



REGIONAL EXCHANGE SERIES

COMPARATIVE EXPERIENCES ON PREVENTING, ADDRESSING AND RESOLVING INTERNAL DISPLACEMENT



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1. INTRODUCTION



The African Union (AU) declared 2019 “the Year of Refugees, Returnees and Internally Displaced Persons (IDPs)” to mark the 50th anniversary of the Organisation of African Unity Convention on Refugees and the 10th anniversary of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). West African States have been at the forefront of committing to the Kampala Convention, with all but one State having signed the Convention, and all but four having ratified it.¹

In March 2019, an exchange was held among Economic Community of West African States (ECOWAS) Members of Parliament (MPs) and national IDP experts from the 15 ECOWAS Member

States. The objectives were: to share experiences on domestication and implementation of the Kampala Convention in their contexts, including good practices and challenges; make recommendations to increase ratification and domestication as well as improve implementation in the sub-region; and explore the possibility for including the Kampala Convention into ECOWAS community law.

The good practices, challenges and recommendations, summarized here, will be shared through *Project 2019* at a continental consultative meetings (CCM) devoted to the Kampala Convention to further its promotion, ratification, domestication and implementation on the continent.

¹ Guinea, Ghana and Senegal are signatories but have not ratified, and Cape Verde is the only non-signatory.



2. INTERNAL DISPLACEMENT IN THE ECOWAS REGION



At the end of 2018, an estimated 2,870,500 people were internally displaced in ECOWAS member states as a result of conflict and violence. During 2018, there were 786,900 internal displacements caused by disasters in the sub-region.² Massive infrastructure projects are also displacing people, as an MP described a development in his constituency that will affect 45,000 persons. Covering all causes of displacement and with provisions on the responsibilities of non-state actors such as armed groups, the Kampala Convention is a relevant mechanism to address the current challenges giving rise to internal displacement in the sub-region.

While important work has been and is being done to address IDPs' protection and assistance needs in the sub-region, IDPs continue to face numerous challenges. These include limited access to humanitarian actors in some areas, irregular assessments of their needs, vulnerabilities and capacities, difficulties accessing official documents and services, insufficient opportunities for self-reliance and sustainable livelihoods, limited freedom of movement due to security concerns, and competition with host communities over scarce resources. Genuine consultation with and opportunities for IDPs and host communities to engage in processes that affect them are also limited.

² IDMC, 10 May 2019, Global Report on Internal Displacement, available at <http://www.internal-displacement.org/global-report/grid2019/>

3. ECOWAS AND INTERNAL DISPLACEMENT



ECOWAS is one of Africa's leading sub-regional organizations and its Parliament, Court of Justice and Commission have become increasingly engaged on humanitarian issues, including internal displacement. At the First ECOWAS Ministerial Conference on Humanitarian Assistance and Internal Displacement in West Africa in 2011, ministers adopted a declaration welcoming the Kampala Convention and calling for its signature, ratification, domestication and implementation by ECOWAS Member States. This political commitment significantly contributed to the coming into force of the Kampala Convention in 2012 as eight out of 15 signatories originated from West Africa.

The importance of the role of parliamentarians in giving effect to the Kampala Convention was recognized as a priority immediately after its adoption and at this event. Parliaments may lead ratification of the Convention and advance its domestication through formulation of national legislation on internal displacement. Parliamentarians have direct access to citizens and therefore play an important role in seeking their views and buy-in. This added value is important for sensitizing their constituencies about internal displacement and the Kampala Convention as it relates to their well-being.

The ECOWAS Parliament 4th Deputy Speaker confirmed that the Parliament will continue to facilitate and support domestication and implementation of the Kampala Convention among member states. ECOWAS Parliamentarians who represent IDPs are responsible for ensuring that their aspirations are better served and that they can exercise their rights. The effective application of the Kampala Convention by ECOWAS member states is the best mechanism for this, though the 4th Deputy Speaker confirmed that the Parliament will not hesitate to make use of its prerogative to propose standard laws if considered necessary to facilitate the implementation of the Kampala Convention.

In this context, the following recommendations were adopted:

Recommendation to the ECOWAS Parliament:

- ➔ Establish a committee within the ECOWAS Parliament specifically looking at refugees, returnees and IDPs

Recommendation to international agencies working on internal displacement:

- ➔ Support the organization of a meeting with ECOWAS ambassadors to explore possibilities of giving visibility to IDP-related issues at the ministerial level



4. ECOWAS MEMBER STATES AND KAMPALA CONVENTION STATUS



Today, West Africa has the highest percentage of signatures and ratifications of the Kampala Convention. Only four out of 15 ECOWAS Member States have not ratified: Guinea, Ghana and Senegal are signatories but have not ratified, and Cape Verde is the only non-signatory. ECOWAS has a vital role in strengthening efforts to fully implement the

Kampala Convention. At this exchange, the ECOWAS Parliament 4th Deputy Speaker, from Cape Verde, and an ECOWAS MP from Senegal gave assurances that their states would ratify the Convention. Liberia and Mali have both recently developed legislation on internal displacement.

GOOD PRACTICE

NIGER'S MULTI-DIMENSIONAL AND MULTI-STAKEHOLDER APPROACH TO DOMESTICATION OF THE KAMPALA CONVENTION

Niger has set the pace as the first African state to domesticate the Kampala Convention through a law adopted on 18 December 2018. The first step was a review and analysis of relevant instruments relating to internal displacement, which was completed by a consultant. The Ministry for Humanitarian Action launched the initiative and established an Inter-Ministerial Committee to drive the process, which included the National Parliament. The process included training workshops and awareness-raising on normative and institutional standards and consultations with IDPs on their priorities. These were key in identifying salient issues, including displacement to urban areas as a result of difficulties to practice livelihoods due to the effects of climate change.

A final report and the draft law were presented and discussed in September 2018, and the law was adopted three months later. The law establishes a national monitoring body (Art. 26). UNHCR provided financial and technical support to the process, particularly for the legal audit, training and consultations. While many economic, social and cultural rights are already applicable in ECOWAS member states by virtue of the domestication of the African Charter on human rights, progress in Niger provides the impetus for all other member states to make progress on their own national legislation to domesticate the Kampala Convention.

IN THIS CONTEXT, THE FOLLOWING RECOMMENDATIONS WERE ADOPTED:

Recommendations to the ECOWAS Parliament:

- ➔ Collaborate to establish measures to better protect IDPs and promote and popularize the ratification and implementation of the Kampala Convention
- ➔ Assist international agencies with dissemination of recommendations and results of exchanges on domestication and implementation of the Kampala Convention
- ➔ Visit ECOWAS Member States to push for the domestication of the Kampala Convention, including through workshops to raise public awareness and clarification of obstacles
- ➔ Identify an ECOWAS Member State champion to promote the ratification, domestication and implementation of the Kampala Convention with local advocacy groups

Recommendation to the ECOWAS Commission:

- ➔ Report on activities in support of the promotion of ratification and implementation of the Kampala Convention

Recommendations to ECOWAS Member States

- ➔ Encourage collaboration between executive and legislative institutions and include legislative bodies in the process of ratification of the Kampala Convention from the beginning
- ➔ Promote the importance of peer review mechanisms as part of the implementation of the Kampala Convention to encourage openness and experience sharing among States

Recommendation to international agencies working on internal displacement:

- ➔ Continue to advocate for countries to sign, ratify, domesticate and implement the Kampala Convention as well as for the full implementation by countries that are party to it

5. ECOWAS COMMUNITY LAW



ECOWAS community law is the common law applicable at sub-regional and national levels. There is a hierarchy between community law and national law, and community law takes precedence. If the Kampala Convention is integrated in ECOWAS community laws, it must be respected in national law of all ECOWAS member states. The absence of a national mechanism cannot prevent the applicability of an ECOWAS community norm. ECOWAS is an integration body and it has been agreed by all Parties that ECOWAS has a legal space ruled by monism: the ECOWAS legal space and national legal space is one and the same.

The adoption of the Kampala Convention as part of the ECOWAS community law can constitute an effective way forward to its implementation. At the First Ministerial Meeting on IDPs in Abuja in 2011, experts and ministers recommended to adopt the Kampala Convention as part of ECOWAS community law, effectively embedding it into the fabric of the DNA of ECOWAS. In the current state of ECOWAS legislation, Parliament cannot pass laws, but may be solicited to give an opinion, or make proposals for legislation. Only the Conference and the Council of Ministers may make acts binding upon ECOWAS Member States. This can be through directions, decisions, recommendations, the Conference may adopt an additional Act, or the Council of Ministers may adopt a regulation to introduce the Kampala Convention into the Community's normative system.

Eight years have passed since the 2011 recommendation. There was agreement at this event on pursuing next steps for the inclusion of the Kampala Convention in the community law of ECOWAS. The community can either:

- adhere to the Kampala Convention through a supplementary act of ECOWAS that has an immediate effect on states regardless of ratification, or
- encourage States to ratify the Kampala Convention such that it becomes customary law for ECOWAS.

As an integral organ of ECOWAS with legislative authority, the Parliament can adopt the Convention into community law, which would need to be endorsed by the ECOWAS Council of Ministers.

Recommendation to the ECOWAS Parliament:

- ➔ Discuss the adoption of the Kampala Convention into ECOWAS Community Law at the next ordinary session of the ECOWAS Parliament

Recommendation to UNHCR:

- ➔ Prepare a draft directive or regulation together with the relevant Commission bodies on incorporating the Kampala Convention into community legislation to submit to the Council for signature

6. COUNTRY EXPERIENCES ON PREVENTION, PROTECTION AND SOLUTIONS TO INTERNAL DISPLACEMENT



Ensuring the Kampala Convention is translated into domestic law before a crisis

In its study on states' actions to join and implement the Kampala Convention, the International Committee of the Red Cross (ICRC) found that there were numerous challenges to overcome even before the onset of a crisis. First, building states' ownership and momentum towards joining the Kampala Convention and its full implementation. Next, delays in adopting the necessary laws and policies and incomplete translation of the Convention into domestic law. Third, lack of resources or prioritisation for implementation of domestic laws and policies. Fourth, a failure to put in place the necessary coordination structures and processes. Finally, ensuring efficient information and responsibility sharing between the central, regional and local levels of authorities.

To address these challenges, four steps can assist:

1. States should ratify the Kampala Convention and incorporate its obligations into national law and policies;
2. Domestic implementation of the Kampala Convention should be accomplished through an inclusive process with all key domestic actors, starting with IDPs and host communities;
3. Public education and raising awareness of the Kampala Convention and disaster risks will help ensure effective informed action, and Parliamentarians have a special role to play here; and,
4. The designated coordinating authority must be provided with the necessary mandate and legitimacy, as well as adequate resources.

IN THIS CONTEXT, THE FOLLOWING RECOMMENDATIONS WERE ADOPTED:

Recommendations to ECOWAS member states:

- ➔ Strengthen the capacity of law makers on internal displacement, including relevant terminology, concepts, standards and tools
- ➔ Seek assistance from UNHCR and use tools available to support law-making processes

Governance of internal displacement

The Kampala Convention applies to IDPs displaced by all causes. However, States sometimes have different structures responsible for dealing with disaster displacement and conflict displacement respectively with these bodies not always working in a harmonious manner. This is typical of the Commonwealth tradition, while the francophone tradition is to integrate them with a comprehensive approach. Nigeria and Cote d'Ivoire are examples of this respectively.

Implementation of Mali's National Strategy for Disaster Risk Reduction is accomplished through an interdepartmental committee chaired by the Prime Minister, and its strategy on solutions to internal displacement is guided by an Inter-Ministerial Committee.

IN THIS CONTEXT, THE FOLLOWING RECOMMENDATION WAS ADOPTED:

Recommendation to ECOWAS Member States:

- ➔ Ensure sufficient engagement of local authorities but also NHRIs, civil society, academia, as well as women and youth in decision-making on internal displacement

GOOD PRACTICES

GOVERNANCE STRUCTURES TO ADDRESS INTERNAL DISPLACEMENT IN COTE D'IVOIRE

Cote d'Ivoire established an effective governance structure to address internal displacement. It included an Inter-Ministerial body under the Office of the Prime Minister and three other institutions. First, the General Directorate for Aid and Assistance to Refugees and Stateless Persons to promote the sustainable return of refugees and displaced persons. Second, the National Office of Civil Protection of the Ministry of the Interior and Security to provide relief, protection and shelter. Third, the Ministry of Solidarity and Social Cohesion and the Fight against Poverty to provide assistance to vulnerable people. Having a Minister and Ministry is important, but not sufficient because a Minister cannot coordinate other ministries. Another structure at a higher or the highest level is required. Nigeria, on the other hand, has numerous agencies responsible for different aspects of internal displacement, including disaster management, refugees and IDPs and human rights. It also has federal and national initiatives on the issue, such as the presidential initiative for the North East. Limited coordination and coherence among these agencies and initiatives is stalling legal developments on internal displacement. The President has, however, committed to adopting the draft policy from 2006.

GOVERNANCE STRUCTURES FOR CRISIS MANAGEMENT IN SIERRA LEONE

During crises stemming from Ebola and other disasters in Sierra Leone, a specialised agency at the ministerial level, the National Commission for Social Action, was mandated by law to manage the crisis in collaboration with international organisations. A specialised unit, the Relief and Resettlement Unit, was established with the aim of ensuring the physical and legal protection of persons of concern. Coordination with all relevant institutions, such as the Ministry of Health, the Office for National Security, the World Bank and others, constituted an important means to provide assistance to IDPs, for example through the distribution of cash grants. Identifying specific roles and responsibilities at all levels, including the local level, was key.

Budgeting to address internal displacement

Internal displacement situations are usually underfunded. This is why Art. 3.2d of the Kampala Convention discusses the need for dedicated funding on internal displacement. Ensuring the budget allocation for the implementation of any law domesticating the Kampala Convention is important and the Ministry of Finance should be involved to that end. Having a law on internal displacement is the best way to ensure that there is national budget allocation dedicated to internal displacement.

Disaster management structures are usually better funded than others, but they often face limited sustainability of funding in the long-term. As funding in any case is finite, IDP issues should also be integrated into national and local development plans. Guidance for how States can achieve this, and which international actors can support, is required and the United Nations Development Programme (UNDP) and World Bank have committed to advise on this as well as suggested budget contributions to address internal displacement.

IN THIS CONTEXT, THE FOLLOWING RECOMMENDATION WAS ADOPTED:

Recommendation to international agencies working on internal displacement:

- ➔ Give an indication of budgetary requirements for internal displacement, including the domestication of the Kampala Convention

Monitoring of laws and policies on internal displacement

In its recent development of a law on internal displacement, Mali conducted a desk review of its laws and policies on internal displacement and consultations with IDPs and affected communities. Mali has multiple policies relevant to internal displacement, including on humanitarian action, solidarity and migration. Some were adopted as recently as 2018 and establish an institutional set-up for addressing the needs of IDPs.

Monitoring of policy implementation is essential, which in the case of Mali is done by a Technical Monitoring Committee for the policy. It may also be done by the National Human Rights Institution



(NHRIs). Monitoring of the implementation of the Kampala Convention can be done by the Conference of State Parties and the African Commission. The African Commission on Human and Peoples' Rights also requests States to report on the Kampala Convention when relevant, which constitutes another monitoring mechanism.

Prevention of the conditions that lead to displacement

Achieving truly durable solutions to internal displacement is a form of prevention of renewed displacement. In Cote d'Ivoire, numerous measures have been taken to avoid crises from re-occurring. This includes continuation of collaborative work with the UN, which facilitated support to people displaced by the floods in 2018 with cash grants. Ahead of the 2020 elections in Cote d'Ivoire, the government is raising awareness of the population around the associated national plan committing all citizens to peaceful elections. Government agencies have also

asked international actors to continue discussions with politicians so the peace can be maintained. Even where there is no conflict, such as in Cape Verde, preventive measures are essential, including early warning mechanisms and disaster mitigation and preparedness measures.

Mali developed a strategy on disaster risk reduction in line with the recommendations of the Sendai Framework for Disaster Risk Reduction 2015-2030,³ and an Inter-Ministerial Committee was established under the Prime Minister who chairs the Committee. The displaced are included in social safety nets and relocated to safe land plots, though land plots are still bought and sold in no-build zones. When disaster strikes, evacuation is key for short periods of time. If recurrent and foreseeable, then relocation is the solution, which should link to durable solutions. Alternative places should be planned and developed with infrastructures and in areas safe from future natural hazards.

³ Available at: <https://www.unisdr.org/we/inform/publications/43291>

GOOD PRACTICE

CONFLICT PREVENTION MEASURES IN BENIN

Since the 1990s, the government of Benin has stressed the importance of humanitarian issues and has focused on strengthening prevention mechanisms. A Commission for National Solidarity was established and the Ministry of Interior and Civil Protection also plays a very important role. An inter-religious dialogue takes place under a framework for consultation recognized by the government, which has been deemed an example of good practice by international experts. A platform brings together all the actors who intervene on issues relating to internal displacement. This platform has focal points in all communes enabling a quick response in the field, for example when there is violence between farmers and pastoralists.

Numbers, locations and needs of IDPs

Gathering quality data on IDPs and ensuring accurate need assessments for efficient planning is a challenge in the ECOWAS sub-region. IDP figures are political and so the highest quality data is needed. Profiling can be a useful approach to gather the data needed for addressing IDPs' needs and integrating them into national and local development planning. The Expert Group on Refugee and IDP Statistics (EGRIS) is working with National Statistical Offices (NSO) around the world on standardizing collection, analysis and use of data on internal displacement. ECOWAS member states may learn more on this from their NSOs. The data required for operational responses and the data required for planning and fostering durable solutions is different in scope and substance.

In Mali, the National Directorate for Social Development published a profiling exercise of IDPs, returnees and repatriated persons in collaboration with IOM in 2017.⁴ The objectives were to ensure that data and other information on these persons was collected and shared; their needs were addressed efficiently; IDPs' intentions to return were understood and to appeal for an adequate response to their needs. Internal displacement in Mali is mainly an urban and out of camp phenomenon, as IDPs living in camps are reportedly more vulnerable and stigmatised. Camps may nevertheless be necessary in other contexts.

Support to IDPs, their hosts and affected communities

A whole-of-society approach as suggested in the Global Compact on Refugees⁵ applies and can be helpful in internal displacement contexts. In Sierra Leone, a strategy was developed in line with the comprehensive refugee response framework that aims to integrate refugees into broader national development programmes. This strategy supports host communities and refugees with World Bank funding. Resettlement packages are also available for refugees. Parallel policies for IDPs that support hosts and affected communities should be developed.

The issue of pressure on host communities and natural resources is central in numerous member states that have IDPs, refugees and returnees. In Niger, 55,000 IDPs mostly live in camps for Malian refugees, while in Ghana and Mali IDPs live mainly with host communities. In both cases, the role of the host community is important as their resources are the ones affected. IDPs living in host communities should feel empowered to report shortcomings, even if there is a culture against complaining. Alternatives to camps and temporary residence with host communities need to be found. The Kampala Convention proposes return as one alternative but this is not always possible in a number of circumstances, such as if conflict is prolonged, if disaster destroyed the area, or if a dam was built.

⁴ IOM and Mali National Directorate of Social Development, Profiling Study: Internally Displaced Persons, Repatriated Persons and Returnees, June 2017.

⁵ UNHCR, Global Compact on Refugees, A/73/12 (Part II), 2018, available at: https://www.unhcr.org/gcr/GCR_English.pdf

Inclusion of IDPs in the polity

In Ghana and Mali, in the absence of a law on internal displacement, IDPs receive social assistance. In Ghana, they are registered by disaster management authorities and the Ministry in charge of social assistance tracks their needs, including where they live in host communities, and incorporates them into programmes accordingly. In Mali, IDPs are covered by universal health coverage, as are all social groups. While social safety nets are important, countries like Ghana and Mali should nevertheless ratify and domesticate the Kampala Convention, because of the additional measures aimed at prevention of large scale displacement, which can overcome existing social safety nets.

GOOD PRACTICE

SAFEGUARDING AGAINST MARGINALIZATION OF IDPS IN CÔTE D'IVOIRE

Cote d'Ivoire put in place numerous strategies to facilitate the inclusion of IDPs. These were supported by a Presidential Decree, an inter-ministerial crisis management committee, key ministries and a Coordination Committee that includes all UN agencies to ensure that the treatment of the issue meets international standards. Strategies included IDPs' participation in community outreach activities, promotion of birth registration, strengthening of IDPs' resilience through income generating activities, inclusion of IDPs in the Government's Social Programme (2019-2020) to increase their access to basic social services, and including IDPs in activities to build trust with security and military forces.

IN THIS CONTEXT, THE FOLLOWING RECOMMENDATIONS WERE ADOPTED:

Recommendations to ECOWAS

Member State governments:

- ➔ Sensitize the judiciary around protection frameworks on IDPs and support legal clinics that provide information and counselling to IDPs on access to their rights
- ➔ Organize educational activities and awareness raising on forced displacement and migration as part of civil education in school curriculums
- ➔ Promote good civil-military relationships to improve a common understanding on internal displacement

Protracted displacement

In Sierra Leone, phasing out refugee and IDP programmes is challenging because many displaced persons do not want to opt for the durable solutions offered by the government, who has also committed to include them in National Development Programmes. Similarly, in Senegal, the case of Ziguinchor shows that displacement can be very lengthy with multiple waves affecting urban and rural areas alike. It is equally important to address the causes as well as the consequences of internal displacement, which Senegal has tried to do through its plan for peace and other development strategies.

In Liberia, civil war broke out in 1989 and virtually the entire population – 3 million people – fled their homes at some time during 14 years of intermittent conflict. Most were internally displaced: some for a few weeks, others for years, and many of them several times over. Many fled to and remained in cities and towns and durable solutions were largely not supported. Some of those who were displaced still sleep in cemeteries or empty buildings. IDPs pursuing local integration in slums in Monrovia have been threatened with eviction.

It is not clear whether those without permanent residences or at risk of eviction should still be considered IDPs. This challenges the understanding of who is an IDP based on the Kampala Convention and when IDPs no longer require a specific response to their displacement-related vulnerabilities. However, there is agreement that where people fit the definition in the Kampala Convention, they should always

be considered IDPs. The Inter-Agency Standing Committee Framework on Durable Solutions for IDPs and related guidance with an indicator library can assist with this analysis and determination.⁶

Structures and policies for durable solutions

Following a decade of crisis, the government in Côte d'Ivoire began implementing measures in 2011 to promote peace and stability and ensure that IDPs could live in conditions of safety, security and dignity. These measures included the creation of various structures and initiatives aimed to strengthen the social fabric and promote peaceful coexistence, which were:

- National Commission on Human Rights;
- Ministry of Solidarity and Social Cohesion;
- Inter-ministerial Committee for Crisis Management;
- Commission for the restitution of illegally occupied public and private buildings;
- Platform for disaster risk reduction and management and reactivation of the early warning mechanism;
- Coordinating Committee with UN Agencies for Needs Assessment and Response;
- National Solidarity Fund for Vulnerable Populations and Victims of Disasters;
- Emergency Centres.

Defining the roles and responsibilities of all stakeholders was essential. IDP issues were also integrated in public policies, including:

- the government's Social Programme (2019-2020) aimed at increasing access to basic social services for the most vulnerable to increase their resilience;
- National Development Programme (2016-2020) to strengthen the social fabric and economic resilience of communities affected by conflict as well as the quality of institutions and governance;
- Disaster Risk Reduction Strategy, adopted by the Prime Minister in December 2018.

In developing these measures, various frameworks were adopted or used as reference, including the 1954 and 1961 statelessness conventions; the African Charter on Human and Peoples' Rights; the Kampala Convention; the Protocol on democracy and good governance additional to the Protocol concerning the Mechanism for conflict management, prevention and resolution; and the Sendai Framework for Disaster Risk Reduction 2015-2030.

The government in Côte d'Ivoire faced two main challenges in its efforts to support durable solutions of IDPs: inadequate financial resources for sustainable protection of and assistance to IDPs, and unsustainability of IDP settlement in certain areas. Lessons learned concerned the importance of strengthening early warning mechanisms to prevent disasters, encouraging the involvement of the private sector in humanitarian assistance, and the need to sensitize populations on disaster-related risks.

IN THIS CONTEXT, THE FOLLOWING RECOMMENDATIONS WERE ADOPTED:

Recommendations to ECOWAS Member State governments:

- ➔ Collaborate with NHRIs in supporting reconciliation and peace building efforts and in monitoring mechanisms of the Kampala Convention
- ➔ Explore collaboration with the World Bank to tackle the development issues that arise in situations of internal displacement

⁶ Inter-Agency Standing Committee, 2010, Framework on Durable Solutions for Internally Displaced Persons, available at: <https://bit.ly/2Ku1bHI>



7. ADDITIONAL RECOMMENDATIONS



To the ECOWAS Parliament:

- ➔ Ensure the next ordinary session of the ECOWAS Parliament will have an interactive exchange on the basis of the communiqué from this meeting in Annex 1
- ➔ Consider establishing a Steering Committee to ensure that recommendations in the communiqué from this meeting are put in place across ECOWAS

To ECOWAS Member State governments:

- ➔ Encourage states in the Bureau of the Conference Parties to follow up on the State Parties Plan of Action for the implementation of the Kampala Convention (2017 Harare Action Plan)

ANNEX 1: EVENT COMMUNIQUÉ



We, the representatives of the Economic Community of West African States (ECOWAS), the Commission and Parliament, ECOWAS Member States, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), actively participated in a 2-day Workshop designed to share lessons learned on development and implementation of laws and policies to prevent and address internal displacement, to encourage further ratification and domestication of the Kampala Convention among ECOWAS Member States, and to continue efforts of ECOWAS Member States to adopt and apply the Kampala Convention through its inclusion in the Community Law of ECOWAS;

Cognisant that this year marks the 10th Anniversary of the adoption of the Kampala Convention, the first and only binding continent-wide convention on internal displacement;

Acknowledging efforts in the past to encourage ratification of the Kampala Convention by ECOWAS Member States, such as the First ECOWAS Ministerial Conference on Humanitarian Assistance and Internal Displacement in West Africa held in Abuja in 2011;

Aware of the importance of seizing opportunities to share experiences with other States on the implementation of the Kampala Convention, including the upcoming Continental Consultative Meeting (CCM) in Malabo, Equatorial Guinea as part of the 2019 AU Year of Refugees, Returnees and Internally Displaced Persons;

Recognising that whilst West Africa is the region with the highest percentage of ratifications of the Kampala Convention, with only four ECOWAS Member States outstanding, the region-wide ratification and domestication of the Kampala Convention, as well as exchanging experiences on developing and implementing laws and policies on internal displacement, remains desirable to advance implementation of the Kampala Convention and more broadly improves States' capacity to prevent and address internal displacement;

Acknowledging the technical support provided by the African Union Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons; the mandate of the UN Special Rapporteur on the Human Rights of IDPs, UNHCR and ICRC;

WE (THE UNDERSIGNED PARTICIPANTS IN HEREWITH ATTACHED LIST) HEREBY RECOMMEND THE FOLLOWING:

A. To ECOWAS Member States:

1. National Parliaments should assist states, where relevant, to ratify and/or implement the Kampala Convention in a holistic manner;
2. Endeavour to streamline responsibility for IDP matters, by identifying a responsible authority with executive powers and/or establishing a coordination committee in line with AU model law article 48 and 49, in each Member State.
3. Member states shall ensure that adequate resources are made available through national budgets and national development plans to protect and assist IDPs and achieve durable solutions for them effectively in line with Art. 3(2) (d) of the Kampala Convention.
4. Member States should build capacity of parliamentarians, magistrates, civil society organizations and national human rights institutions through capacity-building and awareness-raising workshops, to popularize the Kampala Convention and the African Union (AU) Model Law, as well as by sharing Niger's IDP law, the first law to domesticate the Kampala Convention after ratification.
5. Member States should organize workshops to sensitize local and traditional institutions, faith based organizations, media, and other community actors in Member States, on the implementation of the Kampala Convention and the AU Model Law.
6. Human Rights Law with a focus on African mechanisms should be included in school

curriculums at the tertiary levels, as part of civic education.

7. Member States should ensure that the private sector is engaged in finding solutions for displaced people through resource mobilization, and complies with the Kampala Convention.
8. Affected populations should be actively involved in the design and implementation of policies and solutions for displaced people.

B. To ECOWAS Institutions:

9. ECOWAS should adopt a supplementary act or regulation with a view to incorporating the Kampala Convention into ECOWAS Community Law.
10. The ECOWAS Commission should encourage and support Member States to use the example of Niger as a champion State to adopt laws on IDPs.
11. The ECOWAS Parliament sessions should include in country reports actions undertaken by Member States to ratify and/or implement the Kampala Convention; similarly, ECOWAS Commission reports to the ECOWAS Parliament should include support of the ECOWAS Commission to Member States to ratify and/or implement the Kampala Convention.
12. ECOWAS national offices in Member States should push for and support Member States in ratification and implementation of the Kampala Convention.
13. The ECOWAS Parliament should create a Subcommittee on Refugees and IDPs to support the ratification and implementation of the Kampala Convention by all ECOWAS Member States.
14. As a monitoring mechanism, the recommendations herein should be reviewed as part of the ECOWAS International Humanitarian Law Plan of Action (2019-2023), which calls for alignment of laws, policies and procedures relating to the protection, safety and dignity of IDPs with international law, and implementation of laws and policies for IDPs that fully incorporate the protections of the Kampala Convention.

C. To the African Union (AU)

15. The AU should consider the establishment of task forces to support parliamentarians at continental, regional, and national levels in the popularization of the Kampala Convention.

16. The AU should endeavor to engage with the ECOWAS Parliament and the ECOWAS Commission, to support efforts towards the ratification, domestication and implementation of the Kampala Convention by Member States.
17. The AU should encourage Member States to report on legislative measures taken to implement the Kampala Convention during the periodic reports before the African Commission on Human and Peoples' Rights in the African Peer Review mechanism and as part of the Conference of State Parties in line with Article 14 of the Kampala Convention.

D. To Regional Economic Communities:

18. Regional Economic Communities should contribute to sensitizing Member States on the Kampala Convention, including but not limited to:
 - capacity building for parliamentarians;
 - forums for experience sharing;
 - peer review;
 - inter-regional consultation;
 - advocacy on ratification and implementation.

E. To Partners (Development and Humanitarian Actors):

19. Strengthen cooperation with ECOWAS institutions and Member States to support the ratification and implementation of the Kampala Convention.
20. Support awareness-raising and capacity building of parliamentarians of Member States.

F. To Media

21. The African media should be encouraged to play a role in mobilizing public opinion and building capacity to support the operationalization of the Kampala Convention.

Honorable Orlando Pereira Dias
4th Deputy Speaker, ECOWAS Parliament

Dr. Siga Fatima Jagne
Commissioner, Social Affairs and Gender, ECOWAS Commission

On behalf of participants

22 March 2019
Dakar, Senegal

ANNEX 2: LIST OF PARTICIPANTS



Lead Facilitators	
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Burkina Faso	Hon. Sama JOSEPH
Cape Verde	Hon. Orlando Pereira DIAS
Cote d'Ivoire	Hon. Aka HERVÉ
Ghana	Hon. Koffi HUMADO
Guinea	Hon Alpha Souleymane BAH
Liberia	Hon. Clarence MASSAQUOI
Mali	Hon. Modibbo KANE
Senegal	Hon. Abdoulaye VILANE
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Guinea-Bissau	Tibna Nauana SAMBE
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Nigeria	Hon Muhammed Sani ZORRO
Nigeria	Hon Abdulrahman SHUAIBU
Sierra Leone	Farama Joseph BANGURA
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ICRC	Charles Lauandino Vieira SANCHES
OCHA	Roel DEBRUYNE
UNHCR Dakar	Rose DUTERTE
UNHCR Dakar	Alice LIONI
UNHCR Abuja	Roger HOLLO
UNHCR Abuja	Joan OGU
UNHCR Abuja	Silvia CRAVESANA
UNHCR Geneva	Daniel MACGUIRE
UNHCR Geneva	Nadine WALICKI

ANNEX 3: TOOLS



ENGLISH RESOURCES ON INTERNAL DISPLACEMENT

Title	Link
Governance Structures for Internal Displacement, UN Special Rapporteur on the human rights of IDPs	https://bit.ly/2K8Ulq1
Internal Displacement: Responsibility and Action, A Handbook for Parliamentarians, UNHCR and IPU	https://bit.ly/2JHYlye File for printing: https://bit.ly/2VVc8TM
African Union Model Law for the Implementation of the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa	https://www.refworld.org/docid/5afc3a494.html
African Union State Parties Plan of Action for the implementation of the Kampala Convention (2017 Harare Action Plan)	https://drive.google.com/open?id=1HdR7InNdYvsbd52MYcMoy72fVjdpOwLl
Translating the Kampala Convention into Practice: A Stocktaking Exercise, ICRC	https://bit.ly/30Qli7O
Global Database on Laws and Policies	https://bit.ly/2WrnyQG
National Instruments on Internal Displacement: A Guide to their Development	https://bit.ly/2WuAHLU
Protecting Internally Displaced Persons: A Manual for Law and Policymakers	https://brook.gs/2mdiuPb
Course on the law of internal displacement	https://bit.ly/2JHZ42y
Law and Policy on Internal Displacement: Essential Guidance and Tools	https://bit.ly/2I2EPcC
« J'ai dû tout quitter » (ICRC)	https://info.icrc.org/jai-tout-quitte
Durable Solutions Analysis Guide, Joint IDP Profiling Service	https://bit.ly/2QCierV

RESSOURCES EN FRANÇAIS AU SUJET DES DÉPLACEMENTS INTERNES

Titre	Lien
Structures de gouvernance pour les déplacements internes, ONU Rapporteur spécial sur les droits de l'homme des personnes déplacées dans leur propre pays	https://bit.ly/2Wo5ASd
Loi-type de l'Union Africaine pour la mise en oeuvre de la convention de l'Union Africaine sur la protection et l'assistance aux personnes déplacées en Afrique	https://www.refworld.org/pdfid/5aeb39434.pdf
Traduire la convention de Kampala dans le pratique: Exercice de bilan, CICR	https://bit.ly/30Qli7O
La protection des personnes déplacées à l'intérieur de leur propre pays: Manuel à l'intention des législateurs et des responsables politiques	https://brook.gs/2W89gba
Déplacements internes: responsabilité et action, Manuel à l'usage des parlementaires, UNHCR et UIP	https://bit.ly/2WwzQdm
Cours sur la loi du déplacement interne	https://bit.ly/2JHZ42y
« J'ai dû tout quitter » (CICR)	https://info.icrc.org/jai-tout-quitte

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**THE YEAR OF REFUGEES, RETURNEES
AND INTERNALLY DISPLACED PERSONS:**
Towards Durable Solutions to Forced
Displacement in Africa.



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