

# **Internal Displacement and the Threats to Human Security Workshop**

## Consultative Conference Proceedings Report

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Serena Hotel, Nairobi

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# Acronyms

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AHSI	African Human Security Initiative
APFO	Africa Peace Forum
AU	African Union
CBOs	Community-based organisations
DRC	Democratic Republic of Congo
ICGLR	International Conference on the Great Lakes Region
ICRC	International Committee of the Red Cross
IDPs	Internally displaced persons
IGAD	Intergovernmental Authority on Development
IHL	International humanitarian law
ISS	Institute for Security Studies
KHRC	Kenya Human Rights Commission
LRA	Lord's Resistance Army
NGOs	Nongovernmental organisations
RCK	Refugee Consortium of Kenya
RR	Return and reintegration
SAHRIT	Human Rights Trust of Southern Africa
SALW	Small arms and light weapons
WANEP	West Africa Network for Peacebuilding



# First Session

Yvonne Chibiya

*Sahrit, Chair*

## OPENING REMARKS

**Ambassador Ochieng Adala**

Although the problem of internally displaced persons (IDPs) is widespread in Africa, pinning down the concept has remained problematic as there are unresolved conceptual and operational debates relating to IDPs' protection and assistance. These groups are usually ignored and they live in appalling conditions. The majority of the victims are usually from marginalised groups. IDPs are prone to undergo abuse and their human rights are very often grossly violated. Nevertheless, it is essential to acknowledge that the Office of the High Commissioner for Human Rights' *Guiding Principles on Internal Displacement* has succeeded in drawing global attention to this issue. However, it is also important to point out that mobilising action to address the problem has not been successful. Because of their vulnerability, IDPs have been identified as the largest 'at risk' population in Africa. They thus require special forms of protection and assistance, which the national and international community have largely failed to provide adequately. In view of the above, the African Human Security Initiative (AHSI), a network of several African organisations working on peace and conflict in Africa, organised a consultative workshop on Internal Displacement and the Threats to Human Security for stakeholders in the Greater Horn of Africa.

The workshop posed a number of questions that need to be answered about the management of IDPs:

- Who qualifies to be an IDP, and what are the triggers of internal displacement in the region?
- What is the state of research on human security and internal displacement, and how can more rigorous and objective research be undertaken in this regard?
- How can sustainable government capacity on issues related to human security and internal displacement be developed in the region?
- What roles can AHSI, research organisations, activists and universities play to enhance capacity for the management of internal displacement?

The workshop had the following objectives:

- To map out the extent of internal displacement in the Greater Horn of Africa and to determine the impact on the quality of life of its victims

- To discuss definitional issues that hinder government and international efforts to establish a body with the sole mandate of overseeing IDPs
- To discuss and assess government capacity to respond to the problem of IDPs
- To develop a regional and sub-regional policy document that focuses on preparedness to handle IDP emergency situations and to identify realistic strategies to respond to and to manage displacement crises

The workshop was composed of members of the Greater Horn of Africa and the Intergovernmental Authority on Development (IGAD) countries: Kenya, Eritrea, Sudan, Tanzania, Sudan, Somalia, Uganda and the Democratic Republic of Congo (DRC) and representatives from organisations working with refugees and IDPs (see Appendix B).

The presentations and discussions were all held in plenary format. All the presentations were followed by open discussions. The workshop was divided into two sessions.

## Introduction and Synopsis of the African Human Security Initiative /Institute for Security Studies/The Africa Peace Forum/Human Rights Trust of Southern Africa

The workshop started with a brief introduction of the AHSI by Ambassador Ochieng Adala. Next, a representative of each of the AHSI's present members gave a brief background of his or her organisation. The members were the Institute for Security Studies (ISS), the Africa Peace Forum (APFO), the Human Rights Trust of Southern African (SAHRIT) and the West African Network for Peacebuilding (WANEP). The organisations were described as follows:

- AHSI is a regional programme made up of organisations working to raise awareness on human security in Africa. The programme, now in its second phase, is hosted by the ISS, where the secretariat is located.
- APFO is a registered nongovernmental organisation (NGO) in Kenya. It is active in areas of peace, research, advocacy, lobbying and conflict resolution, specifically on the Nairobi Declaration on Small Arms and Light Weapons (SALW).
- WANEP began as a bid to address the persistent conflicts in West Africa. It works closely with West African regional bodies, and its scope includes conflict resolution and early detection mechanisms.

- SAHRIT works on training and research while monitoring government compliance on issues of human rights/human security adherence to international agreements, ethics and anticorruption.

## WORKSHOP PRESENTATIONS

### International Committee of the Red Cross Humanitarian Approach/International Committee of the Red Cross and Internally Displaced Persons

**Olivier Dubois**

Olivier Dubois, the deputy head of the ICRC regional delegation, started his presentation with a brief introduction of the International Committee of the Red Cross (ICRC), its mission, mandate and objectives. He pointed out that when dealing with IDPs, the ICRC takes protection action that is based on the rule of law. The organisation deals with persons affected by violence and those displaced by natural disasters. Various international agreements govern the ICRC's work, including those encompassed by international humanitarian law (IHL).

Mr Dubois noted that IHL provides protection for all civilians; prohibits arbitrary displacement; is based on the values of protection and assistance, which include humane treatment; limits the conduct of hostilities; and offers assistance. He pointed out that the ICRC has created a platform approach to dealing with IDPs that:

- Is impartial and addresses the needs of all victims, making it a community-based auto protection system
- Addresses the full spectrum of displacement: prevention, violations and return and reintegration (RR)
- Uses the operational approach, namely integration and long-term commitments, especially for on-going conflicts; and takes complementary action with other actors

Finally, Mr Dubois went through the displacement continuum from prevention to displacement and longevity of the displacement event, needs assessment, threats and risk analysis and the humanitarian debate. He concluded his presentation by posing questions for reflection to the participants. Some of the questions were the following:

- Is the humanitarian debate so IDP-focused that it ignores the plight of other civilians?
- Does the intervention focus on displacement rather than prevention?
- Are IDPs only those who are displaced/up-rooted from their homes?

#### Discussion

This key presentation generated a great deal of debate on IDPs in the region and in Kenya in particular. The highlights of the discussion were the following:

- Consensus – There was consensus that organisations need to address the root causes of displacement rather than the immediate triggers of IDPs.
- International conventions addressing IDPs – Mr Dubois explained that unlike refugees, no conventions cater solely for IDPs. Since they remain civilians in their countries, it is assumed that they are catered for and are the responsibility of the state. This results in their finally being left neglected. In this regard, NGOs and governments need to lobby for an international convention to address the plight of IDPs.
- Clarification of the term *humanitarian approach* – Mr Dubois stated that various definitions existed. However, in contrast to that which the term seems to indicate, the humanitarian approach is not the task of humanitarian organisations only; it should rather be a combined approach and effort by the state, NGOs, civil society and community-based organisations (CBOs).
- Ways in which IDPs needs assessments should be carried out and the existence of a standard way of conducting the process – Various needs assessment tools are indeed in place, and an organisation should adopt those with which it is comfortable and which suit the situation. However, the tools need to be reviewed frequently since the situation changes continuously.
- Dealing effectively with RR – Mr Dubois suggested that the matter should be based on the needs assessment and should be discussed interactively with the IDPs. Once again, the process should not be left solely to NGOs; it should be jointly conducted by CBOs, NGOs, churches, civil societies and the relevant state ministries and departments.
- The existence of an ICRC internal policy for resettlement and dealing with the government where resettlements are concerned – The response was positive: The ICRC does indeed have an internal policy. Furthermore, whenever governments start resettling, the ICRC makes a point of working closely with them to ensure a smooth transition.
- Views of the ICRC on the current Kenyan resettlement programme and recommendations that could be adopted to improve the process – The ICRC stated that the idea was noble and commendable but that certain issues should have been addressed first. For instance, the Kenyan IDPs' wishes vis-à-vis the state's intentions had not been analysed, which made the process one-sided. Furthermore, from views voiced largely through the media, the IDPs did not feel adequately prepared to be reintegrated into their old communities because of food shortages, fear of being attacked by their neighbours and lack of finances to rebuild their lives.

### The Social Political Economic and Cultural Barometer: What Kenyans Think of Internally Displaced Persons – A Public Opinion Study

**Tom Wolf**

Tom Wolf is a consultant for the Steadman Group. The latter, a Kenya-based research organisation, carried out the Social



Political Economic and Cultural (SPEC) Barometer research in Kenya after the 2008 elections and before the formation of the coalition government (29 March and 2 April 2008). Because of the sensitive nature of the research, certain questions were eliminated and field researchers had to be carefully chosen. The objective of the research was two-fold and individual questions (those aligned to political parties) administered in the research included the following:

- Was there any post-election violence in your area?
- Identify the type of post-election violence and state if families were affected.
- What are the perceived main causes of post-election violence? Do you believe the violence would have occurred regardless of who was announced the winner?
- What are your views regarding internally displaced people? Does the government have an obligation to resettle them?

The sensitive nature of the responses meant that the findings could not be reflected in this report. Tom Wolf was cautious to prevent the Steadman Group from being perceived as fuelling the ethnic tensions surrounding the IDP crisis in the country. He also cautioned that this kind of research is very fluid, meaning that it is based on perceptions that change every day and what was held as the opinion at one stage might not be the same at another if the same questions were to be administered.

### *Discussion*

Since IDPs were not part of the sample group, workshop participants recommended that a survey research focusing on IDPs as interviewees should be considered and conducted as their views would provide valuable data.

## **Government's Security Experiences in Managing Internally Displaced Persons in Uganda**

### **Rose Nakabugo**

Rose Nakabugo, senior officer at the Ministry of State for Disaster Preparedness, Uganda, started her presentation with a brief background of IDPs in Uganda and stated that the problem dated back to 1979 when the first civil war occurred in the country. The occurrence of other wars at various intervals and the initial lack of action compounded the problem.

Elaborating further on the problem, Nakabugo centred her presentation on the 20-year-old Northern Uganda War during which close to 90 per cent of the population was displaced. Using this war as a case study, she identified a number of problems that have been registered among IDPs:

- Basic needs in the camps, for instance food, sanitation and medical attention, were inadequate and stretched.
- Continued attacks by the Lord's Resistance Army (LRA), which resulted in abductions, deaths, rapes, wanton destruction of existing infrastructure and limited movement of civilians, limited IDPs' access to means of survival, for instance land, manual jobs and schools.

- Ninety per cent of the population in the region were rendered homeless, making the area unproductive; formal structures of governance were destroyed and rendered non-functional.
- School dropouts and early marriages have created a generation-long gap, especially in regard to education and skills acquisition.
- A general sense of worthlessness experienced by individuals and families and the cutting off of social ties has increased crime rates, substance abuse and sexual abuse and have brought about a high prevalence of HIV/Aids.
- The duration of the war has created a dependency syndrome making RR as implemented by the government very difficult.
- Unexploded landmines have continued to maim people.

In a bid to curb and eventually stop the IDP problem, the Ugandan government has taken certain steps. So far it has accomplished the following:

- It has created a national policy that was adopted in 2001 after numerous consultations. The policy ensures that IDPs receive the same treatment as other civilians. It defines who IDPs are and indicates the ministries and departments in charge.
- It has developed an emergency humanitarian action plan for the building of peace, the cessation of hostilities, the protection and improvement of IDP conditions and the continuous planning of the IDPs' return to their homes.

Nakabugo concluded by noting that in the course of addressing the IDP problem, the country has faced a number of challenges including land wrangles among the existing population and the resettled, lack of transparency in the RR process, duplication of programmes by various stakeholders and limited resource distribution.

### *Discussion*

A number of questions were raised challenging the current Uganda IDP policy:

- According to current observations, a number of disputes are brewing in parts of Uganda, for instance in Bararo and Banyolo. Participants wanted to know if Uganda was considering these as an early warning indicator to another IDP situation. Nakabugo responded that the government was aware of the problem and that as part of addressing it, the Ministry of State was already in the process of devising an institutional framework and developing a conflict policy to address the brewing conflict.
- Of particular interest to the attendants were the benefits Uganda realised from the implementation of its IDP policy. The response was that the government had always perceived the IDP problem as temporary and hence the long time to draft and adopt the policy. However, the policy has

helped identify the key trigger of IDPs as insecurity and the government is taking measures to address the matter.

## International Conference on the Great Lakes Region and African Union Frameworks Relating to Internally Displaced Persons

**Dr Khoti Kamanga**

Dr Khoti Kamanga of the Centre for the Study of Forced Migration/ Faculty of Law, University of Dar-es-Salaam, started by observing that the current IDP policies in the region had been dominated by security issues and that Africa ranked second in the world on the problem of refugees and IDPs. Sudan and the DRC hold the bulk, estimated at more than 10 million when combined.

Dr Kamanga then took the participants through the International Conference on Great Lakes Region (ICGLR) and the AU frameworks. The ICGLR is an international intergovernmental process with signatories to ten protocols, two of which deal with IDPs. It is commendable as it is comprehensive and was drawn up in a highly participatory manner. It attempts to link laws, politics and economics of IDPs, and it is the first-ever regional attempt to articulate legal issues associated with IDPs.

The AU, on the other hand, currently has an IDP draft document circulating among member countries and hopes to have it adopted before the end of the year (September 2008). The draft addresses a number of issues such as definitions; IDP lifecycles; preventions and rights; responsibility for causing displacements, including those by non-state actors; and causes of displacements that include developmental and non-developmental ones. However, major challenges are envisaged when the time for implementation comes, including ratification, coordination and resource mobilisation in the various countries.

Finally, it is expected that both frameworks are bound to face problems that include state centralism, ratification and the fixation with state security.

## Discussion

### ■ *African Union draft*

Although many of the participants in the workshop were involved in IDP-related issues, none seemed to be aware of this AU process.

- With regard to the progress of this process, participants wanted to know if governments were all cooperating and if the September deadline could be met. Dr Kamanga pointed out that so far there had been no resistance. This can be attributed to the fact that the initial drafting was fairly comprehensive and included persons from the AU and government officials and private consultants hired by the organisation. The draft dictates that only governments (the public sector) can review the draft. This exclusionary approach immediately triggered a question on civil society participation in the process.
- Members of civil society at the workshop wanted to know to which extent non-state actors were involved in the drafting process and whether they had an opportunity to become involved at that late stage. Unfortunately the draft identified stakeholders as public, not private institutions. However, the clause stipulating that only public institutions could participate should not deter private stakeholders from becoming involved; rather, it should be a challenge for them to step up, follow up on the draft and add any inputs they identified as important or crucial.

### ■ *International Conference on the Great Lakes Region*

- In regard to the ICGLR, it was generally observed that for the implementation and ratification process to succeed, political will was crucial.

Participants noted that there was little awareness among policy makers and even government officials about the framework. More awareness campaigns needed to be carried out to educate the public, government officials and other stakeholders on its content.

# Second Session

Dr Annie Barbara Chikwanha

*Chair*

## Toward an Integrated and Progressive Approach to the Security, Human Rights and Development Concerns of Internally Displaced Persons Within Africa

**Davies Malombe**

Davies Malombe of the Kenya Human Rights Commission (KHRC) started with a brief introduction of the KHRC by highlighting its mandate, mission and programmes. As part of its IDP intervention, KHRC's work falls under three interrelated and integrated campaigns and the commission monitors human rights abuses against IDPs, especially in the Great Lakes region. Among other issues, it points out the failure of states to protect vulnerable members of society and emphasises the violation of their rights (for instance to work, water, adequate food and housing and freedom of movement).

According to Mr Malombe, if human rights issues were to be properly addressed, there was a need to balance civic action and identifying the root causes of internal displacement; pinpointing the connection between development, IDPs and security; and addressing IDPs' concerns within the regio.

He concluded by recommending that organisations should adopt what he called the 'triangle of crisis'. He described this triangle as depicting the following core factors: lack of security, absence of democracy and good governance.

### *Discussion*

Debates on this presentation raised questions on whose human rights the KHRC was advocating. Mr Malombe responded that human rights advocacy is a way of life and that in this respect, everyone is catered for. Therefore all stakeholders in the IDP crisis ought to follow a human rights-based approach.

In regard to the on-going IDP resettlement in the country, KHRC expressed dismay at the whole process because it was based on repatriation rather than resettlement and did not deal with the real issues on the ground. Furthermore, key ministries, such as the Ministry of Lands, that should be an integral part of the process, were not involved.

## Strategies in Advocating for the Displaced

**Emily Mutai**

Emily Mutai of the Refugee Consortium of Kenya took participants through the IDP advocacy process, highlighting its stages and various processes and the reasons for undertaking it. Mutai stressed the importance of advocating for IDPs because

- It ensures the rights and dignity of IDPs and secures the protection of returnees
- It ensures that the spirit of the ICGLR is not lost in the process of domesticating the protocols
- It infuses the rights-based approach in law making
- It attempts to stop the continuous neglect and denial of the IDP problem, thus holding the government and other actors accountable

Advocacy at the national level should go hand in hand with close cooperation with legislators/members of parliament, creating support systems (for instance through the media) and engaging actors such as researchers, the community and key interested parties. It is important to remember that advocacy is a bargaining and negotiation process and that one cannot work alone.

### *Discussion*

The discussion queried how the Refugee Consortium of Kenya (RCK) was domesticating the refugee law at that time while people in the field, as well as IDPs, were unaware of its content. The question thus became: How can the organisation be domesticating a law under these circumstances?

- This law was passed in December 2006 and has not been accessed by many people. The RCK is, however, currently undertaking an education/awareness programme involving IDPs and refugees and agencies that deal with refugees and government security organs such as Kiganjo Training College. The RCK has also translated and published the law in a number of local languages, specifically in those language groups dominating the refugee camps.
- Commitment by the private sector should not end at drafting and ensuring an idea is entrenched in a policy; organisations should rather continuously lobby and push for the policies to be implemented. Ultimately, if there is no political will, nothing will improve.

## BRAINSTORMING ON A PROPOSED REGIONAL POLICY DOCUMENT FOCUSING ON REGIONAL POLICY DOCUMENTS

**Dr Rose Mwebaza**

In this session, participants were asked to reflect on the two regional frameworks and to give any suggestions they considered

important and missing from the original drafts so that they could possibly be slotted in before the drafts were signed as legally binding by member states in September 2008. A number of ideas were bandied about for further elaboration and possible articulation so that they can be included in the AHSI-led intended submission to the IDP conference planned by the AU for later this year.

- Prevention and crisis response should be the main crosscutting issues. Currently, the challenge should be dealing with the prevention of and response to the already existing crisis.
- To resolve a problem quickly, organisations and the state should not always depend on donor funding. To deal with initial problems, they should rather combine the existing local resources while sourcing or waiting for the extra donor resources. Instead of concentrating on IDP legislature only, organisations and the state need to understand how to balance distributive elements and restorative justice, dealing in the first place with internal displacement as a social element.
- The obligations of the state should be clear in the reconstruction of IDPs' lives.
- There are inherent government structural problems where RR is concerned. There has to be complete consultation and involvement by all stakeholders. In Kenya, for instance, the state needs to review its structure if RR is to be successful.
- The culture of impunity should be severely dealt with by the state. There should be dire consequences for actions taken to incite different communities, especially by those seeking to be legislative representatives.
- Political will has to be present if any crisis is to be averted. Laws passed should not be divisive and should not create room for political patronage. Rather, laws should be comprehensive and embody inclusionary citizenship.
- There was consensus that since policy informs legislation, policies affecting IDPs should be entrenched in the constitution.
- There is too much emphasis on response and too little on early warning systems and prevention.
- It is essential that the draft look beyond the IDPs in the camps; for instance, what happens after the camps? What is the way forward for the IDPs? What support can they be given to ease RR?
- Where possible, stakeholders should be an essential part of pre- and post-conflict issues; they should not merely wait to

respond to IDPs after the crisis has happened. For instance, they could deal severely with militias and control the proliferation of SALW in the states as a preventive measure.

- During RR, the psychological needs of the IDPs should be catered for.
- IDP programmes and reintegration should look at the disarmament, demobilisation and reintegration (DDR) processes and identify areas that can be copied and applied to the RR process.
- There is a need to domesticate the existing international protocols to fit local scenarios rather than simply copying and applying others.

## Conclusion

The AHSI ended the brainstorming session with a commitment to drafting a submission for circulation among all participants at the seminar. It would then be passed on to the AU for possible inclusion in its attempts to develop a policy framework for the management of IDPs on the continent. In this way, civil society would be exacting inclusion in the IDP policy arena.

## CLOSING REMARKS

### *Ambassador Ochieng Odala*

After thanking AHSI and APFO for organising the workshop, Ambassador Adala extended his appreciation to the participants for their presence and fruitful deliberations. He noted that there were plans to organise forums similar to the current one where human security issues such as the proliferation of small arms would be discussed.

He emphasised that the workshop content had been inspired by the December 2007 events in Kenya but especially by activities in Africa generally. During the workshop presentations he had noted that there were large numbers of IDPs in Africa. For example, in IGAD there were 7.7 million, in Sudan 5.4 million and in the DRC over 5 million, yet very few NGOs were dealing with the issue.

Finally, it was a challenge to the NGOs to become more organised; they should not wait to be invited but should rather push to be involved in regional organisations, such as the AU, which usually prefer to work only with governments.

# APPENDIX A

## Conference Programme

### INTERNAL DISPLACEMENT AND THE THREATS TO HUMAN SECURITY

Venue: Serena Hotel, Nairobi, Kenya

Date: 7 May 2008

8:30–9:00	Arrival and registration
<b>Session 1</b> <i>Yvonne Chibiya, SAHRIT, Chair</i>	
9:10–9:15	Opening remarks <i>Ambassador Ochieng Adala</i>
	Introduction and synopsis of AHSI/ISS/APFO/SAHRIT <i>AHSI partners</i>
9:15–10:15	The ICRC humanitarian approach <i>Olivier Dubois, regional deputy director of the ICRC</i>
	Discussion
10:15–10:30	Tea break
10:30–10:40	The Social Political Economic and Cultural Barometer – What Kenyans think of IDPs – a public opinion data <i>Tom Wolf, Independent consultant</i>
10:40–12:00	Government experiences in managing IDPs in Uganda <i>Rose Nakabugo, senior officer, Ministry of State for Disaster Preparedness, Uganda</i>
	AU frameworks relating to internally displaced persons <i>Dr Khoti Chilomba Kamanga, Centre for the Study of Forced Migration/Faculty of Law, University of Dar-es-Salaam</i>
	Discussion
12:00–13:00	Lunch
<b>Session 2</b> <i>Annie Barbara Chikwanha, Chair</i>	
13:00–14:15	Toward an integrated and progressive approach to the security, human rights and developmental concerns of IDPs within the Great Lakes region and the Greater Horn of Africa and the region in general <i>Davies Malombe, KHRC</i>
	Strategies in advocating for the displaced <i>Emily Mutai, Refugee Consortium of Kenya</i>
	Discussion
14:15–15:25	Brainstorming on a proposed regional policy document <i>Dr Rose Mwebaza, ISS</i>
15:25–15:30	Tea break
15:30–15:50	Summary of proceedings
15:50–16:00	Closing remarks <i>Ambassador Ochieng Adala</i>

## APPENDIX B

# List of Participants

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