

A displaced family take shelter from the sun in Ségou, Mali. IDMC, December 2013

## BRIEFING PAPER

# The Kampala Convention two years on: time to turn theory into practice

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Every year on 6 December, the African Union (AU) comes together to celebrate the anniversary of the Kampala Convention, which came into force in 2012. Formally known as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, it is the world's first continental instrument that legally binds governments to protect the rights and wellbeing of people forced to flee their homes by conflict, violence, disasters and human rights abuses. The convention is a shared framework, but the continent's diverse realities and challenges mean that individual countries have taken different approaches to it.

Africa has more countries affected by displacement than any other continent or region, and is home to more than 12 million internally displaced people (IDPs). More than 3.7 million were newly displaced in 2013, a 55 per cent increase on the previous year.

IDPs often find their lives in limbo, and displacement makes them extremely vulnerable to a number of threats. The majority face discrimination, abuse and hostility, and they are more susceptible to violence than their counterparts in the general population. Many have lost their land, are unable to feed their families and their children's education is disrupted. The longer people are displaced, the harder it is for them to return home.

The fact that the Kampala Convention was made legally binding two years ago is a monumental achievement. By becoming parties to it, governments recognise that they are responsible for the protection and wellbeing of their country's IDPs and make a commitment to respond to their needs. As of November 2014, 40 of the AU's 54 member states had signed the convention and 22 had ratified it.

Over the past 12 months, the AU has continued to promote the ratification and implementation of the convention, while a number of countries and regions have been affected by the Ebola epidemic, instability caused by armed groups such as Boko Haram, and natural hazards such as floods.

These crises and the displacement they cause highlight the importance of countries fully embracing the convention. This is particularly true for those that have ratified it, but are still to incorporate its provisions into their national legislation.

### One convention, different realities

In 2013, displacement in Africa resulted from a multitude of causes; from struggles for political power, communal violence and disputes over land, to floods, storms and other such natural hazards. More than half of the world's fragile states are in sub-Saharan Africa, and some of the most fragile also have some of the largest numbers of IDPs.

In the Democratic Republic of the Congo (DRC), 2.7 million IDPs face significant threats to their physical security, including armed attacks and clashes, forced recruitment, arbitrary killings, sexual violence and abductions. Gender-based violence is widespread and reports of IDPs resorting to "survival sex" to cover basic needs such as food are common.

In 2013 the government, which is a signatory to the Kampala Convention, produced the first draft of a preliminary bill on the fundamental principles for the protection and assistance of

IDPs in DRC. The collaborative process towards the end was promising, because consultations took place in the eastern provinces of the country, where most displacement occurs. It also offered an opportunity to raise awareness of the importance of ratifying of the convention, a step which the government is still to finalise.

In the meantime, in July 2014 the president of DRC passed the Law on the Ratification of the Kampala Convention. This law will ensure that the final steps DRC needs to take to become legally bound by the convention will take place, namely the depositing the instrument of ratification to the AU Secretariat.

A foreign-led military intervention brought an Islamist insurgency that had previously destabilised Mali to an end in 2013. It also held an election that was an important milestone in the establishment of a calmer political landscape.

In parallel, a working group on durable solutions, led by international agencies operating in Mali and tasked to support the government in implementing the Kampala Convention, is in the process of finalising a durable solutions strategy to be presented to the government for approval. Such a strategy would not only raise hopes of coordinating efforts in a way that would better serve people displaced by the crisis but would also pave the way for concrete domestication of the Kampala Convention, through a national policy on internal displacement, for example.

Zimbabwe was one of the first countries in Africa to demonstrate commitment to the Kampala Convention, but the government is yet to incorporate its provisions into national legislation. That said, ratification in itself, and the adoption of a new constitution and other legal reforms, constitute encouraging steps toward better protecting IDPs.

Côte d'Ivoire, with two massive internal displacement crises in recent history, was the only country in 2014 to have ratified the Kampala Convention. One of three chosen pilot countries for the UN Secretary General's framework on ending displacement, the country's government and international agencies were collaborating on a strategy to secure durable solutions for those who have fled past violence and to prevent future displacement. The Ministry of Planning is now leading a *Comité de Suivi*, established in July 2014, tasked with finalising the strategy.

Across the continent, progress towards fully embracing the convention has been uneven. Some states have made significant steps toward implementation, while others have stalled at the ratification stage. For countries that have ratified, it is only the first step toward instituting real change for people affected by displacement.

## From ratification to real change

The anniversary of the Kampala Convention serves as a reminder of how, as a legally binding tool, it frames displacement as a problem that requires comprehensive, structural and long-term responses at all levels.

It allocates responsibilities to those involved in addressing the issue, and provides a framework within which countries can design their own laws and policies and identify durable solutions. It is innovative in recognising that civil society, IDPs themselves and their host communities have a crucial role to play in shaping the decisions that affect their lives.

By ratifying the convention, states commit to protecting IDPs' rights. Two years after its entry into force, the emphasis should shift to implementation, so that people living in displacement across the continent can begin to reap the benefits of this pioneering instrument on the ground.

### 12 ways the Kampala Convention provides IDPs with legal protection

1. Reinforces states' primary responsibility to protect IDPs
2. Establishes a legally binding definition of an IDP
3. Addresses potential causes of displacement
4. Facilitates the adoption of national legislation on IDPs' protection and assistance, and policies that aim to address displacement issues
5. Emphasises the need to secure funding to ensure IDPs' protection and assistance
6. Acknowledges the roles of all those involved in responding to displacement and sets out the actions required during its different phases
7. It enshrines individuals' right to be protected from displacement and states' duty to adopt all measures needed to prevent it
8. Holds all those involved, including private and multinational companies, accountable for their actions
9. Prohibits armed groups from committing acts of arbitrary displacement
10. States that IDPs should not be discriminated against on the basis of their displacement, and that people with special needs should receive adequate protection and assistance according to their vulnerability
11. Stipulates that states must collaborate with civil society and humanitarian organisations to ensure IDPs' protection and assistance if they do not have the resources to do so themselves
12. Makes national authorities responsible for creating the conditions required to achieve durable solutions

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## NORTHERN AFRICA

	New during 2013	Cumulative as of end 2013
Conflict, violence, human rights violations	Unknown	59,400
Rapid-onset disaster (natural hazard-related)	7,700	Undetermined (34,600 newly displaced during 2008–2013)

## WESTERN AFRICA

	New during 2013	Cumulative as of end 2013
Conflict, violence, human rights violations	633,000	3,656,000
Rapid-onset disaster (natural hazard-related)	413,100	Undetermined (9,324,700 newly displaced during 2008–2013)

## CENTRAL AFRICA

	New during 2013	Cumulative as of end 2013
Conflict, violence, human rights violations	1,935,000	3,996,500
Rapid-onset disaster (natural hazard-related)	167,100	Undetermined (989,800 newly displaced during 2008–2013)

## SOUTHERN AFRICA

	New during 2013	Cumulative as of end 2013
Conflict, violence, human rights violations	Unknown	56,000
Rapid-onset disaster (natural hazard-related)	329,800	Undetermined (2,125,800 newly displaced during 2008–2013)

# KAMPALA CONVENTION: Who's in?

## EASTERN AFRICA

	New during 2013	Cumulative as of end 2013
Conflict, violence, human rights violations	1,166,800	4,835,700
Rapid-onset disaster (natural hazard-related)	772,400	Undetermined (2,062,600 newly displaced during 2008–2013)



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by IDMC.

[internal-displacement.org/kampala-convention](http://internal-displacement.org/kampala-convention)

