

The Kampala Convention: Making it real

A short guide to the AU Convention for the Protection and Assistance of IDPs in Africa



Protecting IDPs in Africa: A few key instruments

* The Guiding Principles on Internal Displacement (1998) are not legally binding, but provide guidance to governments by restating and compiling existing international human rights and humanitarian law and attempting to clarify grey areas and gaps in the various instruments pertinent to IDPs.

* The “Protocol on the Protection and Assistance of Internally Displaced Persons” of the Great Lakes Pact on Security, Stability and Development (2008) commits its 11 member states to incorporate the Guiding Principles into their national laws. The Great Lakes Pact is the first instrument to make the Guiding Principles legally binding in signatory states.

* The 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 legal obligations on states in relation to the protection and assistance of IDPs.

* Several African states, including Angola, Burundi, Liberia, Sierra Leone, Sudan and Uganda, have already developed national laws and policies based on the IDP Guiding Principles.



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Cover photo: Thousands of people flee a settlement in Eastern Congo after gunfire was heard near the site in 2008
© UNHCR/P. Taggart

An online version of this document is available at <http://www.internal-displacement.org/kampala-convention>

The Kampala Convention: Making it real



The Mohamed family at Belet Amin IDP settlement, Somalia © Trócaire/K. Haughton

“ The Convention is a major achievement. It represents the will and determination of African States and peoples to address and resolve the problem of internal displacement in Africa. ”

Dr Chaloka Beyani, United Nations Special Rapporteur on the human rights of internally displaced persons, 23 October 2010

The adoption of the Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa by the African Union (AU) in October 2009 has been described as an historic accomplishment. The so-called Kampala Convention is the first legally binding regional instrument in the world to impose on states the obligation to protect and assist IDPs.

However, to enter into force and become legally binding, the Convention has to be ratified by 15 countries.

Since it was endorsed in Kampala, a growing number of states have shown their determination to refrain from acts that would defeat the object and purpose of the Conven-

tion by signing it, but the number of ratifications remains insufficient. As of October 2010, it has been signed by¹ 29 of the 53 AU member states, but only ratified by two, Uganda and Sierra Leone.

The Convention applies to displacement caused by a wide range of causes – from conflict and human rights violations to natural or man-made disaster and development projects – and provides standards for the protection of people from arbitrary displacement, the protection of IDPs while they are displaced and durable solutions to their displacement.

¹ 27 October 2010, <http://www.africa-union.org/root/au/Documents/Treaties/list/Convention%20on%20IDPs%20-%20displaced.pdf>

Before displacement: Preventing displacement from happening



Chadians fleeing attacks on their villages pitch a makeshift camp on the outskirts of Goz Beida © UNHCR/H.Caux

“ The causes of displacement – in Africa, as in other parts of the world – are of course manifold and complex. Quite apart from natural disasters or development-induced displacement, in most cases the root causes of displacement are those that have triggered, or at least contributed to, armed conflict or situations of violence in the first place. ”

Jakob Kellenberger, president of the International Committee of the Red Cross

One of the aims of the Kampala Convention is to prevent displacement. It prohibits arbitrary displacement, and requires states to take preventive measures to protect people from displacement in line with their obligations under international law.

It provides that people should be protected against displacement resulting from conflict and violence, discriminatory policies or human rights violations. It also states that displacement should not be used as a method of warfare or as collective punishment. In the case of natural or man-made disaster, forced evacuations should only take place for reasons of health and safety.

It calls on states to establish early warning systems and adopt disaster preparedness and management measures to prevent displacement caused by natural disaster.

In the case of development projects, carried out by public or private actors, forced relocation must be justified by “compelling and overriding public interest”. States must ensure that other alternatives are explored and that socio-economic and environmental impacts are assessed beforehand. States also have a duty to inform and consult people who are likely to be displaced.

CÔTE D'IVOIRE: Forced evictions ahead of rains

In May 2010 the Ivorian authorities announced that they would move 23,000 families away from flood plains and water drainage canals in preparation for the annual rains. Families were forced to leave, even though they had not been offered any other accommodation. Some saw their houses being destroyed by bulldozers. The Minister of the Interior did indicate that US\$ 3.5 million had been set aside to protect displaced populations, but did not specify how and when families would be compensated.

Article 4 of the Kampala Convention provides that only health and safety reasons can justify forced evacuations in the case of natural disaster. Article 12 obliges states to provide displaced people with effective remedies.

Côte d'Ivoire has signed, but not yet ratified, the Convention (Oct. 2010).

Source: IRIN
<http://www.irinnews.org/Report.aspx?ReportId=89540>

During displacement: Protecting and assisting internally displaced people



Food distribution to a group of IDPs in South Kivu, in the Democratic Republic of Congo © IRIN/J. Some

“ Everyone displaced by conflict or natural disaster is an individual. A person, likely a woman or child, who may be undernourished and living in fear of recruitment or rape. A person whose potential remains unrealized, with dreams unfulfilled and contributions forgone. ”

António Guterres, UN High Commissioner for Refugees, on behalf of the UN Secretary General

A state responsibility: The Kampala Convention provides that states have the primary responsibility for providing assistance to IDPs. They are obliged to assess their needs and vulnerabilities and those of the host communities – or to facilitate such assessment – and to provide adequate assistance.

Internally displaced people are entitled to the full protection of their rights on the same basis as other citizens and residents of the country. They should not be discriminated against on grounds of their displacement or any other grounds, such as their race, ethnicity, or political affiliation.

Supporting the State

States have a duty to seek assistance from relevant local and international agencies when their own resources are inadequate to protect and assist IDPs. They must facilitate the provision of assistance, notably by facilitating the passage of humanitarian aid and workers. At the same time, international organisations must act in conformity with the law of the country and international law, and respect the humanitarian principles¹ of humanity, neutrality, impartiality and independence.

ETHIOPIA: No access to humanitarian aid for IDPs

In Ethiopia, people have been forced since 2007 to flee fighting between government forces and the Ogaden National Liberation Front (ONLF) in the Somali Region, and human rights violations committed by both parties. Human rights organisations have accused the government of burning villages and forcing communities to vacate their land on the pretext of security concerns, while the ONLF has also reportedly been responsible for forcible recruitments. Humanitarian agencies have been unable to assess the situation, as they have not been granted access to the area. IDPs have not received assistance for basic necessities such as shelter, education or health care, and in the majority of cases have had to rely on the support provided by host communities.

Article 5 of the Convention provides that states must assess or facilitate the assessment of the needs and vulnerabilities of IDPs and host communities, in cooperation with international organisations or agencies.

Ethiopia has signed, but not yet ratified, the Convention (Oct. 2010). More than 300,000 people are displaced in the country.

Source: IDMC

<http://www.internal-displacement.org/countries/ethiopia>

¹ <http://www.ifrc.org/what/values/>

Focus on the role of armed groups

The Convention also specifies that armed groups should be held criminally responsible for acts violating the rights of IDPs, and highlights a number of prohibited actions, such as carrying out arbitrary displacement, hampering the provision of humanitarian assistance and protection, forcefully recruiting people and restricting their freedom of movement.

Addressing critical problems

As a result of their displacement, IDPs often lack basic necessities, are vulnerable to sexual violence and family separation, and face difficulties in accessing education and finding work opportunities.

The Kampala Convention highlights a number of specific measures that states should take to address such problems. They include the registration of IDPs and the provision of personal identification documents; the tracing of family members and the facilitation of their reunification; and consultation with IDPs in decisions related to their protection and assistance.

States must also take measures to protect the property of internally displaced people and set up mechanisms for resolving land and property disputes. They must establish effective legal frameworks to provide just and fair compensation and other forms of reparations to IDPs for damage incurred as a result of their displacement.

CENTRAL AFRICAN REPUBLIC: Armed group blocking access to IDPs



Children displaced by an attack on their village attend class at a bush school in the Central African Republic © UNHCR/H.Caux

In May 2010, thousands of people displaced from their homes in the Central African Republic (CAR) could not be reached by aid workers because of insecurity caused by the Ugandan Lord's Resistance Army (LRA) and other armed militias. At least 20,000 people have fled their homes in the northern and southeastern regions since January 2010, bringing the total number of IDPs in the country to more than 160,000. Despite joint anti-LRA operations by the governments of Sudan, Uganda and DRC, the LRA has continued to brutalise and abduct civilians. In early 2010, the CAR government deployed another 250 troops to protect the displaced populations and humanitarian convoys.

Article 7 of the Kampala Convention prohibits armed groups from hampering the provision of humanitarian assistance to IDPs.

CAR has signed, but not yet ratified, the Convention (Oct. 2010).

Source: IRIN
<http://www.irinnews.org/report.aspx?ReportId=89265>

LIBERIA: Dealing with land disputes

Thousands of Liberians who had been displaced by the 14-year civil war have returned since it ended in 2003 to find their land occupied by others. The combination of returning people, population growth, and ongoing uncertainties in land ownership has led to hundreds of land disputes. Meanwhile, although the government considers the internal displacement crisis to be over, the situation of a number of IDPs who still live in disused public buildings in the capital, Monrovia, remains of concern.

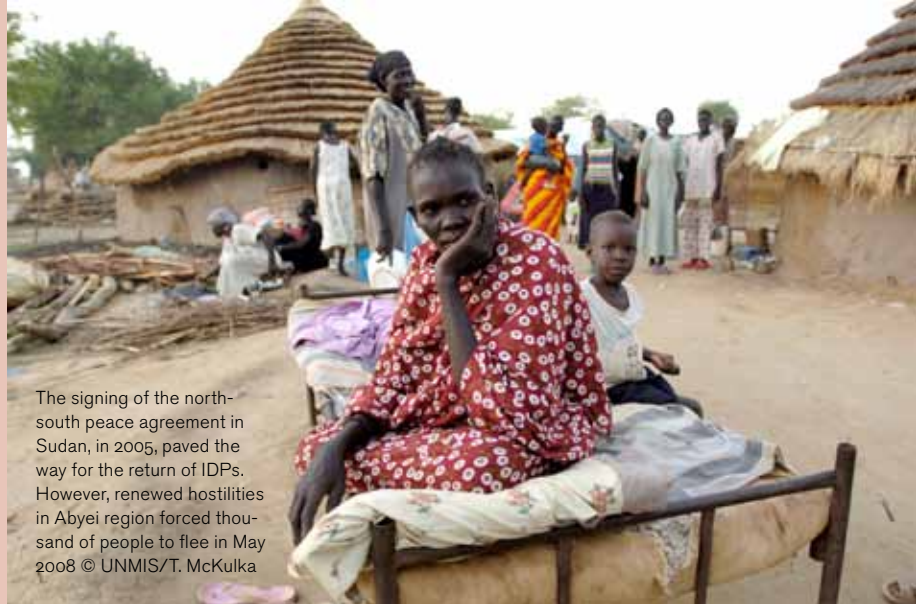
In 2009, the government established a land commission to tackle conflicts over land sales, secure people's land tenure and modernise the country's land laws. It has welcomed the contribution of organisations such as the Norwegian Refugee Council, which has supported the government with the mediation of claims in several counties and provided free legal assistance. But even though progress is being made, some say more needs to be done on a village-to-village basis.

Article 11 of the Kampala Convention obliges states to establish appropriate mechanisms for resolving disputes related to the property of IDPs.

Liberia has signed, but not yet ratified, the Convention (Oct. 2010).

Sources: IRIN and IDMC
<http://www.irinnews.org/report.aspx?ReportId=89149>
<http://www.internal-displacement.org/countries/liberia>

Bringing displacement to an end: Seeking durable solutions



The signing of the north-south peace agreement in Sudan, in 2005, paved the way for the return of IDPs. However, renewed hostilities in Abyei region forced thousand of people to flee in May 2008 © UNMIS/T. McKulka

“ Sustaining returns remains a challenge that must be addressed by quick impact recovery and development activities, which requires stronger action by development agencies and support of donors. ”

Walter Kälin, former Representative of the UN Secretary-General on the Human Rights of IDPs

The Kampala Convention calls on states to seek lasting solutions to internal displacement. It states that internally displaced persons (IDPs) have the right to choose freely between returning home, integrating locally in areas of displacement or relocating to another part of the country. For each of these options, states are responsible for ensuring that the conditions are satisfactory and sustainable.

SOMALIA: Local integration in Galkayo

Authorities in Galkayo, in Somalia's self-declared autonomous region of Puntland, are offering skills training of three to six months to IDPs in a bid to integrate them into the community. Once they have acquired skills in various fields such as mechanics, carpentry, tailoring and beauty therapy, they are expected to contribute to the local economy, in addition to supporting themselves.

Some 1.6 million Somalis have been displaced by the past 20 years of civil strife.

Article 11 of the Kampala Convention provides that states parties must ensure the participation of IDPs in finding durable solutions.

Somalia has signed, but not yet ratified, the Convention (Oct. 2010)..

Sources: IRIN and IDMC

<http://www.irinnews.org/Report.aspx?ReportId=90415>

<http://www.internal-displacement.org/countries/somalia>

IDPs must also be provided with information allowing them to make a free and informed choice on whether to return, integrate or relocate elsewhere in the country.

BURUNDI: IDP settlements turn into permanent villages

In Burundi, some 100,000 people live in a number of IDP sites. Many of them are gradually turning into permanent villages. The government has also relocated landless IDPs and returning refugees into new “peace villages”.

Even though the ethnic violence and internal armed conflict that broke out after the 1993 coup have ended, most of the people in these villages who were displaced have no intention of returning to their place of origin, not because they fear insecurity but because there are better economic opportunities where they are now.

Article 11 of the Kampala Convention obliges states parties to seek lasting solutions to displacement by creating satisfactory condition for local integration, voluntary return or relocation.

Burundi has signed, but not yet ratified, the Convention (Oct. 2010)..

Source: IDMC

<http://www.internal-displacement.org/countries/burundi>

Making the Kampala Convention work for IDPs: From paper to action



Thousands of people flee Kibati IDP camp, in the Democratic Republic of Congo's North Kivu province, after hearing gunfire. © UNHCR/P.Taggart

“ The Convention represents an important achievement, but not an end in itself. Everything is in fact just starting as this is an indispensable tool that will serve a regional vision aiming at improving the life of the populations and turning this continent in one where life is good, sheltered from fear and needs. ”

Jean Ping, Chairperson of the Commission of the African Union (translated from French)

More than 40 per cent of the all the people worldwide who have been displaced within their own country as a result of conflict or violence live in Africa. The continent is home to 12 million internally displaced people (IDPs)¹ – nearly five times the number of refugees in the region. When people displaced by causes other than conflict or violence – such as natural or man-made disasters – are included, this figure is even higher.

“The absence of a specific and binding international legal regime specific to IDPs represented a serious gap creating numerous challenges for their protection, assistance and finding durable solutions for their problems,” the AU has emphasised in an explanatory note.³

Five years of drafting, negotiations and consultations were necessary before the AU adopted a binding legal framework to fill the gap and address the protection needs of IDPs.

Pushing for the ratification

“The Convention will have its desired impact only when it is speedily signed, ratified and implemented. (...) Member States are called upon to complete the process by signing and ratifying the Convention and taking the various measures outlined therein to ensure its implementation

and answer to the cries of these displaced populations.”
- African Union,² 23 October 2009

Since it was adopted in October 2009, only two of the 53 member states of the AU have ratified the Kampala Convention, namely Uganda and Sierra Leone (Oct. 2010). The Convention has to be ratified by 15 countries to come into force.

All African states, including those that are not currently affected by displacement, are encouraged to ratify the Convention. One reason is that all states must be ready to deal with displacement induced by natural disasters and to take measures to prevent arbitrary displacement.

As of October 2010, twenty-nine countries³ have shown their determination by signing the Convention. But signature alone only obliges signatory states to refrain from acts that would defeat the object and purpose of the Convention. For the Convention to become legally binding on a state, it must not just sign but ratify the Convention.

Adopting national laws and policies

The Kampala Convention underlines that states have the primary responsibility for providing protection and humanitarian

¹ <http://www.internal-displacement.org/idp>

² http://www.internal-displacement.org/au_recommendations_nov2008

³ [http://www.africa-union.org/root/au/Documents/Treaties/list/Convention on IDPs - displaced.pdf](http://www.africa-union.org/root/au/Documents/Treaties/list/Convention%20on%20IDPs%20-%20displaced.pdf)



IDPs moving back to their villages in northern Uganda © IRIN/C. Akena

assistance to IDPs. In order to meet that obligation, they have to develop appropriate laws, policies and strategies.

There is not one single way to incorporate international obligations, but in all cases, a few preliminary steps are necessary: assessing the existing national laws and policies, passing necessary laws to address gaps, removing provisions not in line with the Convention, and taking the necessary steps for implementation.

Several African states, including Angola, Burundi, Liberia, Sierra Leone, Sudan and Uganda, have already developed

national laws and policies based on the IDP Guiding Principles.⁴ Others have drafted laws and policies and some use the Guiding Principles as their main framework for responding to situations of internal displacement.

⁴ <http://www.internal-displacement.org/guidingprinciples>

KENYA: Towards a national IDP policy

In March 2010, the government of Kenya presented a draft national IDP policy that aims to ensure adequate protection for IDPs, to prevent future displacement and to fulfil the country's obligations under international law.

In line with the Kampala Convention, the draft policy covers conflict-induced displacement, as well as displacement caused by natural disasters and development projects. It proposes the creation of a fund to meet the needs of IDPs.

While Kenya has not yet signed or ratified the Kampala Convention, it is party to the Pact on Security, Stability and Development⁵ in the Great Lakes Region, which commits states to incorporate the IDP Guiding Principles⁵ into their national laws.

Sources: IRIN and IDMC

<http://www.irinnews.org/report.aspx?ReportID=88485>

<http://www.internal-displacement.org/countries/kenya>

⁵ <http://www.internal-displacement.org/greatlakespact>

UGANDA: Setting the example

In February 2010, Uganda became the first country to ratify the Kampala Convention, less than four months after its adoption. The country had already developed a national IDP policy based on the IDP Guiding Principles⁵ in 2004.

At the peak of the conflict between the government and the rebel Lord's Resistance Army, some 1.8 million people were displaced. While most have returned to their villages since the signing of a cease-fire in 2006, a significant number of people still live in camps. Some cannot return because of land disputes, others with specific vulnerabilities would be unable to support themselves in the return areas. Much work remains to be done to ensure that returns are sustainable: basic infrastructure and services in the return areas are inadequate or non-existent; lack of access to clean water poses a risk of epidemics, and clinics and schools struggle with insufficient facilities and qualified personnel.

Article 11 of the Kampala Convention obliges states to create satisfactory conditions to ensure the sustainability of returns.

Source: IRIN and Brookings

<http://www.irinnews.org/Report.aspx?ReportId=86841>

<http://www.brookings.edu/projects/idp/Laws-and-Policies/uganda.aspx>

Displacement in Africa



In 2006, floods displaced thousands of people in southern Somalia © IRIN/M. Deghati

“ Displacement is a devastating experience. Those who flee or are forced to leave their homes may find security but they have to pay a heavy price. They leave behind their property, livelihoods, community ties and all they cherished. Dreams are shattered and hopes gone, and often it takes years or even decades for them to rebuild normal lives. ”

Walter Kälin, (former) representative of the Secretary-General on the human rights of internally displaced persons

Millions of people are displaced in the world because of conflict, natural disasters and development projects. Of the 27 million people worldwide who have been displaced by conflict or violence, nearly 12 million live in Africa.¹ The continent is home to more than 40 per cent of the world's conflict-induced internally displaced people (IDPs). Sudan is host to the largest displaced population in Africa, totalling 4.9 people. It is followed by the DRC, with nearly two million IDPs, and Somalia, with 1.6 million. Hundreds of thousands more are displaced in Côte d'Ivoire, Ethiopia, Kenya, Uganda, and Zimbabwe. Some displacement is reported in more than 20 African countries.

Those figures do not take into account the many more that are newly displaced every year by natural disasters. A study by the United Nations Office for the Coordination of Humanitarian Affairs and IDMC² found that natural disasters displaced nearly 700,000 people in Africa in 2008 alone.

A constantly changing landscape

Displaced populations are not static. While new displacement occurs, return, local integration and relocation also take place.

In 2009, the largest new displacement happened in the DRC, where over one million people had to flee attacks by militia groups and the government. At the same time, a similar number of Congolese IDPs was heading home. In Somalia, upsurges in the fighting forced hundreds of thousands of people to flee their homes, while significant numbers of people in Southern Sudan fled inter-ethnic violence. New displacement also took place in Central African Republic (CAR), Côte d'Ivoire, Ethiopia, Kenya, Nigeria, Senegal and Zimbabwe during the same year.

IDPs vs. 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).³ Refugees⁴ 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. Figures compiled by IDMC and the United Nations High Commissioner for Refugees (UNHCR) show that there are nearly five times more IDPs than refugees in Africa.

¹ <http://www.internal-displacement.org/africa>

² <http://www.internal-displacement.org/publications/2009/disasters>

³ <http://www.internal-displacement.org/idp>

⁴ <http://www.unhcr.org/pages/49c3646c125.html>

Living in displacement

For many, life in displacement is a constant struggle. Aid can not always reach displaced communities, due to restrictive policies and insecurity. In Sudan in 2009, 16 NGOs who had been delivering a significant proportion of the aid to displaced people in the Darfur region were forced to stop their activities by the government. In CAR, Chad, DRC and Somalia, attacks against aid workers and insecurity severely limited access and, in some instances, compelled humanitarian organisations to suspend operations.

Displacement makes people vulnerable to all sorts of abuses and often leaves them with limited access to basic services. In some countries affected by armed conflict, such as Somalia, displaced children have been recruited by armed groups. Rape and sexual violence has been a reality for thousands of displaced women in the DRC, but also in other countries such as Burundi, Chad and Senegal. IDPs often have limited access to education, health care and other facilities. Those who were displaced by conflict often continue to face periodic insecurity, whether they gather for shelter in camps or disperse among host communities.

The end of displacement is not always easy either. IDPs attempting to rebuild their lives by going home, integrating



Some people have been living in camps like this one in Bulengo, in North Kivu in the DRC, for years © IRIN/A. Graham

in their host community or moving elsewhere often meet a tough reality. Many return to find their land occupied, schools and health centres destroyed, and are faced with lasting tensions between communities and limited food security.

In some cases, returns are not voluntary. For example, in Kenya in 2009, the government forced IDPs to return even though the situation that gave rise to their displacement was not fully resolved.

IDPs in Africa: A FEW FIGURES

AFRICA: Some 12 million Africans are displaced within their own country because of violence. Hundreds of thousands more are displaced every year by natural disasters, and by infrastructure projects such as dams and roads.

SUDAN: With 4.9 million IDPs, Sudan has the largest displaced population on the continent. Of these, about 2.7 million people have been displaced by the ongoing conflict in Darfur, while the remainder were displaced by the war between northern and southern Sudan; by armed conflict in eastern Sudan; and in Southern Sudan by inter-communal violence as well as attacks from the Lord's Resistance Army (LRA).

DR CONGO: As of August 2010, there were nearly two million people displaced by military operations against armed groups and retaliations against civilians in eastern DRC.

SOMALIA: Some 1.6 million people were displaced in Somalia as of mid-2010. Their access to basic necessities was extremely limited.

ETHIOPIA: By the end of 2009, it was estimated that more than 300,000 people were displaced by conflict in Ethiopia. Figures are difficult to establish because of restricted access to some areas.

UGANDA: At the peak of the conflict in the north, at least 1.8 million people were displaced. Most have returned home in the past years, but as of June 2010 about 300,000 people were still displaced.

KENYA: Post-election violence in 2008 displaced some 600,000 people. In early 2009, the Government ordered the closure of all IDP camps, regardless of people's willingness to return home.

CENTRAL AFRICAN REPUBLIC: In early 2010, more than 160,000 people were displaced in the country.

CHAD: By July 2010, some 170,000 people had been displaced by conflict in Chad.

Sources: IDMC and OCHA

Useful links

- African Union: <http://www.au.int>
- African Commission on Human and Peoples' Rights: <http://www.achpr.org>
- International Conference on the Great Lakes Region: <http://www.icglr.org>
- PreventionWeb: <http://www.preventionweb.net>
- ReliefWeb: <http://www.reliefweb.int>
- IRIN: <http://www.irinnews.org>
- UN High Commissioner for Refugees: <http://www.unhcr.org>
- UN Office for the Coordination of Humanitarian Affairs (OCHA): <http://ochaonline.un.org>

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<http://www.nrc.no/?aid=9160711>

What is IDMC?

The Internal Displacement Monitoring Centre (IDMC), based in Geneva, is part of the Norwegian Refugee Council (NRC). 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; and contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, please refer to IDMC's website: www.internal-displacement.org

