



THE KAMPALA CONVENTION: KEY RECOMMENDATIONS TEN YEARS ON

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Cover photo caption: Jiddari Polo, Maiduguri, Nigeria, May 2018.

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ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
AUC	African Union Commission
CNARR	La Commission nationale d'accueil et de réinsertion des réfugiés et des rapatriés (National Commission for the Reception and Reinsertion of Refugees and Repatriation), Chad
ECOWAS	Economic Community of West African States
EGRIS	Expert Group on Refugee and IDP Statistics
GP20	Plan of Action for the 20th anniversary of the Guiding Principles on Internal Displacement
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IGAD	Intergovernmental Authority on Development (in eastern Africa)
IHL	International humanitarian law
IOM	International Organization for Migration
IRIS	International Recommendations on IDP Statistics
JIPS	Joint IDP Profiling Service
OCHA	Office for the Coordination of Humanitarian Affairs
REC	Regional Economic Community
SADC	Southern African Development Community
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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“The year 2019 marks the tenth anniversary of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. This anniversary provides a strategic opportunity to bolster engagement around the existing frameworks and recommit to the existing values, principles and standards. It is heartening to see the ICRC’s continuous efforts to support African authorities in finding effective ways to turn the Kampala Convention into practice. The ICRC’s 2016 report contributed to supporting the exchange of experiences among African States that have resolved to assist those affected by internal displacement. An update of that report serves to remind us that we cannot remain idle and must act to confront the challenges related to internal displacement.”

Cecilia Jimenez-Damary

United Nations Special Rapporteur
on the Human Rights of Internally Displaced Persons

“The lessons learned and recommendations contained in the update will contribute significantly to the ongoing reflection on the complex and interrelated nature of internal displacement issues in Africa. I welcome this report and hope it will translate into meaningful advances in how we help internally displaced people.”

Maya Sahli-Fadel

African Union Special Rapporteur on Refugees,
Asylum Seekers, Migrants and Internally Displaced Persons

FOREWORD

African Union (AU) Member States have always displayed an impressive tradition of protecting people who have been forcibly displaced from their homes and other habitual places of residence. It is in this regard that in 2009 the African Union developed and adopted the first legally binding regional treaty on internal displacement – The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, otherwise known as the Kampala Convention. The landmark treaty continues to represent a milestone in efforts to prevent internal displacement and protect and assist displaced people.

Today, of the 55 Member States of the African Union, 30 are party to the Convention. However, more needs to be done in terms of advocacy, ratification and implementation of the convention. The African Union continues to call for its speedy, continent-wide ratification and domestication and subsequently, its implementation by Member States. In 2016, under the AU's leadership, the first meeting of the Conference of States party to the Kampala Convention took place in Harare, Zimbabwe – a historic moment in which the AU, Member States, Regional Economic Communities (RECs) and international partners reaffirmed the Convention's value as the African framework for responses to internal displacement on the continent, and discussed challenges and best practices in putting the Convention to work.

The year 2019 was declared as the Year of Refugees, Returnees, and Internally Displaced Persons and this coincides with the Convention's tenth anniversary. The celebration forms part of the quest for finding durable solutions to the scourge of forced displacement on the continent. The AU Commission therefore, calls on Member States to work with the United Nations, the ICRC and other stakeholders to organize a series of commemorative events that would “bring global visibility to forced displacements in Africa”. This anniversary and the accompanying events provide a strategic opportunity to bolster engagement around the Convention and other relevant legal frameworks and to recommit to the standards, principles and values as enshrined in these instruments.

This report builds on the previous one entitled “*Translating the Kampala Convention into Practice*” published in 2016. The report is meant to highlight efforts of Member States in promoting the noble goals of the convention. It highlights progress registered, gaps in implementation, good practices and proffers relevant recommendations. The publication of this report is timely, as it coincides with the AU theme for 2019 – “Year of Refugees, Returnees and Internally Displaced People: Towards Durable Solutions to Forced Displacement in Africa” and the tenth Anniversary of the Kampala Convention.

H.E. Cessouma Minata Samate

Commissioner for Political Affairs
of the African Union Commission

ACKNOWLEDGEMENTS

This report was conceived, commissioned and overseen by Angela Cotroneo, institutional lead and global adviser on internal displacement in the Protection of the Civilian Population Unit of the International Committee of the Red Cross, Livia Hadorn, regional adviser on internal displacement for the African region, and Alexandra Ortiz, legal adviser in the ICRC's Advisory Service on International Humanitarian Law. Eve Massingham, an international humanitarian lawyer and former regional legal adviser for the ICRC in East Africa, was responsible for drafting this report in a consultant capacity.

We would like to express our gratitude to the many colleagues at ICRC delegations across Africa who have made this report possible. Several legal advisers and protection coordinators based in field delegations provided very helpful input, as did various colleagues in the Protection of the Civilian Population Unit and the Department of International Law and Policy. Special thanks go to Catherine-Lune Grayson, Sarah Mabeza, Claudine Mushobekwa Kalim, Jelena Nikolic, Myriam Raymond-Jette, Helen Obregón, Deena Sabi, and David Tuck for their review of the drafts, and to Malvika Verma for her help in finalizing parts of the report and putting together the Annex. The ICRC also wishes to express its thanks and appreciation to Martina Caterina, Daniel Macguire and Nadine Walicki from the United Nations High Commissioner for Refugees, and to Natalia Baal and Corina Demottaz from the Joint IDP Profiling Service. Their advice and practical suggestions were invaluable in drafting this report. However, this does not imply any institutional or personal endorsement of, or responsibility for, the report in whole or in part, which is solely that of the ICRC.

ABOUT THE ILLUSTRATIONS

The illustrations in this report are by the American artist Ben Betsalel, who met internally displaced persons in Markunda and in Bangui, Central African Republic, in September 2018, and in Chad, in December 2019. The result of these visits and interactions with internally displaced persons are 13 unique and intimate portrait paintings. Each person's portrait is accompanied by a short text about their life, their past and their hopes. The paintings are part of a larger ICRC digital campaign called "*J'ai dû tout quitter*" with portraits and videos on a mini-website (<https://info.icrc.org/jai-tout-quitte>). The campaign was initiated by Jean-Yves Clemenzo, communication coordinator, and carried out under his supervision by the colleagues at the ICRC Regional Communication Centre in Dakar. Some of the portraits were first exhibited in October 2018 at the Cheikh Anta Diop University in Dakar, Senegal, hosting an ICRC stakeholder event (West Africa Humanitarium) on the topic of internal displacement and then during a round table on international humanitarian law and the Kampala Convention in N'Djamena, Chad, in July 2019.

EXECUTIVE SUMMARY

In 2019, ten years after its adoption, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention, or the Convention) remains the world's only legally binding regional instrument on internal displacement. Inspired by the United Nations Guiding Principles on Internal Displacement, which turned 20 last year, the Kampala Convention is the other key component of the framework for protecting internally displaced persons (IDPs) and can serve as a benchmark beyond the shores of Africa.

Over the last ten years, 30 Members of the AU have become party to the Kampala Convention. Many have adopted domestic legislation or policies to implement its provisions or are currently undergoing this process. Several States have created government bodies to coordinate the response and taken concrete initiatives that have improved the lives of IDPs in their communities. Moreover, other States have adopted laws, policies and/or other measures to protect and assist IDPs based on the obligations set out in the Kampala Convention without actually signing or ratifying it. Yet, despite the progress achieved, more needs to be done to translate the aspirations of the Kampala Convention into reality. The tenth anniversary provides an opportunity to re-focus attention on the Convention, mobilize support and step up efforts for its full implementation with a view to strengthening responses to internal displacement in Africa.

This report provides an update to the International Committee of the Red Cross's 2016 report *Translating the Kampala Convention into Practice: A Stocktaking Exercise*. It is meant as a timely tool for States and other actors to continue working to translate the Convention's provisions into concrete improvements for IDPs. It follows up on the recommendations of the 2016 stocktaking exercise, assessing their ongoing relevance and reception, and adds to the evidence base supporting those recommendations by presenting the progress made and the ongoing challenges. It then focuses on what is most needed going forward.

The report highlights three effective ways to trigger progress in implementing the Kampala Convention that have emerged since the initial report in 2016:

1. the crucial importance of State authorities being in the driving seat, as they have primary responsibility for ensuring the protection and assistance of IDPs
2. the value of States engaging in peer-to-peer exchanges on best practices and lessons learned, at the subregional and regional level, to deal with displacement-related challenges
3. the need to capitalize on the cumulative impact of a multiplicity of actors supporting the implementation plans of authorities with capacity-building support and technical advice in different areas of the response – from developing national frameworks to data collection and programming – and by providing resources.

This report brings together those three key lessons learned and the recommendations of the 2016 report to provide four key recommendations. Three of them – on dissemination, designating a coordinating authority and IDP participation – are directed at States; one – on coordinated support to States – is aimed at other actors.

ROMUALD, DISPLACED FOR OVER NINE MONTHS

Markounda, Central African Republic

Drawing

Drawn in front of a hut

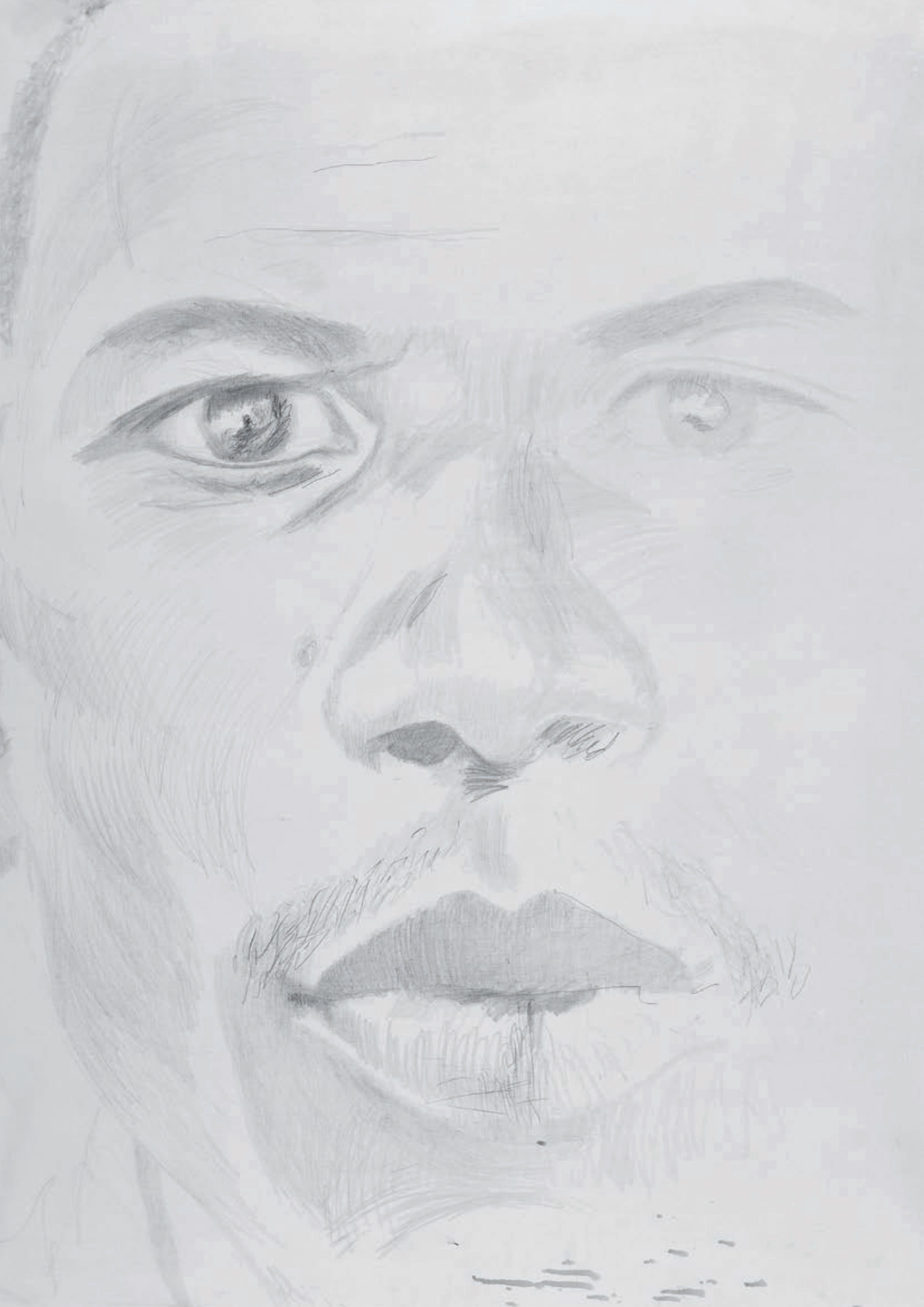
I'm from Badama, and I have six children. This is a really difficult time for my family and me. We can no longer live in our village because of the violence. All I can remember of my last night in the village is panicked screams and the sound of gunfire. I want to go home, but it isn't safe yet.

Here, I go wherever there's work. It's always risky to leave the camp. My wife has to go and collect wood for the cooking fire. We're always worried about our loved ones' safety. Always.

What do I want to tell the world? I want to share a message of peace. Without peace, there can be no security, no work, no money, no food, no school, no hospitals, no medicine. There can only be suffering.

I'm a primary school teacher, but now I can't teach. As soon as I have the opportunity, I want to volunteer with the Red Cross. But there's not much we can do because of the conflict. We're just waiting here until we can start living again.

*“All I can remember of my last night in the village
is panicked screams and the sound of gunfire.”*



TEN YEARS ON FROM THE ADOPTION OF THE KAMPALA CONVENTION

The plight of approximately 16.7 million people internally displaced in Africa because of armed conflict and other situations of violence continues to give cause for concern.¹ The number of these internally displaced persons (IDPs) is not decreasing – Africa continues to host one-third of all displaced persons worldwide – nor have there been significant improvements in their situation overall, particularly in terms of progress towards achieving durable solutions. In 2018 seven sub-Saharan countries were in the top ten countries with the highest numbers of persons displaced in relation to armed conflict and other situations of violence.² Many African countries are also affected by disaster-induced displacement.³ The challenges caused by displacement are manifold and people’s needs and vulnerabilities diverse.

2019 marks the tenth anniversary of the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention, or the Convention).⁴ Accordingly, the African Union (AU) has designated this year as the “Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”.⁵ This has renewed the interest of AU Member States and other actors⁶ in the Kampala Convention and is creating possibilities for further engagement around urgent IDP-related challenges.

Over the last ten years, 30 Members of the AU have become party to the Kampala Convention. Many have adopted domestic legislation or policies to implement its provisions or are currently undergoing this process. Several States have also created government bodies to coordinate the response and taken initiatives that have improved the lives of internally displaced persons in their communities. Other States have adopted laws, policies and/or other measures to protect and assist IDPs based on the obligations set out in the Kampala Convention without actually signing or ratifying it. Yet, despite the progress achieved, more needs to be done to translate the Kampala Convention into practice.

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- 1 Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement 2019*, IDMC, Geneva, 2019: <http://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf>, accessed 10 May 2019.
 - 2 *Idem*, p. 6. The term “other situations of violence” (hereafter “other violence”) denotes “situations in which violence is perpetrated collectively but which are below the threshold of armed conflict. Such situations are characterized in particular by the fact that the violence is the work of one or several groups made up of a large number of people.” *International Review of the Red Cross* (IRRC), No. 893, February 2014, pp. 275–304: <https://www.cambridge.org/core/journals/international-review-of-the-red-cross/article/international-committee-of-the-red-cross-icrcs-role-in-situations-of-violence-below-the-threshold-of-armed-conflict/64183418A12D456A04D7BB59529547D5>, accessed 12 June 2019.
 - 3 *Idem*, pp. 7–9. The total number of newly displaced persons in the Sub-Saharan region in 2018 owing to disaster is 2.6 million.
 - 4 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa: <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>, accessed 11 March 2019. The Convention came into force in December 2012.
 - 5 African Union Assembly, Decision on the 2019 Theme of the Year, introduced at the 31st ordinary session, 1–2 July 2018, Nouakchott, Mauritania, Assembly/AU/Dec.707 (XXXI): https://au.int/sites/default/files/decisions/36130-assembly_au_dec_690_-_712_xxxi_e.pdf, accessed 11 March 2019.
 - 6 Including the Global Protection Cluster (GP20) in conjunction with their efforts to promote the 20th anniversary of the UN’s Guiding Principles on Internal Displacement and the GP20 Plan of Action. See UN, *Guiding Principles on Internal Displacement*, UN, New York, 1998: <https://www.unhcr.org/protection/idps/43ce1c1f2/guiding-principles-internal-displacement.html>, accessed 11 March 2019; GP20, *20th Anniversary of the Guiding Principles on Internal Displacement: A Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020*, GP20, Geneva, 2018: http://globalprotectioncluster.org/_assets/files/20180523-gp20-plan-of-action-final.pdf, accessed 11 March 2019.

THE 2016 STOCKTAKING EXERCISE

In 2016 delegations of the International Committee of the Red Cross (ICRC) across Africa provided analysis on developments by States in implementing and operationalizing the Kampala Convention and/or the IDP-related obligations reflected therein. The aim of our stocktaking exercise⁷ was to capitalize on the many different efforts being made across the continent to give effect to the Kampala Convention to help reduce internal displacement and address the needs of those displaced in Africa. It was designed to support the AU, Regional Economic Communities (RECs), Regional Mechanisms for Conflict Prevention (RMs), AU Member States and other actors in their efforts to monitor and translate the Kampala Convention into practice.

The ICRC was uniquely placed to undertake this task thanks to a strong operational presence across Africa; a mandate to protect persons affected by armed conflict and other violence through law, operations and policy; a commitment to responding to internal displacement worldwide; and a history of working with the AU and Member States to support the drafting, negotiation, adoption and implementation of the Kampala Convention. The exercise resulted in an ICRC report that presented 25 recommendations⁸ – aimed not only at States, but also at other actors – to help focus attention and offer insights into lessons learned, good practices and key challenges to operationalizing the Kampala Convention across the continent.

ASSESSING THE ONGOING RELEVANCE OF THE RECOMMENDATIONS OF THE STOCKTAKING EXERCISE: THE 2019 UPDATE

WHY AN UPDATE AND WHY NOW

This report provides an update on our 2016 report – it assesses the ongoing relevance and reception of the recommendations; it adds to the evidence base behind those recommendations by presenting the progress made and the ongoing challenges in operationalizing the Kampala Convention, and focuses on what is most needed going forward.

Given the relatively short timeframe since 2016, we did not expect to see major changes in terms of domestic law and policy, nor to identify a considerable number of new examples to add to the practice already highlighted in the stocktaking exercise. Nonetheless, we felt it was time to follow up on the 2016 recommendations and update them as States mobilized around the tenth anniversary of the Kampala Convention. The aim was to capitalize on the momentum and opportunities for engagement created by the anniversary to underline – at the national, regional and continental level – the importance of adhering to the Kampala Convention and strengthen efforts to translate its provisions into concrete improvements for IDPs.

METHODOLOGY AND SCOPE

To produce this update, in late 2018 and early 2019, ICRC delegations across Africa were asked to examine States' practice in relation to the 25 recommendations contained in the 2016 report. Specifically, they were asked to report on:

1. any new developments in the country's legal or policy frameworks for the protection and assistance of IDPs (including ratification of, or accession to, the Kampala Convention)
2. any measures taken by authorities in relation to the recommendations of the 2016 report (regardless of whether they were a direct outcome of the recommendations themselves)

7 ICRC, *Translating the Kampala Convention into Practice: A Stocktaking Exercise*, ICRC, Geneva, 2016: <https://shop.icrc.org/translating-the-kampala-convention-into-practice-2654.html>, accessed 19 March 2019.

8 The recommendations are all, it should be emphasized, without prejudice to the duty of States to comply with their respective obligations under international and domestic law.

3. to what extent such measures had contributed to improving the situation of IDPs
4. whether such measures confirmed the good practices and lessons learned identified in the 2016 report or reflected emerging good practice
5. what specific difficulties IDPs continued to experience, where there had been no developments.

A consultant, with the support of ICRC experts, compiled and analysed the information provided by ICRC delegations together with other relevant documents, including materials from State authorities, the AU, United Nations High Commissioner for Refugees (UNHCR), Internal Displacement Monitoring Centre (IDMC), and other relevant organizations, and from regional meetings organized by these and other entities since the publication of the 2016 report. Information available to the ICRC through its larger operational presence within Africa and its proximity to IDPs and their host communities was also considered. In total, the practice from over 20 States is included in this update.

Many of the examples presented in this report are not only the actions of States themselves, but also initiatives by other actors; indeed, in most cases, they are a result of the actions of a multiplicity of actors, including the ICRC. In this respect, this update also provides further insight into what worked better among the ICRC's and other actors' efforts to support States in ratifying and strengthening the domestic implementation and operationalization of the Kampala Convention.

While the ICRC has received very positive feedback from States and other actors on the stocktaking exercise,⁹ this update does not intend to suggest that progress in the implementation of the Kampala Convention over the last three years has always or has necessarily been directly linked to the recommendations of the stocktaking exercise. Clearly States – and many other actors that have been involved in promoting the Kampala Convention – have taken actions independently of those recommendations. Yet, as far as State actions do reflect the substance of the 2016 recommendations, their actions have been considered as confirmation of their relevance. Where little progress in line with the recommendations has been observed, and the key challenges highlighted in the 2016 report are ongoing, it adds weight to the assessment that work is still needed to bring implementation and operationalization of the Kampala Convention up to speed in those areas, and that the 2016 recommendations can still contribute to guiding those efforts.

Like the original report, this update does not purport to be exhaustive. The ICRC's mandate to protect and assist people affected by armed conflict and other violence naturally means our expertise and presence are more oriented towards armed conflict and violence-related displacement – and this is the scope of this update. Moreover, given that other causes of internal displacement covered by the Kampala Convention, such as natural disasters or development projects, are not at the forefront of the ICRC's work, these are not considered in this update. The focus is primarily on the obligations of the Convention that are drawn directly from international humanitarian law, or that touch on other humanitarian issues that we encounter in our operations across Africa. That said, like in the 2016 report, the obligations of non-State armed groups defined as “armed groups” and “non-State actors” in the Kampala Convention are not covered. Finally, the ICRC's *modus operandi* of confidentiality means that some of our country-specific thinking around this issue is only communicated bilaterally to States.¹⁰

⁹ For example, in the Harare Plan of Action, adopted at the first conference of States party to the Kampala Convention, it is stated that the stocktaking exercise “carried out in support of the AU efforts of the AU, RECs and Member States has brought to the fore a number of challenges Member States are facing in the domestication and implementation of the Kampala Convention”. AU, *Harare Plan of Action for the Implementation of the Kampala Convention 2017–2025*, AU, Addis Ababa, 2017, on file with the ICRC. The research has also been cited, for example in the IDMC's *African Report on Internal Displacement 2017* (IDMC, Geneva, 2017, p. 11: <http://www.internal-displacement.org/sites/default/files/inline-files/20171206-Africa-report-2017.pdf>, accessed 13 March 2019).

¹⁰ For more information on this, see “ICRC protection policy: Institutional policy”, *IRRC*, No. 871, September 2008, pp. 758–760.

STRUCTURE, AUDIENCE AND USE

In this report we provide a snapshot of key positive developments in the period 2016–2019 concerning ratification, implementation and operationalization of the Kampala Convention. We highlight areas where progress on the recommendations of the 2016 stocktaking exercise has been less evident and key challenges remain to translating the Convention's provisions into reality. We then discuss key lessons learned with regard to what works best in triggering progress. The report concludes with four recommendations that consolidate many of the 2016 recommendations and have emerged as central to moving operationalization of the Convention forward.

The examples of recent practice that underpin the analysis presented in this report are detailed in the Annex, where they are listed under five thematic areas in which States have internal displacement-related obligations – prevention, planning and management, assistance, protection, and durable solutions – and are linked to the corresponding recommendations of the ICRC's 2016 stocktaking exercise.

This report is intended to help States understand what it entails to adopt and implement laws, policies and practices that prevent displacement and protect and assist IDPs. It can also be used by other actors, in their engagement with States, to provide examples of the practical experience of over 20 States, which may be adapted to different contexts for the benefit of IDPs.

While it can be used on its own, the report is best used in conjunction with the 2016 stocktaking exercise. Together the two reports serve to provide a comprehensive set of good practices and lessons learned for implementing and operationalizing the Kampala Convention. States and other actors may decide, at least initially, to focus on the four recommendations set out in this update but to keep the 25 recommendations of the 2016 report in mind as more detailed guidance, as they advance the operationalization of the Convention and make efforts to better prevent displacement and protect and assist IDPs.

LIST OF RECOMMENDATIONS FROM THE 2016 STOCKTAKING EXERCISE

For ease of reference, the full set of recommendations from the 2016 report is set out below.

1. PREVENTION

For States

Recommendation 1: States that have not yet done so, should expedite their ratification of, or accession to, the Kampala Convention.

Recommendation 2: States party to the Kampala Convention should initiate and complete actions to incorporate treaty obligations in domestic law and policy processes, including criminal prohibitions, requesting advice and technical support if/as needed.

Recommendation 3: States should take steps to promote knowledge of the Kampala Convention by all the actors concerned, including IDPs themselves, host communities, civil society and public authorities, at central, regional and local levels.

Recommendation 4: States should ensure that all relevant public authorities – including armed and security forces – are fully informed of their obligations and instructed to respect and ensure respect for international humanitarian law.

For other actors

Recommendation 5: International and humanitarian organizations should continue to offer technical advice and support to AU Member States, not only for ratification of the Kampala Convention, but also for the full range of domestic implementation measures required under national legal and policy frameworks.

Recommendation 6: The African Union Commission (AUC), RECs, RMs, and other organizations with expertise in this domain should expand public awareness-raising and capacity-building activities on the Kampala Convention, in coordination with States and local civil society actors. The African Commission on Human and Peoples' Rights (ACHPR) and its special rapporteur on refugees, asylum seekers and internally displaced persons can also play a part in this regard, in accordance with their mandates and the role attributed to them by the Convention.

Recommendation 7: The AUC and AU Member States should ensure that the first Conference of States Parties takes place as soon as possible and adopts a comprehensive plan of action/road map on the operationalization of the Kampala Convention.

2. PLANNING, MANAGEMENT AND MONITORING OF PROTECTION AND ASSISTANCE ACTIVITIES

For States

Recommendation 8: States should take steps to ensure that the designated coordinating authority or body has the necessary mandate and legitimacy to mobilize all ministries and agencies concerned and is granted adequate resources (human and financial) to function effectively.

Recommendation 9: Public authorities should develop adequate capacities at all levels to gather and maintain solid and current data on the needs, vulnerabilities and capacities of IDPs, as well as on durable solutions, including disaggregated data (by sex, age and other relevant factors).

Recommendation 10: Public authorities should proactively ensure consultation and active engagement of IDPs and host communities in order to ensure their participation in decision-making on actions undertaken on their behalf. This engagement should take into account the diverse profiles of the displaced population (e.g. sex, age and other factors).

Recommendation 11: Public authorities at all levels with responsibilities for delivering assistance should establish mechanisms for monitoring short and longer-term outcomes. These should incorporate appropriate elements of accountability to IDPs.

For other actors

Recommendation 12: When supporting States to develop laws and policies, including national strategies on internal displacement, other actors should favour approaches that ensure the maximum ownership on the part of the authorities.

3. PROVIDING ADEQUATE HUMANITARIAN ASSISTANCE TO IDPS

For States

Recommendation 13: Assessments should look at the needs and capacities of IDPs, as well as those of host communities, local authorities and services, to continuously inform the design of programme responses.

Recommendation 14: States should develop capabilities to foresee, assess and respond effectively to the multiple needs of IDPs.

Recommendation 15: States should ensure that all relevant public authorities – including armed and security forces – are fully informed of their obligations and instructed to facilitate rapid and unimpeded access of humanitarian organizations to IDPs. They should also ensure that IDPs can meet their basic needs (water, food, shelter, etc.) and access essential services (medical care, education, etc.).

For other actors

Recommendation 16: Other actors should ensure that requests for rapid and unimpeded access to IDPs by humanitarian organizations, as well as activities carried out pursuant to such access, be in full accordance with the principles of humanity, neutrality, impartiality and independence of humanitarian actors.

4. PROTECTION OF IDPS

For States

Recommendation 17: States should ensure that all relevant public authorities – including armed and security forces – are fully informed of their obligations and instructed to facilitate freedom of movement and residence of IDPs.

Recommendation 18: Public authorities should develop adequate capacities at central and local levels to create and maintain an updated register of all IDPs. This can provide an agreed-upon baseline for all the actors concerned.

Recommendation 19: Public authorities should endeavour to allocate adequate efforts and resources to ensure that IDPs are able to obtain personal identity documents and other official documents within a reasonable time.

Recommendation 20: Public authorities should strengthen their laws, policies and concrete measures to ensure that the civilian and humanitarian character of IDP sites is maintained.

For other actors

Recommendation 21: International and humanitarian actors should provide coordinated support to States to ensure a practical and effective system to address family tracing and family reunification needs.

5. DURABLE SOLUTIONS FOR IDPS

For States

Recommendation 22: States should ensure that all branches and agencies of the public authorities are fully informed of the need for meaningful consultation with and active engagement of IDPs and host communities in decision-making on durable solutions.

Recommendation 23: States should proactively initiate dialogue with international and national partners and donors on issues related to durable solutions in order to fulfil their own international obligations.

Recommendation 24: States (and other relevant stakeholders) should ensure that any peace agreement contains specific provisions and recommendations on addressing and solving existing situations of internal displacement, as necessary, taking into account the challenges of the context.

For other actors

Recommendation 25: The UN and other international actors that are in a position to do so should contribute to monitoring conditions of return, with particular attention to the perspectives and concerns of the IDP communities in question. They should also help ensure the voluntary and safe character of return and other durable solutions, as well as safety, dignity and adequate conditions for IDPs in their current places.

NGABOU, DISPLACED FOR FOUR YEARS

Lake Chad region
Charcoal and acrylic on canvas
Painted in a shed

We come from an island in Lake Chad, west of here. We had a peaceful life there, raising animals and fishing. When our village was attacked four years ago, we had to leave everything behind to save ourselves. There was no other choice.

We had to cross 20 bodies of water, walking over clumps of floating vegetation, to get here. All of our boats were stolen. Those who could swim held onto bits of wood and crossed that way. It wasn't an easy journey. Many people were separated from their families.

It's been difficult to adapt to life in this new place. Lack of food is our biggest problem, because there isn't enough fertile land. We've stopped fishing so that we won't be drawn into violent groups. That's why we stay here on solid ground. We take care of our community. There are many people who support us, but still, we suffer. We won't be able to live decent lives without help from the State.

[Ngabou's telephone rings: it's news that a member of his community has died, and preparations must be made for the funeral.]

“
*Those who could swim held onto
bits of wood and crossed that way.*
”



WHERE PROGRESS HAS BEEN MADE

In the relatively short period since the stocktaking report was published in October 2016, progress has been made towards ratification, implementation and, to a lesser extent, operationalization of the Kampala Convention.

MORE STATES HAVE BECOME OR ARE CLOSER TO BECOMING PARTY TO THE KAMPALA CONVENTION

Five new States Parties – Cameroon, Equatorial Guinea, Liberia, Somalia and South Sudan – officially joined the Kampala Convention. One State – Mozambique – is close to completing the formal ratification process. Four others – Cape Verde, Ethiopia, Senegal and Sudan – have publicly expressed a willingness to accede to or ratify the Convention.¹¹

After the success of the Convention's early days, progress towards ratification or accession was beginning to slow down. But the number of States becoming, or coming closer to becoming, States Parties in this short period of time is a very positive development that reinforces the Convention's legitimacy and relevance. It would seem to suggest that the intense promotion efforts in the lead up to the tenth anniversary of the adoption of the Kampala Convention – by the AU, the ACHPR special rapporteur on refugees, asylum seekers, migrants and internally displaced persons, and other actors, such as the UNHCR and the ICRC – have helped turn the tide. Most importantly, it illustrates that States themselves see ratification of/accession to the Convention as an important step towards responding comprehensively to internal displacement and acknowledge the AU's leading role in addressing IDP-related challenges.

However, the fact that some States continue to not consider the Kampala Convention as a priority for preventing and addressing internal displacement is still an issue. The reasons for this include an overwhelming number of other priorities, IDPs not being numerous in the country and a lack of appreciation for the value of ratification/ accession. In countries where IDPs may tend to be perceived as associated with non-State armed groups or whose displacement might have been the result of government actions, the authorities may not have the sufficient political will to draw attention to the plight of IDPs or to ensure their rights are upheld.

Why should States ratify or accede to the Kampala Convention?

Ratification of or accession to the Kampala Convention remains important, even if many of its provisions are based on existing obligations in international law and/or are already a part of the domestic legal landscape. It remains equally important, from a prevention and preparedness perspective, even if internal displacement is currently not a major problem in a given context. Just like for any other regional and international instrument, ratification of/accession to the Kampala Convention enables the State concerned to participate in the Conference of States Parties to monitor and review the implementation of the objectives of the Convention (Article 14) or make proposals for the Convention's amendment or revision (Article 18). The Conference of States Parties provides a platform for governments to report on progress made in protecting and assisting IDPs and supporting durable solutions, and to share their expertise and best practices on addressing displacement. Ratification of/accession to the Kampala Convention strengthens protection and assistance for IDPs in Africa as this instrument has been specifically designed to those ends and provides more clarity on how the existing legal obligations should be interpreted and implemented. Finally, it is a strong positive statement – it sends a message to citizens and to other African States “that the executive government and its agencies will act in accordance with the Convention”.¹² Of course, ratification is just a first step – it needs to be accompanied by State action to incorporate the Convention's provisions into its domestic legal framework and operationalize them. Only this can ensure that the potential of the Convention to prevent displacement and improve protection and assistance for IDPs on the continent is fully realized. But ratification/accession can help authorities attract technical and/or financial support from international actors and donors for the different aspects of the implementation process.

¹¹ See Annex, pp. 62–63, under “Ratification and accession”.

¹² See the High Court of Australia's decision in *Minister for Immigration and Ethnic Affairs v. Teoh*, (1995) 128 ALR 353 per Mason CJ and Deane J at 365.

DOMESTIC LAWS AND POLICIES SPECIFICALLY CONCERNED WITH IDPS ARE IN PROCESS

Niger adopted a law on the protection of and assistance to IDPs – becoming the first State party to have adopted legislation implementing the Kampala Convention. Several other States have moved towards translating the obligations of the Kampala Convention into domestic law. In the Central African Republic, Liberia, Mali and South Sudan, laws for the implementation of the Kampala Convention were drafted and are in circulation. In Nigeria the National Commission on Refugees, Migrants and Internally Displaced Persons Act was amended to incorporate selected provisions of the Kampala Convention. In Chad, a working group is being set up to deal with implementation of the Convention.¹³

In addition, the last few years have seen a focus on policy processes pertaining to IDPs – national policies and/or plans to work on durable solutions for IDPs have been finalized, reviewed or are in the making in the Central African Republic, Nigeria, Somalia and Sudan.¹⁴

ANOTHER STATE CRIMINALIZED FORCED DISPLACEMENT

In 2017 Chad incorporated the war crime of forced displacement into its revised Penal Code, thereby setting the basis to ensure accountability for preventing forced displacement during armed conflict and punishing those found guilty of perpetrating it.¹⁵

THE AU ISSUED A MODEL LAW ON THE KAMPALA CONVENTION

The Kampala Convention touches upon many different aspects of internal displacement and takes into account the different causes and different phases of displacement. As such, it can be challenging for national authorities to encapsulate it all in one national instrument. The AU model law on the Kampala Convention,¹⁶ formalized and issued by the African Union in early 2018, can be consulted by States drafting domestic legislation to implement the Kampala Convention.¹⁷

STATES PARTIES GATHERED AT THEIR FIRST CONFERENCE

History was made with the first meeting of the Conference of States party to the Kampala Convention, organized by the AU and hosted by the government of Zimbabwe in Harare in April 2017.¹⁸ The outcome of the Conference, the Harare Plan of Action, sets priorities for facilitating the implementation of the Kampala Convention. It aims to strengthen regional and national measures for preventing displacement and ensuring durable solutions, while promoting the fulfilment of the obligations of State Parties, non-State armed groups, and the role that international organizations, national human rights institutions and civil society can play.¹⁹

GOVERNMENT STRUCTURES TO COORDINATE THE RESPONSE ARE IN PLACE IN SEVERAL STATES

Cameroon, Côte d'Ivoire, Niger, Somalia and South Sudan have established or are in the process of establishing new government bodies to improve the coordination of their responses to internal displacement. Other States, such as Ethiopia and Mali, have opted to task already existing government bodies with responsibility for IDPs.²⁰

¹³ See Annex, p. 63, under “Domestic laws and policies”.

¹⁴ *Idem*, pp. 63–64.

¹⁵ See Annex, pp. 63–64 under “Domestic laws and policies”.

¹⁶ AU, *African Union Model Law for the Implementation of the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa*, AU, Addis Ababa, 2018: <https://www.refworld.org/pdfid/5afc3a494.pdf>, accessed 11 March 2019.

¹⁷ See Annex, p. 65, under “Technical support, awareness-raising and capacity-building”.

¹⁸ See Annex, p. 68, under “First Conference of States Parties”.

¹⁹ AU press release on the Plan of Action: https://au.int/sites/default/files/pressreleases/32341-pr-pr_051_-_kampala_convention.pdf.

²⁰ See Annex, pp. 68–69, under “Designated coordinating authority”.

Although many of these bodies have not yet had the chance to prove their ability to deliver, their mere existence, and the fact that there is a formal mandate to deal with IDPs vested in a government body, is a positive step towards ensuring that the needs of IDPs are properly identified and addressed. The designation of a coordinating authority is also crucial for external actors as it provides them with a clear point of contact within the government for establishing regular and meaningful dialogue on ensuring the protection of and assistance to IDPs.

THE IMPORTANCE OF IDP DATA COLLECTION AND ANALYSIS IS BEING INCREASINGLY ACKNOWLEDGED

There has been an increasing interest in Africa in evidence-based policy and programming related to internal displacement, with a focus on data that is reliable, credible and comprehensive.²¹ At the First Conference of States Party to the Kampala Convention in 2017, almost all States expressed the need for support in terms of IDP-related data collection and management, among other aspects of the Kampala Convention – acknowledging that the availability of reliable data and analysis is a precondition for more effective responses. Accordingly, the Harare Plan of Action adopted by the conference reaffirmed the importance of data collection.²² As a follow-up, the AU held a workshop on displacement data in November 2017, which highlighted the importance of Member States taking ownership of and responsibility for the process of systematic collection and dissemination of data related to situations of displacement.²³ A draft zero of the Plan of Action for Strengthening Collection, Analysis and Use of Forced Displacement Data and Reporting in Africa was launched after the workshop.²⁴ There has also been an increasing focus on the importance of harmonized statistics on displacement across the entire continent: the AU's ten-year humanitarian plan of action, currently being drafted, prioritizes the systematic collection of data in situations of "forced displacement", and its inclusion in national statistics and plans.²⁵ In line with the focus of the plan of action, Nigeria, Somalia, Uganda and Côte d'Ivoire have contributed to the International Recommendations on IDP Statistics (IRIS) as members of a IDP subgroup of the Expert Group on Refugee and IDP Statistics (EGRIS).²⁶

Reflecting the growing recognition of the importance of IDP data collection and management, and in particular the value of a comprehensive analysis of the displacement situation to inform planning and the search for durable solutions for IDPs, profiling exercises were carried out in Somalia and Sudan in 2016–2019, with the support of the Joint IDP Profiling Service (JIPS)²⁷ and in collaboration with the government authorities, including their national statistical offices, as well as UN agencies and affected communities.²⁸

21 GP20, *GP20 Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020*, GP20, Geneva, 2018: http://www.globalprotectioncluster.org/_assets/files/unhcr-gp20-plan_of_action-a5-scren.pdf. The GP20 Plan of Action has as one of its four priorities enhancing the quality of data and analysis on internal displacement, which calls for an increase in the number of stakeholders with the capacity to collect, analyse and use high-quality data for designing an effective response to internal displacement.

22 ICRC, *Report on the First Meeting of the Conference of States Party to the African Union Convention on the Protection and Assistance to Internally Displaced Persons in Africa, Harare, Zimbabwe*, ICRC, Geneva, 2017, on file with the ICRC, p. 1.

23 AU, *Report of AU Meeting on Strengthening Collection, Analysis and Use of Forced Displacement Data and Reporting in Africa*, AU, Addis Ababa, 2017, on file with the ICRC.

24 *Ibid.* The draft zero of the Plan of Action is focused on six pillars concerning data collection and management: reiterating rational and international standards; strengthening methodology and ethical considerations; capacity-building, technology and innovation; strengthening international cooperation; strengthening humanitarian governance, and coordination.

25 *Idem*, p. 7.

26 See Annex, p. 65, under "Technical support, awareness-raising and capacity-building".

27 Joint IDP Profiling Services is a Geneva-based inter-agency body that provides support to governments and humanitarian and development organizations seeking to improve locally owned information and analysis about displacement. It is recognized as the global hub on profiling and uses an impartial, collaborative approach to establish sound and mutually agreed upon evidence to inform joint interventions and responses to internal displacement. See www.jips.org.

28 See Annex, p. 70, under "Data collection and analysis".

EMPHASIS ON IDP PARTICIPATION IS STRONGER

Active engagement with IDPs and host communities in the design, implementation and revision of protection and assistance interventions is a central pillar of effective responses.²⁹ It is therefore promising to have seen examples of newly adopted or emerging national legal and policy frameworks in the last couple of years – in Ethiopia, Niger, Somalia and South Sudan – where the issue of IDP participation is specifically highlighted.³⁰ Somalia’s Draft National Policy for Refugees, Returnees and IDPs and the Central African Republic’s new strategy on durable solutions explicitly mention the need to ensure that IDPs take part in the planning and implementation of durable solutions.³¹

Equally promising are the examples of consultation with displacement-affected communities to draft national legislation in Niger and South Sudan.³² The involvement of IDP and host-community representatives in a workshop to discuss the response to internal displacement in Cameroon’s Far North Region is also good practice.³³

NEW PEACE AGREEMENTS REFERENCE IDP CONCERNS

Both the Revitalized Agreement on the Resolution for the Conflict in the Republic of South Sudan and the Peace and Reconciliation agreement of the Central African Republic include specific provisions on voluntary return and reintegration of IDPs.³⁴

ONE STATE HAS INTEGRATED IDP ISSUES IN ITS NATIONAL DEVELOPMENT PLAN

In addition to drafting a national policy and setting up dedicated bodies to work on durable solutions, Somalia has made visible efforts to mainstream IDP-related issues, notably by including IDPs in its National Development Plan and by adopting a focus on durable solutions in its National Road Maps. The results and recommendations of the JIPS-supported Mogadishu profiling exercise were key in guiding those efforts.³⁵ This is a good example of national legal, policy and strategic frameworks supporting a coordinated approach to addressing protracted displacement and fostering durable solutions.³⁶

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- 29 The UN special rapporteur on the human rights of IDPs has included among her key recommendations to States ensuring the full participation of IDPs. See UN, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, UN, Geneva, A/HRC/38/39, 2018: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/102/55/PDF/G1810255.pdf?OpenElement>, accessed 30 March 2019. Facilitating and strengthening IDP participation is also one of the priorities of the GP20 plan of action: GP20, *20th Anniversary of the Guiding Principles on Internal Displacement*, p. 5.
- 30 See Annex, p. 70, under “Consultation and active engagement of IDPs and host communities to ensure participation in decision-making”, and p. 73, under “Consultation of IDPs and host communities”.
- 31 See Annex, p. 73 under “Consultation of IDPs and host communities on durable solutions”.
- 32 In Niger, the UNHCR engaged in consultations during the drafting of the law. In South Sudan, Chaloka Beyani, who was charged with drafting legislation on protecting and assisting IDPs for the South Sudanese government, travelled throughout the country to speak with displaced people.
- 33 See Annex, p. 73, under “Consultation and active engagement of IDPs and host communities”.
- 34 See Annex, p. 74, under “Inclusion in peace agreements”.
- 35 See Annex, p. 74, under “Inclusion of national and international partners on durable solutions”.
- 36 See also GP20, *4th GP20 Steering Group Meeting, Addressing Protracted Internal Displacement and Fostering Durable Solutions*, GP20, Geneva, 2019, on file with the ICRC.

PASCALINE, DISPLACED FOR OVER THREE MONTHS

Bangui, Central African Republic
Charcoal and acrylic on canvas
Painted against a tree trunk behind a building

My family and I were living in Kaga Bandoro, where I farmed a little piece of land and sold my surplus crops at the market.

It was 8 o'clock in the evening when they came. We heard gunshots – people were screaming, getting beaten. I didn't know what to do. My children were tugging at my skirts.

Mummy! Mummy!

We started running. Bullets were flying. Right and left, everywhere I looked, there were armed men. I stopped.

Mummy! Mummy!

My children were still tugging at my skirts. I was shaking with fear and started to cry. I could do nothing – there was nothing to be done. It was dark, but I could still make out the bridge over the river. We ran towards it. I fell, but I got back on my feet and kept running. Without quite knowing how we did it, we managed to cross the river and ended up in the bush.

The next morning, we started walking. We walked for 19 or 20 hours every day, for 20 days.

Mummy! I'm tired! Where will we sleep?

I begged my children not to talk, because I was afraid I would cry. Even then, we could still hear gunfire. We had no food. My feet were painfully swollen, but I had no choice but to go on.

When it rained, we were able to drink the rainwater out of potholes in the road. Whenever we heard a car coming, we hid in the bush and waited for it to pass.

Until we reached Bangui, I thought we would all die. My children were so thin and exhausted.

When we made it to the city, we went to the market, and I crossed paths with one of my old customers from Kaga Bandoro. She was shocked by the state we were in.

What happened to your feet?

Then both of us started crying.

“We started running. Bullets were flying.”



WHAT IS LAGGING BEHIND

Progress reported in the 2016–2019 period pertains mainly to the Kampala Convention’s obligations related to prevention and the planning and management of IDP-related responses. Many of the examples mentioned above and detailed in the Annex to this report, which are in line with the ICRC’s recommendations, are drawn from domestic legal frameworks or policies, rather than being related to specific State action in support of IDPs on the ground. Although these frameworks are important and necessary, at this early stage it is difficult to gauge whether they will convert into concrete improvements for IDPs and host communities. For this to happen, domestic legal frameworks and policies need to be known and supported by all stakeholders, operationalized, and, where necessary, enforced. Challenges in this regard may arise from some States not being fully committed to implementation (which may be for a range of reasons, including competing priorities), or from States lacking the resources (financial, human) to give effect to domestic legal frameworks and policies.³⁷

Clearly, ratification/accession and implementation of the Kampala Convention require time and resources. One cannot expect States to be able to go through all the necessary steps to develop and adopt adequate laws and policies to give effect to the Kampala Convention’s provisions *and* to show substantial progress in their operationalization in the three years since the publication of the ICRC’s 2016 report. The development and adoption of domestic legal frameworks and policies is, after all, often a complex and lengthy undertaking. This highlights the importance of States acting *before* a crisis occurs to ensure that they already have a domestic framework to prevent the conditions leading to displacement in the first place and to effectively respond to IDPs and host communities when displacement cannot be avoided. After a situation of internal displacement has developed, which often happens fast, it is more difficult for States to put appropriate laws, policies and structures in place in a timely manner, which in turn makes it harder to prevent further displacement and to ensure effective assistance, protection and access to durable solutions for IDPs.

That said, even in the absence of relevant domestic legal and policy frameworks or while working on their development and adoption, States can still make all possible efforts simultaneously to provide a concrete response to the urgent needs of IDPs and host communities, based on their already existing international and domestic obligations, with the support of other actors as necessary. They cannot and should not wait until a national system (frameworks and government bodies) is in place – although ideally this would be the case.

Highlighted below are areas where key challenges remain and where obligations under the Kampala Convention need to be given effect.

QUALITY DATA AND ANALYSIS

As noted by States during the First Conference of State Parties to the Kampala Convention and the follow-up AU workshop on displacement data, there are ongoing challenges associated with IDP data collection and management that require further investment. Some are not limited to Africa – such as the challenges related to identifying and tracking the movement of mobile populations that often get ahead of data-collection teams, resulting in double counting or even exclusion, or the risk of excluding populations due to limited access to certain areas, or because some IDPs purposely keep a low-profile as a means of self-protection. Improving data collection and analysis that allows for a comparison with non-displaced persons, notably in urban environments, to enhance the impact and sustainability of both humanitarian and development interventions, is another common challenge.³⁸ Furthermore, like any data-collection process and management system, those involving IDPs are resource-intensive processes, and a lack of financial resources remains an obstacle for most States. At the AU workshop it was pointed out that there is a lack of standardized methodologies and frameworks that reflect African realities, with a lack of institutional capacity further hampering

³⁷ For further reading on impediments to implementation of the IDP legal frameworks see P. Orchard, *Improving the Implementation of National Internally Displaced Persons Laws and Policies*, pp. 7–9: <https://www.unhcr.org/5a86d0497.pdf>.

³⁸ See also below, the textbox on “Responding to IDPs in urban settings outside camps”, p. 19.

the process. The risk of politicization and speculation around the credibility and accuracy of the source and content of qualitative and quantitative data on displaced populations in the region was also noted.³⁹

The use of biometrics⁴⁰ in displacement contexts is being explored for the benefits it may bring in efficiently identifying individuals who have no other means of adequately proving their identity, which is often the case with IDPs, whose official documentation may have been lost during flight, left behind or destroyed together with their homes. However, further reflection is needed as to the risks associated with biometric identification, including broader ethical concerns about consent of the data subject and data sharing. The immutability of biometric identifiers can enhance the vulnerability of IDPs as well as other persons affected by armed conflict and other violence, where identification and traceability can have tremendous consequences for the safety and well-being of those concerned.⁴¹

As noted in the Somalia Draft National Policy for Refugees, Returnees and IDPs, identifying IDPs through registration can be useful for humanitarian purposes, such as the delivery of assistance or as a protection tool.⁴² At the same time, the pros and cons of general registration need more careful consideration on the part of both States and humanitarian actors. In particular, creating a separate legal status for IDPs through registration, thereby making them distinct from other citizens of a country, could be counterproductive. For example, it might cause tensions with local communities or lead to the risk of creating a system whereby IDPs can enjoy the rights – to which they are in any case entitled under international law – only upon being granted a legal status that could be arbitrarily refused or revoked.⁴³ Furthermore, given that many IDP situations are becoming severely protracted, greater consideration and analysis of the possible drawbacks of IDP registration, such as aid-dependency, discrimination and stigmatization, is needed. Finally, maintaining an individual registration system is resource-intensive, particularly in large scale and fluid displacement situations, and might not be advisable from a practical perspective.

ASSISTING IDPS TO MEET THEIR SHORT AND LONG-TERM NEEDS

States have the primary responsibility to provide assistance to IDPs and host communities, with the aim of ensuring IDPs' access to food, water, shelter and essential services, such as health care and education. While doing so, they should, however, bear in mind the importance of supporting IDPs to recover their autonomy and rebuild their lives as soon as circumstances allow. Humanitarian organizations and other actors should support and complement State actions, as and where necessary, rather than substitute for the State.

In the legal and policy frameworks that have arisen since 2016, we can see some of these issues being included.⁴⁴ However, progress by State authorities and humanitarian organizations alike is limited in the brief reporting period, perhaps unsurprisingly given the number of newly displaced persons in Africa and the large displacements in some countries over a short time, in addition to the lack of resources, the amount and urgency of the needs involved and the complexity of responding to situations where protracted and acute displacement co-exist. Gaps in both emergency response and addressing IDPs' longer-term needs with a view to working towards durable solutions persist. This is the case not only in displacement locations that are difficult or impossible to reach, owing to a lack of security or physical remoteness, but also in urban

39 AU, *Report of AU Meeting on Strengthening Collection, Analysis and Use of Forced Displacement Data and Reporting in Africa*. Also see Annex, p. 66, under "First Conference of States Parties".

40 The term "biometrics" is defined as the automated recognition of individuals based on their biological and behavioural characteristics, which are measurable and unique human signatures and may include fingerprints, iris scans or behavioural characteristics, such as the way a person walks. See ICRC, *Handbook on Data Protection in Humanitarian Action*, ICRC. Geneva, 2017, p. 98: <https://www.icrc.org/en/publication/handbook-data-protection-humanitarian-action>, accessed 3 June 2019.

41 ICRC, *Handbook on Data Protection in Humanitarian Action*, ICRC. Geneva, 2017, p. 98: <https://www.icrc.org/en/publication/handbook-data-protection-humanitarian-action>, accessed 3 June 2019. See also, ICRC, *Professional Standards for Protection Work*, 2018, p. 112-116: <https://www.icrc.org/en/publication/0999-professional-standards-protection-work-carried-out-humanitarian-and-human-rights>, accessed 24 September 2019.

42 See Annex, p. 72, under "Creating and maintaining updated registers".

43 Brookings-Bern Project on Internal Displacement, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, The Brookings Institution, Washington, DC, 2008, pp. 13-14.

44 See Annex, p. 71, under "Provision of humanitarian assistance to IDPs and host communities & humanitarian access".

areas where humanitarian, development and government actors are present but where growing numbers of vulnerable IDPs living within host communities continue to fall through the cracks.

Responding to IDPs in urban settings outside camps

Africa is urbanizing rapidly, and this also affects internal displacement patterns.⁴⁵ Because of the protracted nature of many of the armed conflicts on the continent, it is highly likely that many of the IDPs moving to urban centres in search of safety, as well as better opportunities, will remain there for long periods, either by integrating locally (often their preferred solution) or while waiting for return to their homes to become viable. Their displacement has a significant impact on host communities and urban environments, notably due to the inability of often already insufficient services and infrastructure to meet the increased demand, which results in further worsening of the living conditions, and the fact that host communities are often left alone to bear the burden of supporting IDPs.

In the ICRC's *Displaced in Cities* report (2018), we discussed some of the unique challenges inherent to responding effectively to urban displacement, such as how to reach IDPs dispersed over large areas in order to assess their needs. The recommendations of the report highlighted that, in addition to adapting to urban ecosystems, all those involved in the humanitarian response needed to concentrate on the dignity and resilience of affected people and to build responses based on reliable data and analysis rather than on unverified assumptions of the experience of urban IDPs outside camps. They also underscored the need to engage at different levels – city, neighbourhood, household and individual – to address both the needs and vulnerabilities of IDPs and the impact of their displacement on host communities and the city as a whole, through structural interventions and tailored responses, and to approach emergency support and resilience building simultaneously from the beginning of displacement rather than as separate phases of response.⁴⁶ This would entail, for instance, a focus on livelihood-support programmes for IDPs while carrying out activities to support urban services, such as water supply, hospitals and schools, in neighbourhoods hosting IDPs.

PROTECTION OF IDPS

Policy frameworks that were developed or are emerging since 2016 show some aspects of IDP protection as per the Kampala Convention's obligations – such as IDPs' right to freedom of movement and choice of residence, the provision of personal identity and other official documents to IDPs or respect for the civilian and humanitarian character of IDP sites (e.g. Niger, Somalia, South Sudan and Sudan).⁴⁷

A new good practice to respond to the need of the host community and IDPs in remote areas to access official documentation emerged in Cameroon, where some municipalities in the Far North Region have facilitated collective sessions to deliver birth certificates to children which will later allow them to obtain an identification document. This has removed a barrier for IDP children to access State exams and allow them to continue their education.⁴⁸ Some progress in terms of IDPs' ability to move freely in and out of camps, according to their priorities, and maintaining the civilian and humanitarian character of IDP sites has been reported in Nigeria. Here IDPs reported that it was easier to obtain permits and passes for leaving and entering the official camp settlements in the North East.⁴⁹ Furthermore, the security arrangement for the settlements was adapted by posting military authorities outside the camps while assuring regular policing functions inside the camps.⁵⁰ This example re-iterates the importance of military and civilian authorities working closely together

⁴⁵ IDMC, *Global Report on Internal Displacement 2019*, p. 12.

⁴⁶ ICRC, *Displaced in Cities: Experiencing and Responding to Urban Internal Displacement Outside Camps*, ICRC, Geneva, 2018: <https://shop.icrc.org/displaced-in-cities-experiencing-and-responding-to-urban-internal-displacement-outside-camps-2822.html?store=default>, accessed 29 March 2019. Two of the four case studies on which the findings and recommendations of the report are based are from Africa (Baidoa, Somalia, and Maiduguri, Nigeria).

⁴⁷ See Annex, pp. 72–73, under “Protection of IDPs”.

⁴⁸ See Annex, p. 72, under “Provision of official documents”.

⁴⁹ *Idem*.

⁵⁰ *Idem*.

with camp management – particularly with a view to ensuring that security and humanitarian considerations are well balanced in decisions pertaining to camp management.

Despite those encouraging signs, more efforts are urgently needed to enhance protection of IDPs at the various stages of their displacement, from flight to the achievement of a durable solution, and to make safety, dignity and security a reality for IDPs on the continent.⁵¹ Protection problems affecting IDPs include family separation and persons going missing, physical attacks, sexual violence, child recruitment, arbitrary deprivation of liberty, forced eviction, discrimination, stigmatization, the risk of exploitation and resorting to harmful survival strategies, such as child labour or transactional sex in response to the limited number of ways of making a living. The lack of respect for the civilian and humanitarian character of IDP sites, resulting in threats to the safety and well-being of displaced persons hosted in the site, has continued to raise particularly complex challenges for States, as well as for humanitarian and other actors working in camps and camp-like settings.

Maintaining the civilian and humanitarian character of IDP sites

In 2018 the UNHCR and the ICRC jointly published an *Aide Memoire* providing operational guidance to humanitarian and other actors on maintaining the civilian and humanitarian character of sites and settlements hosting IDPs or refugees in situations of armed conflict – drawing *inter alia* on practical experience in four African States.⁵² The *Aide Memoire* highlights the importance of adopting a comprehensive approach to ensure that transparent mechanisms are in place for identifying and separating combatants and fighters and other individuals posing a threat to the civilian and/or humanitarian character of sites⁵³ from the rest of the population sheltered in the site. That said, the protection concerns of individuals who are not admitted to the sites and those who are separated from the people inside the sites, or expelled or deprived of their liberty, also need to be addressed. Underpinning this guidance is the notion that an effective interplay between humanitarian, security and political actors is fundamental to achieving protection outcomes. It describes measures that humanitarian actors can jointly pursue with a broader set of actors, based on respective mandates and expertise, with a view to enhancing complementarity and maximizing the protection of civilians fleeing armed conflict. Although it primarily targets humanitarian actors, the operational guidance provided in the *Aide Memoire* can be of relevance for other actors involved in managing IDPs sites, such as governmental entities and UN missions. As such, it can be of use to both States and other actors in operationalizing the Kampala Convention's obligations.

⁵¹ For protection in the durable solution phase, see the following section.

⁵² See UNHCR and ICRC, *Aide Memoire: Operational Guidance on Maintaining the Civilian and Humanitarian Character of Sites and Settlements*, UNHCR / ICRC, Geneva, 2018: <https://www.icrc.org/en/document/aide-memoire-operational-guidance-maintaining-civilian-and-humanitarian-character-sites-and>, accessed 14 March 2019. This document was developed through a consultative process involving field staff from both organizations, as well as the UN Department of Peace Operations, and focused on five operational contexts, with four in Africa – Central African Republic, Nigeria, Democratic Republic of the Congo and South Sudan.

⁵³ Preventing combatants/fighters from entering the sites is essential for maintaining the civilian character of sites, but it may not be enough to preserve the humanitarian character of sites, and it is thus necessary to identify other categories of persons who could pose a risk to the humanitarian character of camps. First, there may be civilians who sporadically take a direct part in hostilities *while being accommodated at sites*. Secondly, some activities undertaken by civilians hosted at a site who contribute to the general war effort of a party to the conflict without directly participating in hostilities, e.g. engaging in propaganda or recruitment, may undermine the protection of IDPs hosted at a site and the humanitarian character of sites. As such, appropriate measures need to be taken to tackle the risk posed by both categories of individuals, while bearing in mind that they are civilians and not combatants. Their situation needs to be distinguished from that of civilians who sporadically took a direct part in hostilities *but ceased to do so when entering the sites*, who must not be barred from entering the site because of past direct participation in hostilities.

ENABLING IDPS TO MAKE VOLUNTARY, SAFE AND DIGNIFIED CHOICES TO FIND DURABLE SOLUTIONS

The integration of durable-solution issues into domestic legal or policy frameworks and the adoption of comprehensive durable-solution strategies at national as well as local levels, coupled with the creation of ad hoc coordination structures, are important and useful steps towards realizing a holistic response to durable solutions. But it is also vital to ensure that IDPs are included in the process and can assess their options following displacement to make fully informed choices – whether to return home, stay and integrate in the current location or settle elsewhere. Their preferences need to be understood and supported, and the perspectives of the receiving communities also integrated in the design of the response. This requires establishing the conditions, and providing the means, for IDPs to access the full spectrum of durable solutions to enable them to make voluntary, safe and dignified choices. This involves supporting IDPs to settle where it suits them best.

Yet, the reality on the ground shows that authorities often tend to focus on the return of IDPs to their place of origin as the primary or only solution, even when local integration would be more viable and is people's preferred option (which is often the case in urban contexts). Taking such a narrow approach can result in premature or even forced returns, while leaving many IDPs who seek to integrate locally without the necessary support to rebuild their lives, particularly in terms of security of tenure and access to documentation, livelihoods and essential services.

At the same time, some authorities mistake the physical movement of IDPs back home for a durable solution, thereby overlooking the fact that voluntary return, just like local integration and resettlement in another part of the country, is a gradual process that needs to be facilitated by the authorities, with the long-term support of other actors as needed.⁵⁴ Thus, returnees are left alone in their efforts to reintegrate in their old communities, as support for reconstructing homes, rehabilitating infrastructure or providing access to land and livelihood opportunities in places of return is inadequate or non-existent. This may lead to new protection and assistance needs and even renewed displacement. Similarly, the forceful and/or premature closure of IDP camps that does not occur within the framework of a broader durable-solution strategy, informed by IDPs' priorities and intentions, is problematic. Camp closure can be a positive step towards enabling IDPs living in the site to find a longer-term solution to their displacement; but when authorities set unrealistic deadlines after which humanitarian assistance to camps is discontinued and/or the sites are dismantled, without providing concrete possibilities for integration within the host community, this can amount to compelling people to return to still unstable circumstances – thus hampering the safeguards for IDPs' voluntary return in safety and dignity – or can result in their renewed displacement to another location, creating new humanitarian needs. And it deprives IDPs who wish to stay in the current location of the basic conditions required to resume a normal life, thereby exposing them to danger. Ultimately, achieving a durable solution means that IDPs would no longer have any specific assistance and protection needs that are directly linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.⁵⁵

54 See C. Beyani, N. Baal and M. Caterina, "Conceptual challenges and practical solutions in situations of internal displacement", *Forced Migration Review*, Vol. 52, May 2016, p. 39: <https://www.jips.org/uploads/2018/12/FMR52-ThinkingAhead-Displacement-Transition-Solutions-2016.pdf>.

55 IASC, *Framework on Durable Solutions for Internally Displaced Persons*, The Brookings Institution – University of Bern Project on Internal Displacement, April 2010, p. 5.

TRÉSOR, DISPLACED FOR OVER NINE MONTHS

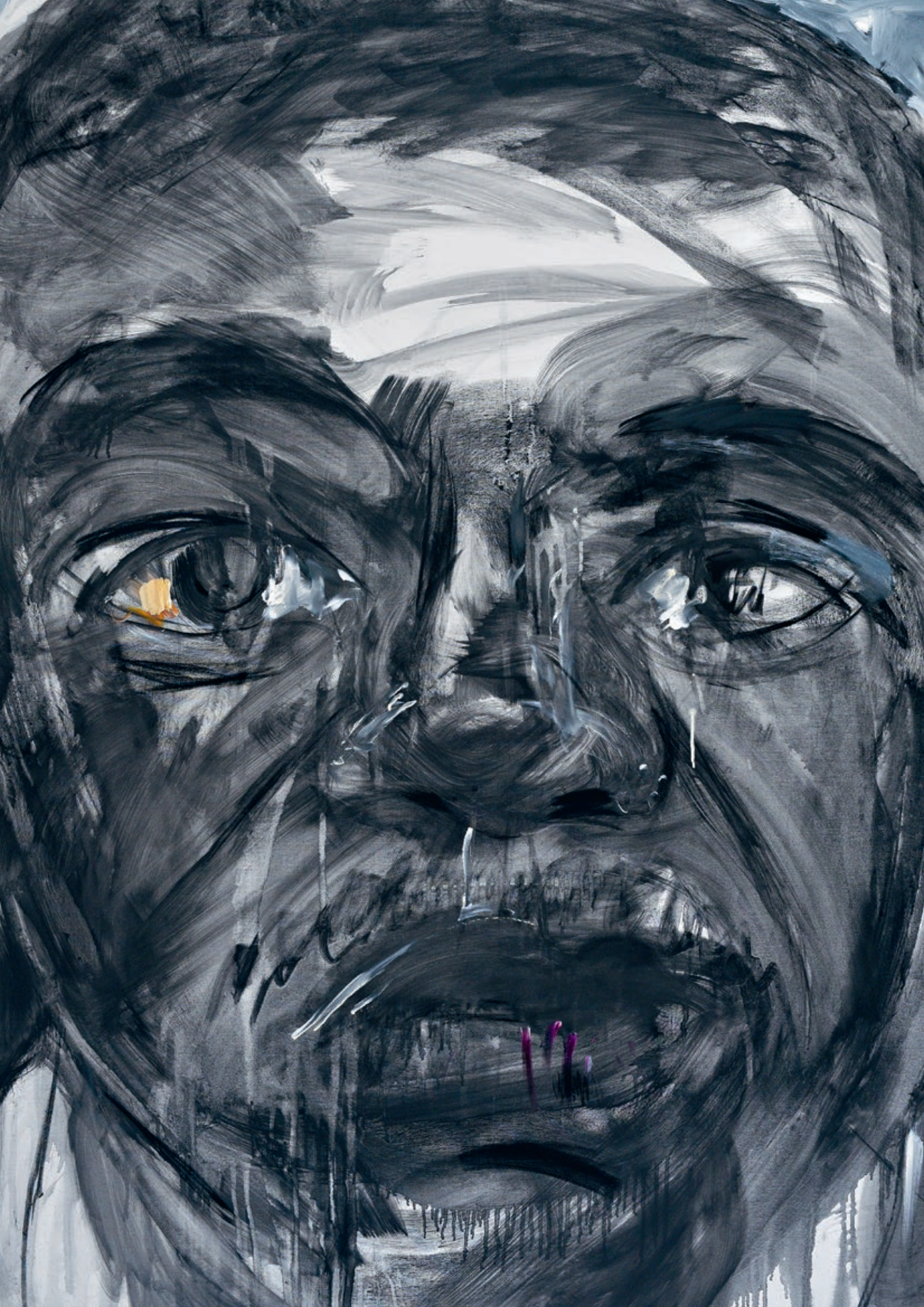
Markounda, Central African Republic
Charcoal and acrylic on canvas
Painted against an ICRC vehicle, just before sunset

They say my parents had good luck for a while after I was born, and that's why they called me Trésor, which means "treasure."

Up until last year, we had land and animals, and my parents were able to pay for my schooling. I had finished high school and had started studying computer science when violence broke out in our village. We were forced to run, flee for our lives. We lost everything. No one in the village was spared.

We've been displaced for nine months now, and it isn't easy. We barely survive on the aid we're given – there is a lot we don't have. There's no electricity here, and obviously no internet. I want to keep working towards my goals, but it's frustrating. I try to be patient and stay positive.

My wife and I are expecting our first child, who will be born soon. We're very happy about it, but it's also a source of stress. No one would choose to raise a child in such an unstable environment. I wish we could find our good luck again!



THREE EFFECTIVE WAYS TO TRIGGER PROGRESS

Although it is important to recognize the different circumstances States face and not to generalize, three themes do emerge – intersecting across all the five areas of IDP-related obligations – as key lessons learned by States and other actors in terms of what has been most effective during the last ten years in implementing and operationalizing the Kampala Convention. These are:

1. the crucial importance of State authorities being in the driving seat, as they have primary responsibility for ensuring the protection and assistance of IDPs
2. the value of States engaging in peer-to-peer exchange on best practices and lessons learned, at the subregional and regional level, to deal with internal displacement-related challenges
3. the need to capitalize on the cumulative effect of a well-coordinated multiplicity of actors supporting authorities' implementation plans.

These three effective ways to trigger progress are interlinked: peer-to-peer exchanges have often been made possible with the coordinated support of other actors, and together these have contributed to fostering national leadership.

STATE AUTHORITIES BEING IN THE DRIVING SEAT OF AN INCLUSIVE PROCESS

Ownership of the response by State authorities is key to ensuring sustained commitment on addressing internal displacement and implementing and operationalizing the Kampala Convention. An inclusive process involving all stakeholders – including national and local authorities, host communities and civil society organizations – nurtures the sense of ownership and secures engagement and support for the action required to bring the Kampala Convention to life. When State authorities are the driving force of the ratification and normative and policy development process, and the process is managed in a participatory manner, real progress towards implementation is made. No support from other actors can substitute for the State's political will, and no longer-term response enabling durable solutions can happen without national leadership and a “whole-of-government” and “whole-of-society” approach.⁵⁶ Experience shows that activities explicitly meant to promote the Kampala Convention and improve knowledge and understanding of its provisions are critical to fostering ownership and the meaningful involvement of all stakeholders – they can contribute to getting displacement-related issues recognized as a priority by all levels of government.

South Sudan became a party to the Kampala Convention and developed a draft IDP law in just over two years, which is a relatively short period considering that changes in domestic law and policy need time. This was made possible thanks to a sense of ownership and commitment to addressing internal displacement by the authorities, and the efforts of various international actors that served to galvanize that commitment and provided the necessary technical and financial support to translate it into action.⁵⁷ The invitation by the government of South Sudan to the ICRC to hold a session on the Kampala Convention in mid-2017 seems to have been a decisive step in the process. The invitation, which followed South Sudan's participation in the 2016 ICRC-Intergovernmental Authority on Development (IGAD) seminar on the Kampala Convention, led to the joint organization of a one-day seminar in Juba in June 2017 to raise awareness of the Convention and IDP-related challenges among key officials – including members of parliament. This helped revitalize the interest of the South Sudanese authorities in acceding to the Convention and served to alleviate some concerns about the implications of doing so.⁵⁸

⁵⁶ See also GP20, *4th GP20 Steering Group Meeting, Addressing Protracted Internal Displacement and Fostering Durable Solutions*.

⁵⁷ See also section 2 (peer-to-peer exchanges between States) and section 3 (the cumulative effect of a multiplicity of actors supporting States) below.

⁵⁸ The seminar concluded with the adoption of a set of action points to move forward on South Sudan's ratification and implementation of the Kampala Convention. See A. Cotroneo, “Strengthening implementation of the Guiding Principles by affected States”, *Forced Migration Review*, Vol. 59, October 2018, p. 30: <https://www.fmreview.org/GuidingPrinciples20>.

The two-day seminar on the Kampala Convention convened by the Ethiopian Ministry of Foreign Affairs in April 2019 provides another example of the value of events bringing together decision makers at country level to improve their understanding of the Kampala Convention and foster ownership, as part of the process of ratification and/or development of a domestic framework. The seminar aimed to solicit input from the federal and regional authorities to put forward a proposal to the Council of Ministers to ratify the Kampala Convention. In addition to enabling a more inclusive process, it served to find a strong consensus towards the Convention among regional and federal representatives and to strengthen awareness of the Convention among key stakeholders.

Experience also highlights the valuable role that national committees and similar bodies on international humanitarian law (IHL) can play in contributing to a State-owned institutional response to internal displacement in situations of armed conflict, including the adoption of relevant legal frameworks, given their expertise and inter-agency composition.⁵⁹

Finally, collaboration between national and international actors can be central to the realization of a nationally owned process of IDP data collection and analysis, such as in the case of profiling exercises supported by JIPS. This in turn is pivotal to ensuring that authorities and other stakeholders at national and local levels agree upon the data collected and use them to inform evidence-based decision-making, policy development and programming in response to IDPs and host communities. National ownership of data collection and analysis is critical to building trust so that governments can make use of the data produced.

PEER-TO-PEER EXCHANGES BETWEEN STATES

Several subregional and regional workshops and round tables were organized by different actors in 2016–2019, especially in the lead up to the tenth anniversary of the Kampala Convention.⁶⁰ They provided forums for States to share experiences and expertise on implementing the Kampala Convention and dealing with shared challenges in responding to internal displacement. A clear lesson learned from these initiatives has been the vital role of peer-to-peer exchanges of practice, at both regional and subregional level, in keeping the momentum going towards ratification/accession and implementation of the Kampala Convention. Such exchanges additionally open up avenues for constructive engagement with and among States on operationalizing the Convention.⁶¹ As in the example of South Sudan mentioned above, who after attending the 2016 ICRC–IGAD seminar on the Kampala Convention invited the ICRC to support the government in Juba on the topic, these exchanges can trigger a positive dynamic encouraging States to approach the challenges in addressing the protection and assistance needs of IDPs in their respective countries, explore ways to put into practice the provisions of the Convention and engage with international actors in a constructive spirit for technical advice and broader support.

THE CUMULATIVE EFFECT OF A MULTIPLICITY OF ACTORS SUPPORTING STATES

States as the primary duty bearers must take leadership of the response to internal displacement, but they cannot resolve the issue alone. By putting emphasis on cooperation and partnerships, the Kampala Convention itself recognizes the important role of the international community in supporting States to fulfil their responsibilities to IDPs.

Experience shows that State action towards ratification/accession, implementation and/or operationalization of the Kampala Convention is galvanized when a multiplicity of actors join forces in engaging with the authorities and providing continuity of support in the process, building upon their respective mandates and expertise, in a complementary and coordinated manner. In many of the implementation examples shared in this report, States benefited from the coordinated support of several actors, including the UN special rapporteur on the human rights of IDPs, the UNHCR and the ICRC. Such support, in the form of technical advice and expertise, training, capacity-building and/or awareness-raising about the Kampala Convention, has

⁵⁹ ICRC, *Enhancing Protection in Armed Conflict Through Domestic Law and Policy: Universal Meeting of National Committees and Similar Bodies on International Humanitarian Law – Conference Overview*, ICRC, Geneva, 2017, p. 14.

⁶⁰ See Annex, pp. 65–66, under “Technical support, awareness-raising and capacity-building”.

⁶¹ See also A. Cotroneo, “Strengthening implementation of the Guiding Principles by affected States”, *Forced Migration Review*, Vol. 59, October 2018, p. 30: <https://www.fmreview.org/GuidingPrinciples20>.

been key in terms of both catalysing the law- and policymaking processes and ensuring the quality of the adopted frameworks.⁶² When support is shaped into a genuine partnership, in which activities by other actors are closely decided upon and steered jointly with national authorities and involve consultation with different stakeholders on the draft framework – as in the case of the UNHCR accompanying the law-making process in Niger⁶³ and South Sudan in the context of the GP20 Plan of Action, for example – it can also contribute to fostering a State’s ownership of the IDP response and an inclusive process.⁶⁴ In the Central African Republic⁶⁵ and Somalia,⁶⁶ the collaboration between humanitarian and development actors in support of the authorities is helping shape a comprehensive approach to durable-solution strategies.

The recent practice has also confirmed the value of other actors’ support in facilitating forums for peer-to-peer exchange among States at subregional and regional levels, which have proved useful in the progression towards implementation and operationalization of the Kampala Convention. Furthermore, the ICRC’s and UNHCR’s collaboration with subregional and regional bodies – such as the IGAD, the Southern African Development Community (SADC) or the Economic Community of West African States (ECOWAS) – around initiatives to enhance awareness of the Kampala Convention and facilitate the sharing of experiences on its implementation, has shown the importance of tapping into the potential for mobilization that those bodies may offer, with a view to prompting State action in support of the Convention and for the benefit of IDPs.⁶⁷

For instance, following a seminar with the ICRC in late 2018, ECOWAS included a whole section on IDPs in its 2019–2023 Plan of Action on IHL Implementation, with mentions for Member States to ensure that legislation, procedures and policies relating to the protection of IDPs are in line with international law, and to implement specific legislation and policies for IDPs, which fully incorporate the requirements and protections of the Kampala Convention. It also refers to the need to designate and mandate a competent national authority or body responsible for protection and assistance, assigning responsibilities to appropriate organs, and cooperating with international agencies and civil society organizations among others activities to be undertaken by ECOWAS States.⁶⁸ The Plan of Action provided a useful reference for the discussions at the GP20 regional exchange on the development and implementation of laws and policies on internal displacement in West Africa, co-organized by ECOWAS and the UNHCR and held in Dakar in March 2019. The event resulted in a renewed commitment among ECOWAS parliamentarians to include the Kampala Convention in ECOWAS law. This provides a good example of creating constructive linkages between the initiatives of different actors engaging with authorities to support their work on the Kampala Convention.

⁶² See Annex, pp. 65–67, under “Technical support, awareness-raising and capacity-building”.

⁶³ See Annex, p. 64, under “Domestic laws and policies”.

⁶⁴ See Annex, p. 65, under “Technical support, awareness-raising and capacity-building”.

⁶⁵ Ibid.

⁶⁶ See Annex, p. 71, under “Monitoring mechanisms”.

⁶⁷ See Annex, p. 65–67, under “Technical support, awareness-raising and capacity-building”.

⁶⁸ Ibid.

KALTOUMA, DISPLACED FOR OVER FOUR YEARS

Lake Chad region
Charcoal and acrylic on canvas
Painted against a tree trunk

We weren't prepared to leave. People living to the west of us had fled their villages and come to ours. Not long after that, we also fled east out of fear.

I arrived here empty-handed, with only my youngest children in my arms. The older children walked here themselves. I don't know how they did it, but thankfully they made it.

When we first got here, we had no shelter, no mosquito nets, no food. We bathed under the palm tree where we spent our first nights. It was terrible. We had to cut down canes to build our huts. Things are still very difficult, especially finding enough to eat each day, but life is better now than it was.

If I had to name something important to me from my life before, it would be this nose ring and necklace. They make me feel beautiful. I'd like to have a second pendant to hang from my necklace. Who knows? Maybe one day I'll be able to afford one. For now, my priority is getting enough food so that my family can eat.

*“My priority is getting enough food
so that my family can eat.”*



KEY RECOMMENDATIONS TO MOVE FORWARD

Bearing in mind the three effective practices to trigger progress outlined above, and having regard to the 2016 recommendations,⁶⁹ the ICRC consolidated four key recommendations which emerged as crucial to achieving progress on the ratification, implementation and operationalization of the Kampala Convention across the continent. Three of these recommendations are directed at States and one at other actors. These recommendations are highlighted as ways forward on which States need to focus, as they have proven to be successful drivers of effective implementation and operationalization of the Kampala Convention. However, this update of the stocktaking exercise has also shown that the recommendations from the 2016 report remain relevant, and that States and other actors are advised to make use of the previous report alongside the following recommendations.

FOR STATES

RECOMMENDATION A: DISSEMINATION⁷⁰

States should ensure that all relevant public authorities – including armed and security forces – as well as IDPs, host communities and civil society are aware of the Kampala Convention and its key obligations, such as the IDPs' right to freedom of movement and choice of residence, the obligation to respect and ensure respect for IHL, and the obligation to provide, to the fullest extent practicable and with the least possible delay, IDPs with adequate humanitarian assistance and any other necessary social services.

More can and should be done to promote knowledge of the Kampala Convention on the ground and to ensure that where domestic law and policy exists to protect IDPs, it is clearly communicated to the population and to key stakeholders, especially within public authorities – including armed and security forces. To give effect to any measures which a State takes towards ratification/accession, implementation and operationalization, it is crucial that they are accompanied by a strategy to ensure that those measures are known and understood by those who will work most closely with them and by those who will be affected by them. Dissemination efforts are crucial to galvanizing commitment and building ownership of the process of ratification and domestic implementation of the Convention, which in turn are key to its effective operationalization.

RECOMMENDATION B: CLEARLY DESIGNATED AUTHORITY⁷¹

States should take steps to ensure that a coordinating authority or body is formally designated, that it has the necessary mandate and legitimacy to mobilize all ministries and agencies concerned, and that it is granted adequate resources (human and financial) to function effectively and respond to the multiple needs of IDPs.

The existence of such designated coordinating authority facilitates the work, not only of the authorities, but also of other actors aiming to respond to situations of internal displacement. Without such structures, it makes it more challenging for the authorities to plan, coordinate and manage effectively all the different levels and types of responses that must be in place to address the multiple needs of IDPs and their host communities. It also makes it difficult for other actors to identify the contact person among the government with whom they are supposed to work. Advocating for this clarity, and for the effective mandate of the designated body, is therefore important to ensure that any efforts in implementing and operationalizing the Kampala Convention are meaningful and that all the activities of stakeholders and supporters can have the most impact possible for affected populations. Adequate human and financial resources for such bodies to provide humanitarian assistance and protection to IDPs is, furthermore, vital.

⁶⁹ ICRC, *Translating the Kampala Convention into Practice: A Stocktaking Exercise*, p. 66.

⁷⁰ This is based on a combination of recommendations 3, 4, 15 and 17 from the 2016 stocktaking exercise.

⁷¹ This is based on a combination of recommendations 8 and 14 from the 2016 stocktaking exercise.

RECOMMENDATION C: IDP PARTICIPATION⁷²

Public authorities should proactively ensure consultation and active engagement of IDPs and host communities to ensure their participation in decision-making on activities undertaken to improve their situation and/or that have an impact on their future. This engagement should be inclusive and consider the diverse profiles of the displaced population (e.g. sex, age and other factors). It should pertain to all phases of the IDP experience, including their assistance and protection needs and the search for durable solutions.

A people-centred approach is crucial to ensuring that the humanitarian needs of the affected populations are properly and efficiently met. This recommendation is instrumental to ensuring that the other recommendations concerned with the provision of both protection and assistance to IDPs as well as durable solutions can be effectively realized.

FOR OTHER ACTORS**RECOMMENDATION D: COORDINATED SUPPORT⁷³**

The AU and regional organizations, international humanitarian organizations and other organizations with expertise in this domain, as well as donors, should continue to offer technical advice and/or support to AU Member States on national implementation, public awareness, capacity-building, data collection and management and other aspects of the operationalization of the Kampala Convention, as relevant, in line with their respective mandates and working procedures, through complementary and coordinated efforts.

As we have seen in many examples in this report, when a multiplicity of actors join forces to support States, in a complementary and coordinated manner, building upon their own mandates and expertise, progress can be made towards implementation and operationalization. Coordination and collaboration among these actors is key. However, this forward momentum is only possible when States take ownership of the process. The AU shall clearly continue to play a leading role in the promotion and implementation of the Kampala Convention – in this regard, holding a second meeting of the Conference of States Parties would be important to ensure follow-up of the first meeting and capitalize on the Conference as a forum for peer-to-peer exchanges and action on urgent internal displacement-related challenges.

⁷² This is based on a combination of recommendations 10 and 22 from the 2016 stocktaking exercise – and on cross-cutting themes 1 and 2 – and is necessary for the implementation of all other recommendations.

⁷³ This is based on a combination of recommendations 5, 6, 12, 16, 21 and 25 from the 2016 stocktaking exercise.

CONCLUSION

The tenth anniversary of the Kampala Convention prompted reflection not only on the progress made in implementing and operationalizing the Convention and addressing internal displacement in Africa, but also on the areas where further efforts were needed.

The growing momentum in the lead up to 23 October 2019 has proven useful in galvanizing support for the Kampala Convention. There are an increasing number of States who are party to the Convention and States who are taking measures to ratify/accede to the Convention. While developments in law and policy take time, several new domestic laws are complete or in progress, and new policies have been adopted or are in the making. The first Conference of States Parties has taken place, new peace agreements have been concluded that reference IDP concerns, and some new promising practices emerged on the ground. Many initiatives by the AU, subregional organizations and international actors have generated increased awareness and interest in the Kampala Convention and opened avenues for constructive engagement with and among States on IDP-related issues.

The challenge will be to keep this momentum going, once the celebrations are over, and translate it into a longer-term commitment to operationalizing the Convention and enhancing protection, assistance and durable solutions for IDPs in Africa. The best practices, lessons learned, and the recommendations of the 2016 stocktaking report and this update can provide useful guidance to that effect.

FROM PORTRAITS TO REPOSTS: A DIGITAL CAMPAIGN SUCCESS STORY

A special digital campaign run by the ICRC's regional communication centre in Dakar used art to raise awareness of the plight of internally displaced people in Africa.

Portrait painters, it turns out, are like barbers: they get to hear everyone's life story. That was the thinking behind the ICRC's first digital campaign in Central and West Africa, which aimed to raise awareness of internal displacement in the region. At the campaign's kick-off event, held in October 2018 at the Cheikh Anta Diop University in Dakar, Senegal, guests could view 13 unique and intimate portraits of internally displaced people painted by American artist Ben Betsalel. They could also watch video footage of the portrait sittings taken by Senegalese videographer Birom Seck, which played back alongside the artwork and offered an unexpected window into the subjects' lives and struggles. This art-based campaign, run by the ICRC's regional communications centre in Dakar, aimed to inspire key figures in the public sector and civil society to prevent internal displacement in the first place and to provide assistance and protection to those who are displaced in Africa.

To create the artwork for the campaign, Betsalel and Seck travelled to the Central African Republic, where displaced people make up around one-fifth of the total population. There they met with several displaced Central Africans to capture their likeness and listen to their stories. While Betsalel painted, Seck hovered behind his camera. As time wore on, tongues began to loosen.

"The portrait is a catalyst for dialogue," said Betsalel. "While being painted, the people we met with started talking about their lives, their past and their hopes for the future."

The digital campaign, called "*J'ai dû tout quitter*" (I had to leave everything behind), published the 13 portraits and Seck's accompanying videos on a mini-website and on social media from November to December 2018. Viewers were invited to respond by taking an online quiz or giving their email addresses to receive an e-newsletter. The site was particularly pushed in countries that have not yet ratified the Kampala Convention.

Although refugee crises dominate international headlines, few people are aware that most displacement in Africa happens inside national borders: in late 2018, there were at least 16.5 million displaced people on the African continent.⁷⁴ The ICRC hopes to draw attention to their plight by showing that they, too, are forced to leave everything behind: not only their homes, fields and belongings but often their livelihoods and positions in society.

In December 2018 Betsalel travelled to Chad to paint a second round of portraits alongside Kenyan videographer Eric Samson Chege. The new material was posted online from January to March 2019, and in April, the Dakar team wound up the campaign by sending prizes to winners of the quiz.

By all measures, the campaign was a resounding success. Its three main videos were viewed over 700,000 times and the engagement rate across platforms (likes, reposts and comments) was high. The campaign also collected 1,800 email addresses, several of which belonged to cultural influencers such as journalists, bloggers and civil society leaders.

The Dakar team plans to use that data to further the ICRC's efforts to strengthen the Kampala Convention. As for Betsalel's portraits, they have taken on new life at round tables and other key events on internal displacement in Central Africa. In October 2019 they will travel to Geneva, Switzerland, to inspire a different group of humanitarian leaders – proving, once again, that art is a universal language.

74 Figures by IDMC, *Global Report on Internal Displacement*, 10 May 2019: <http://www.internal-displacement.org/publications/2016-africa-report-on-internal-displacement>, consulted 10 May 2019.

BLAMA YOUSOUFA, DISPLACED FOR FOUR YEARS

Lake Chad region, Chad
Acrylic on canvas
Painted in late afternoon, under a tree

In sum, we are displaced people. If there were peace, we could work our own fields and take care of ourselves. No one is left in the region we come from – everyone has fled the conflict.

When we arrived here, the authorities took us to this place. We were dying of hunger, thirst and exhaustion. We had no food, no water, no land, nothing. Several days after we settled here, the authorities came back and counted us. A few days after that, they brought food. But even though we receive aid sometimes, it isn't enough.

The first two days, we missed our village terribly. We told ourselves our village was better than here. We're strangers here, and we're treated as such: as a problem. We're hungry and we want to eat. We need food, and we want to send our children to school so they can forget their suffering and hunger. The problem is, the nearest school is in a neighbouring village, and since the violence isn't over, we're afraid to send them there.

We've been here four years now, and we've become accustomed to the situation. Almost all of us now agree that it's better to stay. These days, we live together with another tribe from our region. During the day, some of us try to go fish and farm, but we always have to be back by nightfall. Living in a camp is always risky, but we don't have any other choice. We do what we must to survive.

I hope that soon, we'll have our own fields to farm and a safe path to reach them. But it's essential that the situation remain calm. If there is peace, we can work our fields and meet our own needs.

“*Living in a camp is always risky.*”



TCHARI, DISPLACED FOR OVER FOUR YEARS

Lake Chad region, Chad

Acrylic on canvas

Painted under a tree on the shores of Lake Chad

It was a market day, around six o'clock in the evening. They showed up on our island in three motorboats – shouting and shooting at anything that moved.

We ran, leaving our food cooking over the fires. We couldn't take anything, not even our children. Like many other women, I had to abandon my baby. We ran into the trees and crawled and crawled. It was a long, terrifying night. We hid, fearing the worst.

The next morning, we went back to the village hoping to find our families. The armed group had burned down all the houses and either taken or burned all of our belongings. There were bodies on the ground and in the water, left there like animals to rot. We survivors found boats and left the island. We didn't take anything with us. Not so much as a cooking pot.

We made it to another village, but it was attacked that very night. So we fled again. Wherever we went, the armed group was hot on our heels. We moved from place to place in small groups, travelling only by night. By the end, about 200 people had died.

We've been here for a little over two years. We're more or less safe, but we've lost everything. The small amount of aid we get from the State is far from enough to feed us – those of us who were forced to flee, who have lost everything. We want to rebuild our lives. We are poor. We have nothing to eat. We need help. The only things that matter to me now are what I don't have.

*“Wherever we went, the armed group
was hot on our heels.”*



BLAMA MOUSSA AL-HADJ

Lake Chad region, Chad
Acrylic on canvas
Painted against a tree trunk

I come from an island to the west. Here in the camp, I live with people of other ethnicities, but the members of my tribe are easily recognized by our type of facial scarification. I received my scars when I was seven or eight years old, about the same time I started working as a herder. I had cows, goats and sheep. Eventually, I was responsible for over 100 animals.

I've always been a trustworthy person and an upstanding member of my community. My family was happy with me and found me my first wife when I was 17. My first daughter was born not long after. Now I have 20 children from four wives. Sadly, one of my wives was killed, and my eldest son and four of my other children are also dead.

It was early in the morning when the armed group attacked. There are ten or so major villages on the island where I lived, and mine was the first to come under attack. Everyone was running for their lives. Some left their children or their wives behind. Some fled into the bush, others took to the lake in boats.

In the end, eight people from my village were killed. Several others were captured. Our homes were ransacked and destroyed. It wasn't until three days later that we were able to bury our dead.

A nearby community heard about what happened and sent boats to help us escape. Thankfully, we managed to leave, but we lost everything. It wasn't easy for us to leave our home and come here. It took three weeks to cross the lake, and some of us drowned in the crossing.

We're safe here on solid ground, for the time being. But the situation isn't ideal. We suffered terribly on the island – the loss of our animals, especially, was a huge blow. Here, we can't sustain ourselves by fishing, herding and farming the way we did at home. The land we work on isn't ours.

We hope that one day we can have farmland of our own. Our lives could be made much better if dykes were built to increase the amount of arable land. It's something we talk about often. There are advantages to living here, such as school for the children and larger villages nearby. Here, we can make a two-day journey by car to reach other places. That wasn't possible before.

We will never go back, even if a similar attack occurs here. Never. Some people want to leave, but it's too dangerous, and they don't dare. We have no choice. We're trying to move on. It's our destiny. It's the will of God, and I pray that one day our suffering will end.

We will never go back.



HAROUNA, DISPLACED FOR OVER FIVE YEARS

Lake Chad region, Chad
Drawing
Drawn at dawn

When there's war, everyone suffers. My wife, my five children and I were forced to leave our village, not because of direct violence, but because conflict in the region had made everything unstable. Things are bad there.

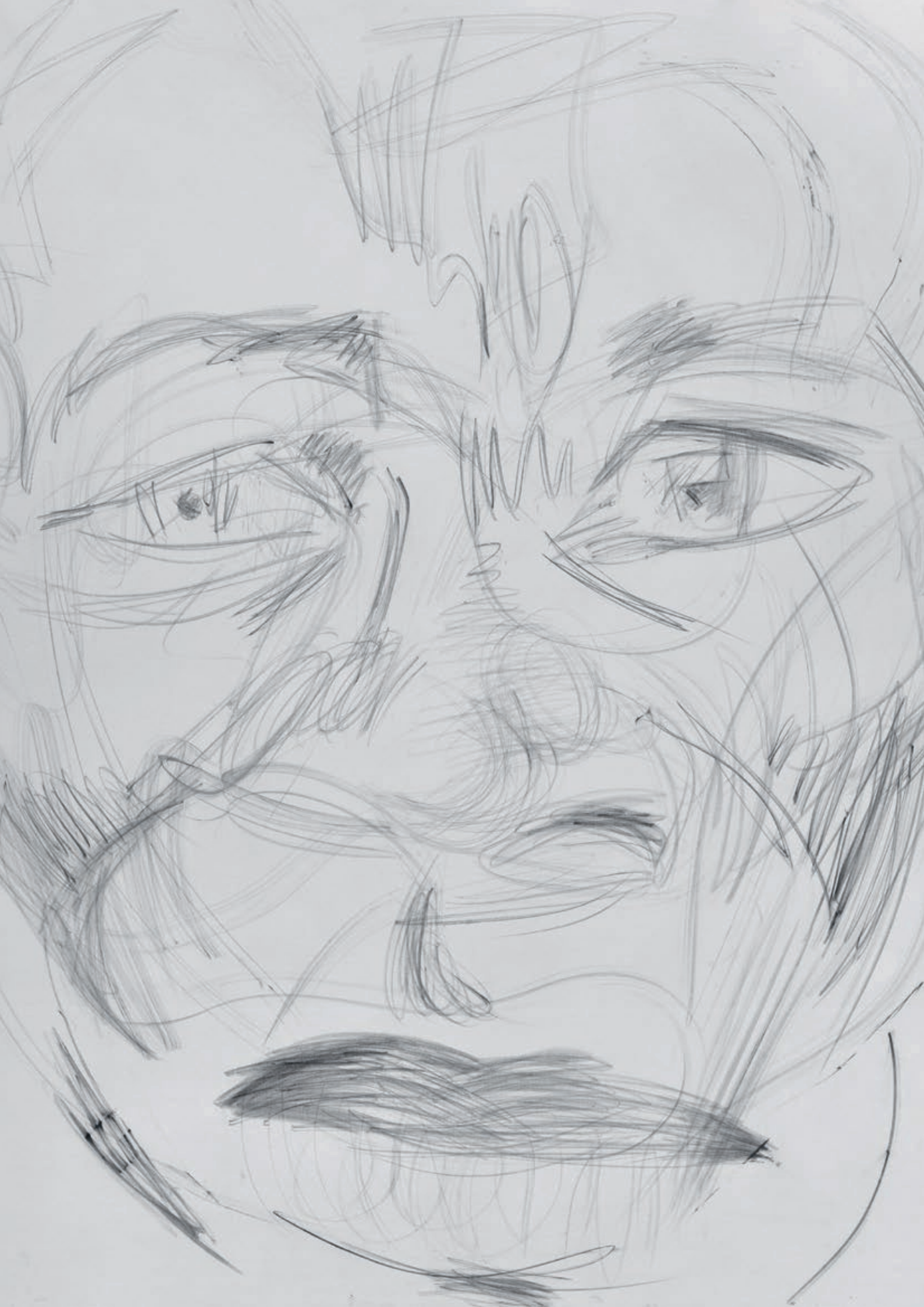
We came to this area five years ago. My wife and children work in the fields not far from here. If I left right now, I could probably get there just after sunset. I have a field there, but it's very small. Because there's not enough food and work, I have to find other means of supporting my family. We're suffering. Sometimes I find food, sometimes not. If we could have stayed in our village, we wouldn't have left. Unfortunately, things are bad here, too.

Even though it's very difficult for my family here, I don't see any alternative. I bring them what little I can. They do have some milk goats, at least there's that. But the problem with goats is, if they destroy someone's fields, I'll have to pay for the damage.

Everyone comes to this village because we can get aid from the government and humanitarian organizations. Violence in the region has made life difficult. We don't know where to go or what to do. Before we received aid, we were starving. Now we eat what little we can get and wait for the next distribution.

Without aid, life here would be impossible. Thousands of people from all over the region are fleeing the conflict. Some come from islands, some from the west, and that strains the fragile balance of survival for the thousands of locals who were already here. Without help, nobody in the region could survive.

“*Without aid, life here would be impossible.*”



VALENTIN, DISPLACED FOR OVER NINE MONTHS

Markounda, Central African Republic
Charcoal and acrylic on canvas
Painted in a hut at daybreak

I'm 47 years old, and I come from Kaga Bandoro. I had seven children, but I lost one. I had two wives, but I also lost one. I was almost killed, too. I took a bullet here, in the arm. [He pulls up his sleeve and shows us a scar on his disfigured biceps.]

One of my rare moments of peace is when I'm fishing in the river. But now it's too dangerous to fish. We have to stay here, in the camp. It's the only place where we can be safe, and even then, we're never certain.

When we first arrived in Markounda, I found regular work on a little farm some distance away. But now the way is blocked. Without my wages, my family is forced to live on the 15 kilos of food aid we receive each month. It's not enough.

My deepest wish is to have enough money to take care of my family. Some days, I take risks. I go to nearby farms to see if they have work for me. A full day's labour only earns me 500 CFA francs [roughly one US dollar]. When there's no work, I hunt in the bush. But of course, that's dangerous, too. I never know who I might run into.

“ *I hunt in the bush...
but I never know who I might run into.* ”



ROSE, DISPLACED FOR OVER NINE MONTHS

Markounda, Central African Republic
Charcoal and acrylic on canvas
Painted outside, against a tree trunk

I see things in my head I can't speak of. My children are here with me, but the living conditions aren't good. We came here for safety reasons, and as things stand, there's no question of going home – it's too dangerous.

I come from Badama. One night, an armed group showed up in our village. I saw armed men attacking the villagers, so I grabbed my five children and fled into the bush. We hid there from four o'clock in the morning until two o'clock in the afternoon the next day. I tried to return to my house for some food and a few personal belongings, but there was still fighting going on, so I fled again. I hid and waited in the bush for three days with my children, my mother and my three brothers before we started walking towards Markounda.

We wandered in the bush for three days without food. We were so afraid. We didn't really know what we were doing. I was practically naked.

Luckily, it was the dry season. But my youngest child was very weak. When we finally arrived in Markounda, I found one of my aunts, who gave us food.

When I'm alone at night, I see it all pass before my eyes. It was very hard for me here at first. But, day by day, I'm learning to live again.

*“We wandered in the bush
for three days without food.”*



DIEUDONNÉ, DISPLACED FOR OVER 16 MONTHS

Bangui, Central African Republic
Charcoal and acrylic on canvas

Painted in the morning, in one corner of a community shelter

I come from Mobaye, which lies along the Ubangi river that separates the Central African Republic and the Democratic Republic of the Congo. Before I was forced to leave, I planted and harvested coffee. I had a small business and was able to provide for my family. Now I have nothing. Everything was taken or destroyed.

There has been violence everywhere since 2012. We held on as long as we could, but several times we had to flee into the DRC, where we'd wait until things calmed down, then returned home and worked extra hard to start over. In May 2017, the situation got worse and we had no choice but to leave. I lost contact with my five eldest children in the chaos.

I made it to Bangui in a small boat, with my wife and four younger children. There, we lived in a camp with over 500 other displaced people for seven months. Then we were asked to leave to make room for new arrivals.

I struggle to pay rent. Even though I can read and write, I can't find a job that pays well enough to make ends meet. Every morning, I do everything I can, by any means necessary, to support my family. I'd like to get some kind of training so that I can find work.

We have no money, no way of getting medicine. I can't afford to buy pens or notebooks so that my children could go to school. I have nothing to offer them, and it breaks my heart.

We've been abandoned by everyone. We're on the brink of starvation. This is no life.

“
I lost contact with my five eldest children in the chaos.
”



CLÉMENTINE, DISPLACED FOR OVER 20 MONTHS

Bangui, Central African Republic
Charcoal and acrylic on canvas, 122 x 152 cm
Painted near a river, just before curfew

I was living in Zamgba, near the centre of the country. It started out as an ordinary day at the end of May. My husband was fishing at the river and I was working in the fields. Suddenly there were gunshots and chaos broke out. I jumped into the river and swam to the other side, where I hid in the bush with another woman. I waited until things calmed down, then I swam back across.

I found my husband, and we assembled the family. Everyone was there except for one of our sons, who had disappeared. My husband went looking for him. He never came back.

After a while, I went back to our house and found my husband dead. Our son was inside, with a man who said that I could have him back, but that it would cost me...

They burned down the house and everything in it, including ten bags of coffee beans. I lost everything – they took everything. I thank God that at least I was able to save my son.

By the time we made it to Bangui, we had nothing. People working for the church gave us food, clothing and shelter. I met a counsellor who helped me overcome my trauma. I began to experience happiness again. I'm grateful to be in good health, and I realize how incredibly lucky I am to have survived everything I've been through.

These days, I'm often in debt, but I'm grateful that my children are safe. They have food and somewhere to live, and they can go to school. That certainly isn't the case for many other families who, like us, had to leave everything behind.

*“ I went back to our house
and found my husband dead.”*



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ANNEX: NEW EXAMPLES OF PRACTICE (2016–2019)

This document contains details of practice from over 20 States and other actors that show progress with regard to the recommendations made in the ICRC’s 2016 report *Translating the Kampala Convention into Practice: A Stocktaking Exercise*.

Consistent with the structure of the 2016 report, the examples are grouped under five headings for the areas in which States have internal displacement-related obligations:

1. Prevention
2. Planning, management and monitoring of protection and assistance activities
3. Providing adequate humanitarian assistance to IDPs
4. Protection of IDPs
5. Durable solutions for IDPs

The examples are listed in alphabetical order by State and grouped together per recommendation. Prevention and planning and management are the areas in which most progress could be reported.

Few recommendations from the 2016 report are missing from the overview – this means that we have not identified new examples of practice worth highlighting for 2016–2019 on the issues covered by those recommendations. The 2016 report should be consulted for reference on the relevant practice up to 2016.

PREVENTION	
SUMMARY OF KEY OBLIGATIONS	
a. Incorporate obligations under the Kampala Convention in domestic law in conformity with their obligations under international law (Article 3.2(a)) b. Ensure individual criminal responsibility for acts of arbitrary displacement, in accordance with applicable domestic and international criminal law (Article 3.1(g)).	
Recommendations to States	State practice
Ratification and accession (Recommendation 1)	<ul style="list-style-type: none"> • Cameroon: Deposited instruments of ratification with the AU on 24 June 2017.⁷⁵ • Cape Verde: Expressed its willingness to ratify the Convention during the UNHCR Regional Conference “Comparative Experiences on Implementing the Convention in West Africa”, held on 21–22 March 2019, Dakar.⁷⁶ • Equatorial Guinea: Deposited instruments of ratification with the AU on 29 October 2019.⁷⁷

⁷⁵ AU, *List of countries that have signed, ratified/acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, AU, Addis Ababa, 2019: <https://au.int/sites/default/files/treaties/36846-sl-AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf>, accessed 15 July 2019.

⁷⁶ *Ibid.*

⁷⁷ UNHCR, *UNHCR welcomes Equatorial Guinea’s accession to Kampala Convention on IDPs*, UNHCR, 2019: <https://www.unhcr.org/news/press/2019/10/5db9c50d4/unhcr-welcomes-equatorial-guineas-accession-kampala-convention-idps.html>, accessed 29 November 2019.

	<ul style="list-style-type: none"> • Ethiopia: Made a statement during the joint IGAD and ICRC seminar on the Convention held in Nairobi in 2017 expressing its willingness to ratify/accede to the Convention.⁷⁸ • Liberia: Deposited instruments of ratification with the AU on 7 March 2017.⁷⁹ • Mozambique: Parliament endorsed ratification of 2010 signature of the Convention in November 2017; deposit with the AU is pending. • Senegal: Expressed its willingness to ratify the Convention during the UNHCR Regional Conference “Comparative Experiences on Implementing the Convention in West Africa”, held on 21–22 March 2019, Dakar.⁸⁰ • Somalia: Deposited instruments of ratification with the AU on 27 November 2019.⁸¹ • South Sudan: Deposited instruments of ratification with the AU on 21 June 2019.⁸² • Sudan: Made a statement during the joint IGAD and ICRC seminar on the Convention held in Nairobi in 2017 expressing willingness to ratify/accede to the Convention.⁸³
<p>Domestic laws and policies (Recommendation 2)</p>	<ul style="list-style-type: none"> • Central African Republic: A law has been drafted and is under review by the IHL Commission in Parliament.⁸⁴ The Ministry of Humanitarian Action and National Reconciliation established, together with the UN Development Programme and UNHCR, a National Strategy for Sustainable Solutions for IDPs and Returned Refugees in the Central African Republic (2018–2021).⁸⁵ • Chad: In April 2019 a ministerial order was signed designating the National Commission for Reception and Reintegration of Refugees and Repatriated Persons (CNARR⁸⁶) as responsible for creating a working group on the implementation of the Convention. The working group includes eight representatives from different ministries such as the Ministry of Territorial Administration and Public Security, Ministry of Foreign Affairs, Ministry of Social Action, Ministry of Justice and several international organizations – the UNHCR, International Organization for Migration (IOM), Office of the UN High Commissioner for Human Rights and ICRC. The integration of the war crime of forced displacement into the revised Penal Code is reflective of Article 8(2)(e)(viii) of the Rome Statute of the International Criminal Court.⁸⁷

78 IGAD, “Seminar on Kampala Convention, jointly organised by IGAD and ICRC in Nairobi”, 10 October 2017: <https://www.igad.int/divisions/economic-cooperation-and-social-development/2016-05-24-03-16-37/1673-seminar-on-kampala-convention-jointly-organized-by-igad-and-icrc-in-nairobi>, accessed 13 March 2019.

79 AU, *List of countries that have signed, ratified/acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*.

80 *Ibid.*

81 UNHCR, *UNHCR welcomes Somalia’s ratification of the Kampala Convention*, UNHCR, 2019: <https://www.unhcr.org/news/press/2019/11/5dde4fbo4/unhcr-welcomes-somalias-ratification-kampala-convention.html>, accessed 29 November 2019.

82 AU, *List of countries that have signed, ratified/acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*.

83 IGAD, “Seminar on Kampala Convention, jointly organised by IGAD and ICRC in Nairobi”.

84 Central African Republic, draft bill no. 18 (*relative aux personnes déplacées à l’intérieur de la République Centrafricaine*), on file with the ICRC.

85 Central African Republic, *Ministère de l’Action Humanitaire et de la Réconciliation Nationale, Stratégie nationale des solutions durables pour les déplacés internes, et les réfugiés de retour en République Centrafricaine (2018–2021)* (National Strategy for Sustainable Solutions for IDPs and Returned Refugees in the Central African Republic); on file with the ICRC.

86 *Commission Nationale d’Accueil, de Réinsertion des Réfugiés et Rapatriés*.

87 Chad, revised Penal Code, Article 288(h) of Law no. 001/PR/2017 of 8 May 2017.

	<ul style="list-style-type: none"> • Liberia: The interministerial IHL Committee drafted and discussed the bill for the implementation of the Convention in 2018. The AU and the ICRC took part in these sessions. The AU's representative in Liberia continues to support the drafting process. • Mali: Initiated the process of drafting a law on protection and assistance to IDPs. A first technical meeting to discuss the content of the preliminary draft was held in December 2018 and a draft bill was circulated in early 2019.⁸⁸ • Niger: Adopted the law on the protection of and assistance to IDPs on 10 December 2018.⁸⁹ The government steering committee was responsible for the drafting process and benefited from the UNHCR's substantial support. While the law has been promulgated, the implementing decree is still needed. • Nigeria: A bill to amend the National Commission on Refugees, Migrants and Internally Displaced Persons Act and incorporate selected provisions of the Convention was adopted by the National Assembly and is pending signature by the President.⁹⁰ The 2012 National IDP Policy was reviewed in 2017 and is now with the Federal Executive Council.⁹¹ • Somalia: A new draft National Policy for Refugees, Returnees and IDPs has been finalized and is to be endorsed by the Cabinet of Ministers.⁹² Additionally, the cabinet of Ministers endorsed a National Action Plan on Durable Solutions on 15 March 2018.⁹³ • South Sudan: In 2018 Professor Chaloka Beyani, former UN special rapporteur on the human rights of IDPs, was commissioned by the government of South Sudan to support the drafting of implementing legislation. A draft bill is in circulation.
<p>Dissemination of the Kampala Convention (Recommendation 3)</p>	<ul style="list-style-type: none"> • Ethiopia: In April 2019 the Ministry of Foreign Affairs convened a two-day seminar on the Convention for input from the federal and regional authorities on putting forward a proposal to the Council of Ministers to ratify the Convention. The discussion focused on possible reservations on specific provisions of the Convention, the existing absence of rules of engagement for defence forces with regard to internal displacement-related responsibilities and the fact that the existing national policy and strategy on reducing disaster risk is not adequately responsive to conflict-driven internal displacement, which continues to be a major challenge in Ethiopia. The seminar generated strong consensus around the Convention among regional and federal representatives and strengthened awareness of the Convention among key stakeholders. • South Sudan: A one-day seminar was jointly organized by the ICRC and the government of South Sudan in Juba in June 2017 to raise awareness among key officials.⁹⁴

88 GP20, *Mali GP20 Concept Note*, GP20, Geneva, 2019: <http://www.globalprotectioncluster.org/news-and-events/gp20-activities-and-initiatives/mali-gp20-concept-note/>, accessed 2 August 2019.

89 Niger, Law no. 2018-74 of 10 December 2018 (*relative à la protection et à l'assistance aux personnes déplacées internes*): <https://www.refworld.org/country,,,NER,,5ce404914,0.html>.

90 UNHCR, *Address by the Honourable Federal Commissioner, National Commission for Refugees, Migrants and Internally Displaced Persons of Nigeria and Head of the Nigerian Delegation to the 69th Session of the Executive Committee of the High Commissioner's Program Geneva, Switzerland*, UNHCR, Geneva, 2018, p.5: <https://www.unhcr.org/5bb365b44.pdf>.

91 *Draft National IDP Policy*, no date, on file with the ICRC.

92 Government of Somalia, *Draft National Policy for Refugees, Returnees and IDPs*, no date; on file with the ICRC.

93 See http://www.globalcrf.org/crf_country/som/#_ftn1, accessed 22 July 2019.

94 The seminar concluded with the adoption of a set of action points to move forward on ratification and implementation of the Convention by South Sudan. See A. Cotroneo, p. 30.

Recommendations to other actors	Practice
<p>Technical support, awareness-raising and capacity-building (Recommendations 5 & 6)</p>	<ul style="list-style-type: none"> • AU: The AU model law for the implementation of the Convention was adopted at an AU summit in January 2018.⁹⁵ Dissemination of the model law and the Convention featured strongly during the AU's training sessions on humanitarian law and policy and in its Humanitarian Law and Policy Curriculum.⁹⁶ • ECOWAS: Included a whole section on the issue of IDPs in its 2019–2023 IHL Plan of Action, touching upon legislation and policies which integrate the Convention, following discussions in late 2018.⁹⁷ • EGRIS: Established in 2016 by the United Nations Statistics Commission, it is a group mandated with developing international recommendations, standards and guidance with the aim of improving the quality of official statistics on forcibly displaced populations. The group has been working closely with national statistical authorities from Côte d'Ivoire, Libya, Nigeria, Uganda and Somalia, among others, to ensure strong linkages with national planning, budgeting and policy processes – JIPS, member of the EGRIS steering committee, has been tasked with leading the IDP subgroup and is currently in the process of developing the IRIS to be presented at the 51st session of the United Nations Security Council in March 2020. The subgroup convened two working sessions in August and December 2018 with the aim of clarifying how to statistically measure solutions as well as coordinate IDP statistics. The December session was hosted in Kampala, Uganda. • GP20: The Task Team on Law and Policy brought a specific law and policy training-of-trainers course to the region to build capacity and raise awareness about internal displacement issues.⁹⁸ Two training workshops were held in the region – in Kigali and Dakar in 2017 – which advocated for the ratification of the Convention. Participants from Senegal issued a recommendation that a technical note should be shared with the President. Government authority representatives from Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Niger and Togo issued recommendations for implementation of the Convention. Commitments to develop plans of action related to internal displacement were made by government authorities from Nigeria and Somalia.⁹⁹ In March 2019, within the framework of the GP20 Plan of Action, a meeting of ECOWAS Member States was hosted in Dakar with the UNHCR's support, where States were able to discuss progress towards implementation of the Convention. The UN Special Rapporteur on the Human Rights of IDPs contributed her expertise to the discussion. The ICRC also participated in the meeting presenting the 2016 stocktaking exercise.¹⁰⁰

95 AU, *African Union Model Law for the Implementation of the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa*.

96 See for example, AU, "The African Union Organizes Humanitarian Law and Policy Training Programme in Malabo", 6 December 2017: <https://au.int/en/pressreleases/20171206/african-union-organizes-humanitarian-law-and-policy-training-programme-malabo>, accessed 11 March 2019.

97 ECOWAS, *Final Report of the Validation Meeting of the ECOWAS Plan of Action on the Implementation of IHL (2019–2023)*, ECOWAS, Abuja, 2018.

98 GP20, *Project Phases of the Three Training of Trainers on Law and Policy-making on Internal Displacement Final Report*, undated, on file with the ICRC.

99 *Ibid.*

100 ECOWAS and GP20, *Comparative Experiences on Implementing the Kampala Convention: A Regional Exchange Series*, 2019, on file with the ICRC.

- **ICRC:** In 2016, and again in 2017, the ICRC collaborated with the IGAD to host two seminars on the Convention.¹⁰¹ These seminars had the primary purpose of facilitating an exchange of ideas and experiences between IGAD Member States. In 2017, the ICRC worked with the government of Malawi to organize a regional round table for the SADC on the Convention in Lilongwe.¹⁰² In June 2019 in Kigali, the Fifth Commonwealth Red Cross and Red Crescent Conference on IHL organized by the ICRC featured the anniversary of the Convention as one of the two principal themes. In the outcome statement from the conference, participants “[recognized] the significance of the tenth anniversary of the adoption of the Kampala Convention, appreciating its role in preventing displacement, protecting and assisting internally displaced persons and realizing durable solutions in Africa and [recognized] its potential in setting global standards”.¹⁰³ The 2019 Regional Seminar on Implementation of International Humanitarian Law, co-hosted by the ICRC and the government of South Africa, included discussion of the Convention. In July 2019, the ICRC delegation in N’Djamena hosted a subregional workshop for the countries in the Lake Chad region (Cameroon, Chad, Niger and Nigeria) to mobilize the authorities and to share good practices. The ICRC in Southern Africa has developed a targeted call to action on the Convention, focused on Angola, Mozambique and Zimbabwe in 2019. In Ethiopia, the ICRC delegation is currently working with Parliament to create an ad hoc handbook for parliamentarians on IHL, building upon the existing general handbook,¹⁰⁴ which will feature a section on the Convention and its relevance to Ethiopia.

¹⁰¹ IGAD, “Seminar on Kampala Convention, jointly organised by IGAD and ICRC in Nairobi”; ICRC, “Kenya: IGAD and ICRC hold seminar on the Kampala Convention”, 10 October 2016: <https://www.icrc.org/en/document/igad-and-icrc-hold-seminar-kampala-convention>, accessed 13 March 2019.

¹⁰² During this meeting a number of good practices from the stocktaking exercise were discussed. Rwanda’s penalization of arbitrary displacement by Rwanda, Uganda’s adoption of a national policy on IDPs, the use of mobile schools in South Sudan and Mali, data tracking of IDPs in Nigeria and cooperation with international partners in Somalia and Mali were among the good practices that engaged the participants’ interest.

¹⁰³ https://www.icrc.org/en/download/file/101021/outcome_statement_with_logos_final.pdf, accessed 22 July 2019.

¹⁰⁴ ICRC and Inter-Parliamentary Union (IPU), *International Humanitarian Law: Handbook for Parliamentarians No. 25*, ICRC / IPU, Geneva, 2016: <https://www.icrc.org/en/publication/1090-respect-international-humanitarian-law>, accessed 14 March 2019.

- **UNHCR:** In January 2019, the second Regional Protection Dialogue on the Lake Chad Basin, hosted by the government of Nigeria in collaboration with the UNHCR, specifically mentioned the tenth anniversary of the Convention in its resulting Abuja Action Statement and recommended “[expediting] domestication and effective implementation of the Kampala Convention, and [ensuring] application of national legislation related to refugees and IDPs”.¹⁰⁵ As part of the GP20 Plan of Action, the UNHCR has been supporting national implementation processes in Niger,¹⁰⁶ Mali¹⁰⁷ and South Sudan.¹⁰⁸ Consultants (including nationals of these countries) have been hired and committees established to draft laws in line with the Convention and the Guiding Principles on Internal Displacement. The UNHCR and the UN Development Programme are also working together with the Central African Republic’s Ministry of Humanitarian Action and National Reconciliation to establish a National Strategy for Sustainable Solutions for IDPs and Returned Refugees in the Central African Republic (2018–2021).
- **UN special rapporteur on the human rights of IDPs, OCHA, UNHCR:** A Plan of Action was launched in April 2017, on the 20th anniversary of the Guiding Principles, to “galvanize and reinforce multi-stakeholder engagement towards reducing and resolving internal displacement” – featuring national laws and policies on internal displacement as a priority.¹⁰⁹ Various GP20 country-specific initiatives aimed at addressing internal displacement issues, which have strong links to the Convention, have been run or proposed across the continent.¹¹⁰

¹⁰⁵ Governments of Cameroon, Chad, Niger and Nigeria and UNHCR, *Abuja Action Statement: Reaffirmation of the Commitments of the Abuja Action Statement and their Implementation*, 2019, pp. 28–29: <https://data2.unhcr.org/en/documents/download/67797>, accessed 2 April 2019.

¹⁰⁶ GP20, *Niger GP20 Concept Note*, 2019: <http://www.globalprotectioncluster.org/news-and-events/gp20-activities-and-initiatives/niger-gp20-concept-note/>, accessed 15 March 2019.

¹⁰⁷ GP20, *Mali GP20 Concept Note*.

¹⁰⁸ GP20, *South Sudan GP20 Concept Note*, 2019: <http://www.globalprotectioncluster.org/news-and-events/gp20-activities-and-initiatives/south-sudan-gp20-concept-note/>, accessed 15 March 2019.

¹⁰⁹ GP20, *20th Anniversary of the Guiding Principles on Internal Displacement: A Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020*. The Plan of Action aims to reduce and resolve internal displacement through prevention, protection and solutions for IDPs consistent with the Guiding Principles. It is centred around four priority issues: IDP participation; national law and policy on internal displacement; data and analysis on internal displacement; and addressing protracted displacement and securing durable solutions.

¹¹⁰ GP20, *GP20 activities and initiatives*, GP20, Geneva, 2019: <http://www.globalprotectioncluster.org/news-and-events/gp20-activities-and-initiatives/>, accessed 11 March 2019. See for example the Mali, Central African Republic, Chad and Somalia plans, which all reference the Convention.

<p>First Conference of States Parties (Recommendation 7)</p>	<ul style="list-style-type: none"> The first session of the Conference of States party to the Convention was held from 3 to 5 April 2017 in Harare. It consisted of a two-day expert meeting and one-day high-level meeting, which resulted in the adoption of the Harare Plan of Action.¹¹¹ The meeting was attended by experts and ministers responsible for humanitarian issues from 16 out of the 25 AU Member States that have ratified the Convention to date: Benin, Burkina Faso, Gabon, Gambia, Lesotho, Malawi, Mali, Mauritania, Niger, Nigeria, Rwanda, Sahrawi Republic, Swaziland, Togo, Uganda and Zimbabwe. Other actors in attendance included: the AU Economic, Social and Cultural Council; African Human Rights Mechanisms (including the AU special rapporteur on the rights of refugees, asylum seekers, migrants and IDPs); ECOWAS; the SADC; the International Conference of the Great Lakes Region; the UN special rapporteur on the human rights of IDPs; the UNHCR; the UN Office for the Coordination of Humanitarian Affairs (OCHA); the Norwegian Refugee Council; Oxfam and the International Federation of Red Cross and Red Crescent Societies.¹¹²
PLANNING, MANAGEMENT AND MONITORING OF PROTECTION AND ASSISTANCE ACTIVITIES	
<p>SUMMARY OF KEY OBLIGATIONS</p>	
<ol style="list-style-type: none"> Designate an authority or body, where needed, responsible for coordinating activities aimed at protecting and assisting IDPs and assign responsibilities to appropriate organs for protection and assistance, and for cooperating with relevant international organizations or agencies, and civil society organizations, where no such authority or body exists (Article 3.2(b)) Provide, to the extent possible, the necessary funds for protection and assistance without prejudice to receiving international support (Article 3.2(d)) Assess or facilitate the assessment of the needs and vulnerabilities of IDPs and of host communities and consult IDPs and allow them to participate in decisions regarding their assistance and protection (Article 5.5, Article 9.2(k)) Put in place measures to monitor and evaluate the effectiveness of humanitarian assistance provided to IDPs (Article 9.2(m)). 	
Recommendations to States	State practice
<p>Designated coordinating authority (Recommendation 8)</p>	<ul style="list-style-type: none"> Cameroon: A coordination body for the humanitarian response of national and internal actors for IDPs in the Anglophone region of the country has been put in place under the authority of the Ministry of Territorial Administration and Decentralization.¹¹³ Central African Republic: A strategy for durable solutions for IDPs and returning refugees was adopted in 2018, which included the creation of a Strategic Committee chaired by the president, and a Steering Committee composed of relevant ministries and chaired by the Ministry of Humanitarian Action and National Reconciliation.¹¹⁴

¹¹¹ AU, “Plan of Action for the implementation of the Kampala Convention adopted by conference of states parties”, 6 April 2017: <https://au.int/en/pressreleases/20170406/plan-action-implementation-kampala-convention-adopted-conference-states>, accessed 11 March 2019.

¹¹² ICRC, *Report on the First Meeting of the Conference of States Party to the African Union (AU) Convention on the Protection and Assistance to Internally Displaced Persons in Africa (Kampala Convention)*.

¹¹³ Arrêté N° 2018/127/CAB/PM 12 November 2018 portant sur la création, organisation et fonctionnement d’un Centre de coordination de l’assistance humanitaire d’urgence relative à la situation dans les Régions du Nord-Ouest et Sud-Ouest.

¹¹⁴ See Ministry of Humanitarian Action and National Reconciliation, *Stratégie Nationale des Solutions Durables pour les Déplacés Internes, les Réfugiés de Retour en République Centrafricaine 2018–2021*.

- **Côte d'Ivoire:** An interministerial body under the Office of the Prime Minister and three other government bodies – the General Directorate for Aid and Assistance to Refugees and Stateless Persons to promote the sustainable return of refugees and displaced persons; the National Office of Civil Protection under the Ministry of the Interior and Security to provide relief, protection and shelter; and the Ministry of Solidarity and Social Cohesion and the Fight against Poverty – have been designated as responsible for providing assistance to vulnerable people.¹¹⁵
- **Ethiopia:** The Somali Region Durable Solutions Strategy provides for a Durable Solutions Working Group to serve as the focal point for all matters related to the return, resettlement and reintegration of IDPs.¹¹⁶
- **Mali:** The National Commission of Human Rights has been designated as the structure responsible for ensuring respect for the rights of IDPs.¹¹⁷
- **Niger:** The new bill to amend the National Commission on Refugees, Migrants and Internally Displaced Persons Act provides for the creation of a national coordination committee on the protection and assistance of IDPs as well as a national observatory on prevention and the coordination of prevention activities around internal displacement.¹¹⁸
- **Somalia:** The Ministry of the Interior, Federal Affairs and Reconciliation, acting through the National Commission for Refugees and IDPs, has been nominated as the responsible entity in the Draft National Policy for Refugees, Returnees and IDPs.¹¹⁹ An interministerial task force for Refugees Returnees and IDPs has also been established by the policy.¹²⁰ International Development Law Organization will be supporting the drafting process.
- **South Sudan:** The Framework for Return, Resettlement and Reintegration of Displaced Persons adopted in 2017 designated the Transitional Government on National Unity as the authority to respond to internal displacement situations in the State.¹²¹

¹¹⁵ Report on West Africa Regional Exchange on Law and Policy to Prevent and Address Internal Displacement, 2019, on file with UNHCR.

¹¹⁶ Somali Regional Government of Ethiopia, *Somali Region Durable Solutions Strategy 2017–2020*, p. 20: https://reliefweb.int/sites/reliefweb.int/files/resources/171117_final-durable_solutions_strategy_for_somali_region_2017-2020.pdf, accessed 22 July 2019.

¹¹⁷ Mali, Law no. 2016–036 of 7 July 2016 portant création de la commission nationale des droits de l'homme, Art. 4.

¹¹⁸ Niger, Law no. 2018–74. At the time of writing, the decree of the implementation of the law on IDPs approved in December 2018 remains to be drafted.

¹¹⁹ Government of Somalia, *Draft National Policy for Refugees, Returnees and IDPs*, para. 4.1.1.

¹²⁰ Government of Somalia, *Draft National Policy for Refugees, Returnees and IDPs*, para. 4.6.

¹²¹ South Sudan Ministry of Humanitarian Affairs and Disaster Management, *Framework for Return, Resettlement and Reintegration of Displaced Persons: Achieving Durable Solutions*, 2017, pp. 8–10: <https://www.refworld.org/docid/5b72a64a4.html>, accessed 22 July 2019.

<p>Data collection and analysis (Recommendation 9)</p>	<ul style="list-style-type: none"> • Mali: The National Directorate for Social Development published a profiling exercise of IDPs, returnees and repatriated persons in collaboration with the IOM in 2017. The objectives were to ensure that data and other information on these persons was collected and shared, needs addressed efficiently, IDPs' intentions to return understood and an adequate response to their needs formulated.¹²² • Niger: As part of a biometric identification project using the UNHCR iris scan technology in Diffa, some 80% of displaced persons have had their personal data collected by the National Commission for Refugee Status Determination (CNE).¹²³ A working group on the management of personal data of displaced persons has been created to manage the data with a view to both protecting the collected data and opening the possibility of gathering more information. The data collection was accompanied by information-sharing sessions at the community level. • Sudan: In Sudan, the National Policy for Displaced Persons acknowledges the responsibility of the State towards IDPs by ensuring "the recording of correct data about the numbers and conditions of Internally Displaced Persons." In line with this, the office of the UN resident and humanitarian coordinator in Sudan requested the support of the JIPS to conduct a profiling exercise which brought together a wide range of partners including national and local authorities, UN agencies, IDPs and affected communities. The pilot exercise was carried out in partnership with the World Bank, who also provides technical expertise on poverty analysis of the situation of IDPs in several other countries in the region.
<p>Consultation and active engagement of IDPs and host communities to ensure participation in decision-making (Recommendation 10)</p>	<ul style="list-style-type: none"> • Niger: The new law on the protection of and assistance to internally displaced persons includes reference to conducting needs assessments of IDPs in cooperation with national and international partners and consulting IDPs in the design, implementation and revision of protection and assistance programmes.¹²⁴ • Somalia: The draft national policy envisages the role for displacement-affected communities (which also include the host communities) in participating in all major decisions affecting them.¹²⁵ The Benadir Regional Administration Policy for Internally Displaced Persons and Returnees in Mogadishu also includes the concept of creating opportunities for IDPs' participation in "decision-making pertaining to their own future".¹²⁶ • Cameroon: In August 2017, the Ministry of Territorial Administration and Decentralization and the ICRC jointly organized a workshop on the internal-displacement situation in the Far North Region, which saw the participation of the most affected departments' administrative and traditional authorities and some IDPs.

¹²² Report on West Africa Regional Exchange on Law and Policy to Prevent and Address Internal Displacement.

¹²³ Commission nationale d'éligibilité des réfugiés.

¹²⁴ Niger, Law no. 2018-74, Arts 17 and 20.

¹²⁵ Government of Somalia, *Draft National Policy for Refugees, Returnees and IDPs*, para. 4.3.

¹²⁶ Mayor of Mogadishu, *The Benadir Regional Administration Policy for Internally Displaced Persons and Returnees in Mogadishu*, draft of 20 July 2018, on file with the ICRC, p. 7.

<p>Monitoring mechanisms (Recommendation 11)</p>	<ul style="list-style-type: none"> • Somalia: The draft national policy foresees the interministerial task forces overseeing the roles and responsibilities associated with monitoring. For example, the Ministry of Planning, Investment and Economic Development has a role to monitor and supervise all projects and programmes related to durable solutions¹²⁷ and a Durable Solutions Unit (DSU) has been established as part of this ministry.¹²⁸ • South Sudan: Monitoring mechanisms are noted to be a key part of the new Framework for Return, Resettlement and Reintegration of Displaced Persons, with the idea being that periodic monitoring, review and reporting of key milestones by the Task Force will identify gaps to be addressed by interministerial committee.¹²⁹ • Sudan: The draft policy foresees the Humanitarian Aid Commission as being the coordinator and the mediator between state governments, ministries, competent governmental agencies, national and international organizations, and donors. It is responsible for providing technical support to the regional States helping in the preparation, implementation and evaluation of the different programmes and plans.¹³⁰
<p>PROVIDING ADEQUATE HUMANITARIAN ASSISTANCE TO IDPS</p>	
<p>SUMMARY OF KEY OBLIGATIONS</p> <ol style="list-style-type: none"> Provide IDPs with adequate humanitarian assistance, including food, water, shelter, medical care and other health services, sanitation, education and other necessary social services to the fullest extent practicable and with the least possible delay (Article 9.2(b)) Promote self-reliance and sustainable livelihoods, provided that such measures shall not be used as a basis for neglecting protection and assistance to IDPs (Article 3.1(k)) Provide adequate humanitarian assistance to host communities where appropriate (Article 9.2(b)) Allow and facilitate rapid and unimpeded access by humanitarian organizations and allow rapid and unimpeded passage of all relief consignments, equipment and personnel to IDPs (Article 3.1(j), Article 5.7). 	
<p>Recommendations to States</p>	<p>State practice</p>
<p>Provision of humanitarian assistance to IDPs and host communities and humanitarian access (Recommendations 13–15)</p>	<ul style="list-style-type: none"> • Ethiopia: Reference to equitable assistance for host communities is included in the Somali Region Durable Solutions Strategy 2017–2020.¹³¹ • Niger: Article 22 of the law of December 2018 calls on the State to ensure free and rapid access of humanitarian personnel to IDPs and to ensure the protection of humanitarian personnel, means of transport and goods and any stock of products required for humanitarian assistance.¹³² • Sudan: The National Policy for Displaced Persons provides that the State shall ensure comprehensive care for IDPs, including the provision of basic services such as health care, water, sanitation, hygiene, education and shelter.¹³³

¹²⁷ Government of Somalia, *Draft National Policy for Refugees, Returnees and IDPs*, para. 4.1.3.

¹²⁸ GP20, *4th GP20 Steering Group Meeting, Addressing Protracted Internal Displacement and Fostering Durable Solutions*.

¹²⁹ South Sudan Ministry of Humanitarian Affairs and Disaster Management, *Framework for Return, Reintegration and Relocation of Displaced Persons*, p. 13.

¹³⁰ Sudan, *National Policy for Displaced Persons*, no date, draft on file with ICRC.

¹³¹ Somali Regional Government of Ethiopia, *Somali Region Durable Solutions Strategy 2017–2020*, p. 14.

¹³² Niger, Law no. 2018–74, Art. 22.

¹³³ Sudan, *National Policy for Displaced Persons*.

PROTECTION OF IDPS	
SUMMARY OF KEY OBLIGATIONS	
<p>a. <i>Respect and ensure the right of IDPs to seek safety in another part of the State and to be protected against refoulement (Article 9.2(e)) and take necessary measures to ensure that they are received, without discrimination and live in satisfactory conditions of safety, dignity and security (Article 9.2(a))</i></p> <p>b. <i>Respect and maintain the civilian and humanitarian character of IDP sites (Article 9.2(g))</i></p> <p>c. <i>Guarantee the freedom of movement and choice of residence of IDPs, except where restrictions are necessary, justified and proportionate to the requirements of ensuring security for IDPs or maintaining public security, order and health (Article 9.2(f))</i></p> <p>d. <i>Take necessary measures to trace and reunify families separated during displacement and otherwise facilitate the re-establishment of family ties (Article 9.2(h))</i></p> <p>e. <i>Create and maintain an updated register of all IDPs within their jurisdiction or effective control (Article 13.1)</i></p> <p>f. <i>Ensure that IDPs are issued relevant personal identity and other official documents (Article 13.2).</i></p>	
Recommendations to States	State practice
<p>Freedom of movement and residence (Recommendation 17)</p>	<ul style="list-style-type: none"> • Nigeria: The authorities made changes in the security arrangement for official camp settlements in the North East: IDPs reported that obtaining permits and passes for leaving and entering the official IDP settlements was easier, and only a curfew remained as a restriction. • South Sudan: The Framework for Return, Reintegration and Relocation of Displaced Persons provides that every IDP shall enjoy freedom of movement and the freedom to choose their residence.¹³⁴ • Sudan: The National Policy for Displaced Persons provides for every IDP to have the right of freedom of movement and mobility and to choose his or her residence as well as the right to move freely inside IDP camps and settlements and to exit them without any restrictions.
<p>Creating and maintaining updated registers (Recommendation 18)</p>	<ul style="list-style-type: none"> • Somalia: The Somalia Draft National Policy for Refugees, Returnees and IDPs in Chapter 2, under Principle 8.7, highlights that “[t]he Federal Government of Somalia also recognizes that this policy does not provide for a general registration of IDPs. Registration of IDPs shall only be conducted if linked to a particular purpose, such as the delivery of assistance”. • South Sudan: The Framework for Return, Reintegration and Relocation of Displaced Persons includes a focus on the capacity to maintain registers of IDPs and to assist IDPs (and refugees) in accessing impartial information to enable them to take informed decisions.¹³⁵
<p>Provision of official documents (Recommendation 19)</p>	<ul style="list-style-type: none"> • Cameroon: Some municipalities in the Far North Region have facilitated collective sessions to deliver birth certificates to IDP children, which will later on allow them to obtain an identification document. • South Sudan: The Framework for Return, Reintegration and Relocation of Displaced Persons states that the government will facilitate the issuance of legal documentation to IDPs without imposing unreasonable conditions. • Somalia: The Somalia Draft National Policy for Refugees, Returnees and IDPs is also concerned with ensuring the government facilitates the issuance of relevant identity documents (and replacement documents) to IDPs.¹³⁶ • Sudan: The National Policy for Displaced Persons provides that the State shall facilitate the procedures for obtaining documents and identity papers for IDPs.

¹³⁴ South Sudan Ministry of Humanitarian Affairs and Disaster Management, *Framework for Return, Reintegration and Relocation of Displaced Persons*, p. 14.

¹³⁵ *Idem*, p. 20.

¹³⁶ Government of Somalia, *Draft National Policy for Refugees, Returnees and IDPs*, p. 20.

<p>Maintaining the civilian and humanitarian character of sites (Recommendation 20)</p>	<ul style="list-style-type: none"> • Niger: Article 13 (6) of the new law calls on the State to ensure respect for the civilian character of any place where IDPs are located.¹³⁷ • Nigeria: The authorities made changes in the security arrangement for official camp settlements in the North East: military authorities are now posted outside the camps and regular policing functions are carried out inside the camps.
<p>DURABLE SOLUTIONS FOR IDPS</p>	
<p>SUMMARY OF KEY OBLIGATIONS</p> <ol style="list-style-type: none"> Enable IDPs 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 (Article 11.2) Seek lasting solutions for IDPs, by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity (Article 11.1) Respect and ensure the right of IDPs to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk (Article 9.2(e)). 	
<p>Recommendations to States</p>	<p>State practice</p>
<p>Consultation of IDPs and host communities on durable solutions (Recommendations 22)</p>	<ul style="list-style-type: none"> • Central African Republic: The 2018 strategy for durable solutions for IDPs and returning refugees lists several conditions that must be for these solutions to be implemented: providing information to the host community, providing information to and getting consent from beneficiaries, upholding security, restoring State authority, ensuring access to basic services, restituting goods and finding equitable solutions for non-authorized occupants, and facilitating reconciliation and social cohesion. • Ethiopia: The Somali Region Durable Solutions Strategy 2017–2020 includes provisions on community participation, involvement and accountability, which foresee the involvement of IDPs, returnees, host-community representatives, community leaders, faith-based groups and local government officials in the planning and implementation of interventions.¹³⁸ • Somalia: Principle 2 of the Draft National Policy for Refugees, Returnees and IDPs notes that “[s]pecial efforts shall be made to ensure the full participation of refugees and IDPs in the planning and management of return, resettlement and reintegration”.¹³⁹ The Ministry of Information is specifically given the role of delivering information relating to the support of refugees, returnees and IDPs to the refugee and IDP populations (chapter 4). • South Sudan: The Framework for Return, Reintegration and Relocation of Displaced Persons includes among the priority actions for its implementation the need to assist IDPs (and refugees) to access impartial information to enable them to take informed decisions.¹⁴⁰

¹³⁷ Niger, Law no. 2018-74, Art. 13(6).

¹³⁸ Somali Regional Government of Ethiopia, *Somali Region Durable Solutions Strategy 2017–2020*, p. 18.

¹³⁹ Government of Somalia, *Draft National Policy for Refugees, Returnees and IDPs*.

¹⁴⁰ South Sudan Ministry of Humanitarian Affairs and Disaster Management, *Framework for Return, Reintegration and Relocation of Displaced Persons*, p. 20.

<p>Inclusion of national and international partners on durable solutions (Recommendation 23)</p>	<ul style="list-style-type: none"> • Somalia: The Draft National Policy for Refugees, Returnees and IDPs requires that international organizations and other humanitarian and government bodies support the Ministry in sharing the latest information.¹⁴¹ The DSU, established as part of the Ministry of Planning, Investment and Economic Development, has worked with the Office of the UN Resident Coordinator on finalizing and approving the Durable Solutions Programming Principles, which were adopted to strengthen durable-solution programming. Since the establishment of the DSU, durable solutions have gained momentum within the government, and it is now a national issue formally recognized as a priority by all levels of government, including in the current National Development Plan and the National Road Maps. This has been facilitated by the profiling exercise carried out in Mogadishu with support from JIPS in 2015-2016, which provided stakeholders with relevant and timely information to help reflect on how best to include IDPs' concerns, including durable solutions, into the National Development Plan.
<p>Inclusion in peace agreements (Recommendation 24)</p>	<ul style="list-style-type: none"> • Central African Republic: The Political Agreement for Peace and Reconciliation includes the government's obligation to create conditions for voluntary return for IDPs and refugees as well as their reintegration and social reinsertion.¹⁴² • South Sudan: The Revitalized Agreement on the Resolution of the Conflict calls for the institution of programmes for the repatriation, resettlement, rehabilitation and reintegration of IDPs (3.1.2.1).¹⁴³ The agreement also includes obligations for warring parties to allow IDPs to exercise their right to return to their places of origin and/or live in areas of their choice in safety and dignity, and to be afforded physical, legal and psychological protection (3.1.1.5).¹⁴⁴
<p>Recommendations to other actors</p>	<p>Practice</p>
<p>Monitoring conditions of return by other actors (Recommendation 25)</p>	<ul style="list-style-type: none"> • IOM: Has conducted intention surveys with IDPs in South Sudan and in Cameroon, Chad and Niger for the Lake Chad region.¹⁴⁵ • UNHCR: Had already initiated the analysis of intentions of IDPs displaced due to the armed conflict in the Lake Chad region by an intention survey in Nigeria in 2017. • UN: The UN Humanitarian Country Team in South Sudan is developing an updated guidance note on humanitarian support for durable solutions until there is a broader, government-led durable-solution strategy and corresponding framework.¹⁴⁶

¹⁴¹ *Idem*, ch. 4.

¹⁴² See Article 4.k of the *Accord Politique pour la Paix et Réconciliation en République Centrafricaine*, signed on 6 February 2019 in Bangui.

¹⁴³ IGAD, *Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan*, IGAD, Djibouti, 2018: <https://www.dropbox.com/s/6dn3477q3f5472d/R-ARCSS.2018-i.pdf?dl=0>, accessed 11 March 2019. See, for example, Arts 1–3.




¹⁴⁴ *Idem*, p.42.

¹⁴⁵ IOM, WAU PoCAA: *Intention-Perception Survey*, 2019: <https://reliefweb.int/report/south-sudan/dtm-south-sudan-wau-pocaa-intentions-perception-survey-january-11-2019>, accessed 30 March 2019; *Displacement Tracking Matrix (DTM): Republic of Chad – Lac Province*, 2019: <https://www.iom.int/chad-displacement-tracking-matrix-lac-province-return-intention-survey-round-1-april-2019>, accessed 30 July 2019.

¹⁴⁶ The guidance note is an update to the *Interim Operational Guidance Note on Returns and Relocations in South Sudan* endorsed by the Humanitarian Country Team on 6 June 2016 and the *Interim Operational Guidance Note for Humanitarian Support to Returns, Relocations and Local Integration in South Sudan* dated January 2018, which was jointly endorsed by humanitarian and the UN Mission in South Sudan's senior leadership. See *Updated Operational Guidance Note for Humanitarian Support to Returns, Relocations and Local Integration of IDPs in South Sudan*, 2019, draft on file with the ICRC.

The ICRC helps people around the world affected by armed conflict and other violence, doing everything it can to protect their lives and dignity and to relieve their suffering, often with its Red Cross and Red Crescent partners. The organization also seeks to prevent hardship by promoting and strengthening humanitarian law and championing universal humanitarian principles.

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