

IDPs: African IDP Convention comes into force



NAIROBI, 6 December 2012 (IRIN) - The African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) 2009, also known as the Kampala Convention, came into force on 6 December; it is the world's first legally binding instrument to cater specifically to people displaced within their own countries.

Adopted at an AU summit in the Ugandan capital, Kampala, the Convention required ratification by 15 member countries before it could enter into force; Swaziland became the 15th country to do so on 12 November, joining Benin, Burkina Faso, Central African Republic, Chad, Gabon, Gambia, Guinea-Bissau, Lesotho, Niger, Nigeria, Sierra Leone, Togo, Uganda and Zambia. At least 37 AU members have also signed the Convention but have yet to ratify it.

Among other things, the Convention aims to "establish a legal framework for preventing internal displacement, and protecting and assisting internally displaced persons in Africa".

UN High Commissioner for Refugees Antonio Guterres hailed the development as "historic" and said in a statement that the Convention "puts Africa in a leading position when it comes to having a legal framework for protecting and helping the internally displaced".

Stephen Oola, a transitional justice and governance analyst at Uganda's Makerere University Refugee Law Project, noted that the most important parts of the Convention were the clauses relating to the prevention of internal displacement. "The principle requiring the prevention of IDPs is absolutely necessary and should be the guiding principle for all state and non-state actors implementing the Convention," he said.

Just the beginning

Oola also stressed the need for the letter of the law to be translated into practice.

"In Uganda, we have had an IDP policy since 2004, but in many cases we find that the government still seems ill-prepared to deal with displacement," he said. "The existence of a law is rarely the conclusion of a policy... It will be important for this continental commitment to be matched by action on the ground for people who, for one

reason or another, find themselves displaced," he said.

Africa has 9.7 million IDPs, according to the UN Refugee Agency, UNHCR. The Democratic Republic of Congo, Somalia and Sudan collectively have more than five million IDPs.

Noting that the situation of IDPs can affect the stability of states, UN Special Rapporteur on the Human Rights of Internally Displaced Persons Chakola Beyani said the Convention could "contribute to stabilizing displaced populations through the specific obligations it sets out to states and other actors, such as obligations relating to humanitarian assistance, compensation and assistance in finding lasting solutions to displacement as well as accessing the full range of their human rights".

"The unique 'added value' of this Convention stems from how comprehensive it is and the manner in which it addresses many of the key challenges of our times and, indeed, of Africa," he said in a statement. "If implemented well, it can help states and the African Union address both current and potential future internal displacement related not only to conflict, but also natural disasters and other effects of climate change, development, and even megatrends such as population growth and rapid urbanization."

The International Displacement Monitoring Centre (IDMC) noted that, while the Convention signalled an important step in addressing the plight of IDPs, many countries were not legally bound by it.

"The countries which have not yet adopted the Convention must do so, as a legal framework is the very basis of ensuring the rights and well-being of people forced to flee inside their home country," Sebastian Albuja, head of IDMC's Africa department, said in a statement.

According to Nuur Sheekh, board member of the Kenya-based Internal Displacement Policy and Advocacy Centre, some states expressed reservations about signing the Convention because "the issue of displacement is highly politicized, and some states saw it as a criticism of their human rights and governance records". He noted, however, that the Convention would have an influence, even on those countries that have not signed or ratified it.

"The AU will now also be able to use the Convention for advocacy, to encourage

member states - even those who have not ratified it - to implement its principles... Kenya, for instance has not signed it but has developed an IDP policy that borrows heavily from the Kampala Convention," he told IRIN. "States now need to domesticate the Convention and develop IDP policies that reach from the central government to all lower levels of government so that the Convention can work in practice."

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