. Development initiatives help them to avoid temporary or chronic malnourishment, and as such so go some way to addressing the fundamental right of every human being to be protected against hunger. Lack of access to livelihoods causes both impoverishment and dependence on humanitarian assistance. In its absence, IDPs resort to negative coping strategies or become vulnerable to serious economic exploitation. Self-employed farmers, shopkeepers and other business owners tend to lose their livelihoods when they flee because they leave behind the very basis of their economic activities, including productive assets, economic and physical resources, customers and professional and social networks. Others lose jobs in industries and services, access to work on land owned by others and the use of assets under common property arrangements.

Finding new employment and other sources of livelihoods is difficult for IDPs. Displacement often occurs during economic downturns caused by armed conflict, political crises or natural disasters. People may also be displaced to areas where no jobs are available, or where they face discrimination or lack the skills and knowledge needed to establish new livelihoods. Some of these factors, such as discrimination and a shortage of economic opportunities, may persist in the context of durable solutions.

Development action:

There is no consensus as to which policies are most efficient in creating jobs and livelihoods, but pragmatic approaches taking into account specific contexts work best. Initiatives might include:

- Temporary work programmes with payment in cash or food. Schemes might involve IDPs in the setting up camps or settlements in areas of displacement, or in the reconstruction of damaged homes and basic services in return areas. Such initiatives are an important step towards re-establishing IDPs' self-sufficiency.
- Vocational training programmes or shorter skills training programmes to improve IDPs' chances of entering the labour market both during and after displacement. Such programmes are particularly effective if combined with the creation of equivalent livelihood opportunities.
- Improving access to and provision of productive assets, such as markets, land, livestock, tools, other equipment and micro-credits without discrimination. This is essential both during and after displacement to re-establish sustainable livelihoods in the long-term and to limit protracted displacement and dependence on humanitarian assistance.
- Creating sustainable livelihood opportunities and self-reliance in the context of durable solutions. Such initiatives should be area-based, multi-dimensional and cover IDPs, returnees and local communities to have a lasting impact. As such, they also contribute to social reconciliation.
- Mainstreaming IDPs' specific needs into general poverty alleviation and livelihood programmes.

Article 3 (1) (k) of the Kampala Convention stipulates that as well as ensuring IDPs' protection and assistance, states must also promote their self-reliance and sustainable livelihoods. Restored livelihoods are a key condition to the achievement of durable solutions, an obligation contained in Article 11.

Given that early recovery measures taken by humanitarian organisations are often not enough to restore food security, development action is essential to lessen IDPs' dependence on assistance and to avoid creating an obstacle to durable solutions. Initiatives might include:

- Providing IDPs with unused public or other land, and the tools and seeds necessary to grow food during their displacement; and those in urban areas with training, micro-credits and other measures to help them enter the local labour market. Private land can also be used to IDPs' benefit, provided the owner receives adequate compensation through rent or is included in income-generating schemes or infrastructure projects that offer them some economic reward.
- Helping returning IDPs clear land left fallow during their displacement and building or repairing irrigation systems and other infrastructure.
- Establishing land cooperatives or using common or



Returned IDP boys in an unrenovated school in Gulu district, Uganda. (IDMC, January 2011)

public land to give landless IDPs the opportunity to farm. This can be particularly useful in areas where population density is high and the size of private plots very small.

- Introducing more productive and sustainable farming methods, agricultural credits and measures to improve IDPs' access to markets.
- Replacing the livestock of (agro-)pastoralists who lost their animals during the process of displacement. The provision of veterinary services is also important for a successful intervention.

Example: Livelihoods and food insecurity in northern Uganda

A longitudinal study in northern Uganda published by the Overseas Development Institute showed that returning IDPs' food insecurity can actually increase in the absence of adequate development initiatives. The study examined the situation of families in Pader district over three years and its findings included the following problems faced by IDPs returning to their villages: (i) Agricultural inputs and labour were a major constraint on food production despite the availability of land; (ii) Income-generating opportunities "were mainly limited to low paying activities"; (iii) Income dropped to very low levels during times when returning IDPs had to clear their land and construct their homes; and (iv) the latter hindered the efforts of those affected "to rapidly rebuild their former livelihoods or invest in livestock" and so prolonging their dependence on food assistance.

4 Providing access to housing, land, property and temporary shelter

The homes, land and property that IDPs leave behind when they flee are often their most valuable assets and essential to their livelihoods and identities. Such property often remains unprotected, compromising IDPs' right not to be arbitrarily deprived of their property. The loss of them contributes to IDPs' impoverishment and creates the need for adequate shelter during and after displacement

until their assets have been recovered. Land issues are important drivers of violence and conflict when access is unequal, tenure insecure or competition intense, including situations in which climate variability or change has led to scarcer resources. Restoring housing, land and property and improving secure access to land and housing as aspects of IDPs' rights in this area are key to IDPs being able to achieve durable solutions in the aftermath of conflict, and may be essential in rebuilding peace. The destruction of homes and property by natural disasters and conflicts often leads to displacement and is a major obstacle to IDPs restarting their lives. The loss of land registries and title deeds, the absence of formal deeds, the destruction of landmarks used for demarcation and discriminatory laws and traditions are common challenges IDPs face in recovering their land and property and a potential source of inter-communal tensions, violence and conflict.

Given the various modes and customs of housing, land and property rights, the Kampala Convention regulates them in detail and also contains provisions relevant to providing IDPs with access to adequate shelter.

Article 4 (5) of the Kampala Convention seeks to protect communities with special attachment to or dependence on land because of their culture and spiritual values from displacement. Article 9 (2) stipulates that states must provide IDPs with adequate shelter to the fullest extent possible and with minimum delay. It also calls for measures to protect individual, community and cultural property left behind in IDPs' places of origin and in their places of refuge. The obligation of states to promote and create the conditions for durable solutions is contained in Article 11 (1), and includes the restoration of IDPs' homes, lands and property. States are also required by Article 11 (4) to establish mechanisms and simplified procedures to settle property-related disputes. Article 11 (5) states that communities with special attachment to or dependence on land whose displacement could not be prevented can ask their governments to take all appropriate measures to restore their former lands upon their return whenever possible.

Development action:

Development initiatives on housing, land and property are essential throughout the displacement process, and particularly to the achievement of durable solutions. Improving tenure security is essential in Africa, where the overwhelming majority of rural land is unregistered and managed customarily – a fact which increases the likelihood of dispossession before, during and after displacement. Access to land and property is also closely related to livelihoods. Initiatives might include:

- Protecting the land and property IDPs leave behind. Development initiatives that help both people who have fled and those at risk of displacement to secure title deeds

are critical. They might include recording hitherto unregistered, informal or traditional ownership, land titling, and securing or re-establishing land registries and similar public records.

- Helping IDPs to recover their property. Initiatives to help replace lost or destroyed documentation proving ownership rights are critical as are those to help re-establish land registries and administration systems that may have been destroyed or collapsed during conflict or disaster.
- Resolving land and property disputes. Development initiatives are essential in strengthening and building the capacity of existing courts and tribunals. These bodies are often overwhelmed by the sheer volume of IDPs' claims, and lengthy proceedings become an impediment to their achieving durable solutions. Development actors can help to address this issue by working with national and local authorities to improve mechanisms for settling disputes, simplify procedures and create alternative mechanisms.
- Ensuring IDPs receive compensation where it is impossible to reconstitute their property. Similar initiatives to those aimed at resolving disputes are essential, that is to say working with authorities to strengthen the capacities of courts, tribunals and compensation commissions, simplify procedures and set up alternative mechanisms to adjudicate claims and pay compensation.
- Improving IDPs' tenure security and access to land and housing. Development actors can support this goal with a wide range of initiatives, such as land management and governance programmes, the development of policies that recognise customary land rights, transforming those rights into title deeds and supporting urban planning solutions which include pro-poor housing and rental schemes open and adapted to IDPs.

Shelter and housing is not only a humanitarian issue. Development actors play a critical role in providing transitional shelter when displacement becomes protracted and in the process of finding durable solutions. They help IDPs avoid having to (i) live in sub-standard housing without access to basic services, (ii) engage in dangerous or exploitive activities to cover rents or (iii) occupy public or private property and risk eviction. Transitional shelter may also be necessary for returning IDPs who lack the capacities to rebuild their houses. Initiatives should aim to:

- Upgrade areas where IDPs settle or return with the necessary housing and other infrastructure as part of urban planning or rural development projects, and provide options to secure residents' tenure.
- Make sure that housing policies address IDPs' specific needs.

Example: Using existing development schemes to achieve durable housing solutions

In Burundi, IDPs have been living in settlements for over a decade. The settlements were set up on both public or private land, and in some cases they have been the source of land disputes with the owners, most of them domicile residents. A study carried out in 2011 to assess IDPs' living conditions and their preferred options for durable solutions showed that 82 per cent wished to integrate locally, a preference protected by the right of all citizens to choose their place of residence but raising the issue of the status of the land on which they have settled. Burundian authorities are now in the process of drafting an action plan for durable solutions with the support of the UN Refugee Agency (UNHCR). The plan will cover the resolution of property disputes through restitution or compensation, and address the issue of tenure security for IDPs who wish to integrate locally. For it to be successful, it is essential to examine existing land legislation and development programmes which could contribute to the achievement of durable solutions.

Burundi is seeking international financial support for a "villagisation" project which aims to improve economic development and living conditions through the development of villages where all facilities and services are available. Beneficiaries would become owners of the houses built as part of the programme. Its current criteria, however mean that IDPs are not eligible to participate. Extending the programme to include IDP settlements and neighbouring communities would go a long way to achieving durable solutions and social reconciliation. This example shows the need for coordination between humanitarian and development actors in helping authorities to implement initiatives that support IDPs' efforts to achieve durable solutions at the same time as benefiting the population as a whole.

Links to resources

Note: This brochure focuses on displacement caused by armed conflict, other situations of violence and natural disasters. Development-induced displacement has its own normative frameworks.

Guidance is notably included in the World Bank's Operational Policy on Involuntary Resettlement (Operational Manual, OP 4.12, revised in Feb. 2011); the African Development Bank's Involuntary Resettlement Policy (Nov. 2003); the International Finance Corporation's Performance Standard 5, Land Acquisition and Involuntary Resettlement (Jan. 2012) and the Basic Principles and Guidelines on Development-Based Evictions and Displacement (2007).

Useful links

- African Union: <http://www.au.int>
- African Commission on Human and Peoples' Rights: <http://www.achpr.org>
- African Development Bank: <http://www.afdb.org>
- Internal Displacement Monitoring Centre: <http://www.internal-displacement.org>
- International Conference on the Great Lakes Region: <http://www.icglr.org>
- PreventionWeb: <http://www.preventionweb.net>
- ReliefWeb: <http://www.reliefweb.int>
- UNDP: <http://www.undp.org>
- UN High Commissioner for Refugees: <http://www.unhcr.org>
- UN Office for the Coordination of Humanitarian Affairs (OCHA): <http://ochaonline.un.org>
- World Bank: <http://www.worldbank.org>



Source: UN Cartographic Section, modified by IDMC. October 2012

The Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, on the request of the Inter-Agency Standing Committee to set up a global database on internal displacement. IDMC remains the leading source of information and analysis on internal displacement caused by armed conflict, generalised violence and violations of human rights worldwide. Since 2009, IDMC has also monitored displacement due to disasters associated with natural hazards.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), many of whom are 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;
- Researching, analysing and advocating for the rights of IDPs;
- Providing training on the protection of IDPs;
- Contributing to the development of guides and standards on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website at:

www.internal-displacement.org

www.internal-displacement.org/kampala-convention

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