



LAW AND POLICY-MAKING ON INTERNAL DISPLACEMENT

SESSION 4: ORGANISING A PARTICIPATORY PROCESS

WHAT DOES THE KAMPALA CONVENTION SAY ABOUT IDPS' PARTICIPATION?

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PARTICIPATION AND PROTECTION

WHO BETTER THAN IDPS TO KNOW ABOUT THEIR PROBLEMS AND THE WAYS TO SOLVE THEM?

Civil society organisations (CSOs), host communities and IDPs themselves can and should play a role in meeting IDPs' needs and facilitating the achievement of durable solutions to their displacement. Such participation is key to ensuring that laws, policies, humanitarian assessments and responses reflect their specific issues, needs, coping mechanisms and assets. Strengthening participation and ensuring a leading role for the community also helps to rebuild self-confidence and self-esteem, and as such constitutes a step towards self-reliance, resilience and durable solutions. The Kampala Convention, enriched by the experience of African states in protecting IDPs, recognises the critical role that civil society has to play, and commits states parties to consulting and cooperating with it to ensure efficient, comprehensive and community-based protection and assistance during all phases of displacement.

WHAT DOES THE KAMPALA CONVENTION SAY ON THE ISSUE?

“States Parties shall consult internally displaced persons and allow them to participate in decisions relating to their protection and assistance”.²⁵ In line with the human rights-based approach of the Guiding Principles, the Kampala Convention sets out the rights and guarantees relevant to IDPs' protection, including their right to participate in decisions that affect their lives. The duty of states and humanitarians to ensure this takes place entails the establishment of consultation and participation mechanisms based on a community-based or “bottom up” approach, with the aim of ensuring that IDPs play an active role in their own protection, rather than being passive beneficiaries.

²⁵ Kampala Convention, Article 9(2)

This implies the meaningful and systematic engagement of communities affected by displacement in the development of relief programmes, from assessment to evaluation,²⁶ and throughout the displacement process including “their participation in finding sustainable solutions”.²⁷ The convention reiterates the need to assess the specific protection issues and vulnerabilities of IDPs and host communities,²⁸ drawing special attention to “internally displaced persons with special needs, including separated and unaccompanied children, female heads of households, expectant mothers, mothers with young children, the elderly, and persons with disabilities or with communicable diseases”.²⁹ It also determines that states and their humanitarian partners should “take special measures to protect and provide for the reproductive and sexual health of internally displaced women as well as appropriate psycho-social support for victims of sexual and other related abuses”. This applies to all IDPs, whether in camp settings or not, based on the right to choose one’s residence and the overarching principles of equality and non-discrimination.

Such assessments form the basis of protection response. They should be conducted in a participatory manner, ensuring that representatives of all members of displaced and host communities are consulted, and are able to express their own issues and concerns and propose solutions to them. Through the systematic application of an age, gender and diversity approach, humanitarians and the affected communities themselves seek to ensure that all people are able to exercise their rights on an equal footing and are able to participate fully in decisions affecting their lives. The results of participatory assessments will help all concerned prioritise and design response programmes. Such an approach entails the establishment of understanding and trust with the communities in question, and a significant investment in empowerment activities. “Invisible” IDPs in urban centres, children, the elderly and people with disabilities, including those with limited opportunities or capacities to express themselves - deaf people, for example - should be given the chance to participate.

HOST COMMUNITIES

At least half of the 58 countries monitored by IDMC in 2012 had few or no camps for IDPs. Alternative arrangements such as living with a host family or in private accommodation in a host community are the norm for the vast majority of urban and rural IDPs, both in Africa and worldwide. Even when camps do exist, most IDPs prefer to seek refuge in host communities, where they envisage better livelihood opportunities, particularly in urban centres, or have family members ready to receive them. Many IDPs also feel more secure living with host communities than they do in camps.³⁰

Host communities are usually less visible, less accessible and tend to be neglected by humanitarians, but they often have only limited resources and coping mechanisms themselves and are significantly strained by the arrival of IDPs. Hosting IDPs can quickly make poverty worse and cause frustrations, resentment, discrimination and exploitation. Assessing and responding to the needs of host communities in a timely manner, and developing programmes that take them into account, are key to the prevention of major protection issues and conflicts.

²⁶ Protection Policy Paper, Understanding Community-based Protection, UNHCR, DIP, 20 June 2013

²⁷ Kampala Convention, Article 11(2)

²⁸ Kampala Convention, Article 5(5)

²⁹ Kampala Convention, Article 9(2)

³⁰ IDPs in Host Families and Host Communities: Assistance for Hosting Arrangements, Anne Davis, UNHCR, April 2012



The Kampala Convention captures this reality and obliges states parties to take “measures as appropriate, including strategies and policies on internal displacement at national and local levels, taking into account the needs of host communities”.³¹ It also calls for host communities to be included in protection and needs assessments in order to evaluate the impact of displacement on them and design approaches and programmes involving both the humanitarian and development sectors before they fall into extreme poverty and deprivation. The convention recognises the need to support communities which contribute to IDPs’ protection and to encourage them to continue. A participatory methodology using an age, gender and diversity approach is recommended, in order to understand and incorporate the different and often complex dynamics between IDPs and host communities, and their specific protection issues, into the design of a well-targeted response.

CIVIL SOCIETY ORGANISATIONS

Given their degree of interaction with IDPs, CSOs are often among the best-placed to identify the main obstacles displaced populations face in fulfilling their rights and obligations, and as such they have a significant role to play in ensuring that states take the necessary steps to implement the Kampala Convention.³² The African experience of internal displacement made its drafters aware of the importance of close collaboration with CSOs, including those representing IDPs, and the convention requires states and humanitarian organisations to work hand-in-hand with them, and consider them as partners throughout the displacement process.³³

CSOs, which often have close contact with IDPs and host communities, have a good understanding of the displacement and local context, and are precious partners in the implementation of a participatory approach. CSOs also play an advocacy role, pushing for the ratification and implementation of the convention. Their inclusion along with representatives of displaced communities in the implementation process, especially in the development of comprehensive national laws and policies on internal displacement, is essential to guarantee both real buy-in from civil society and long-term cooperation in the protection and assistance of IDPs. It also ensures that the specifics of local internal displacement situations are captured and incorporated into any new policies and legislation.

OPPORTUNITIES

One of the Kampala Convention’s innovations lies in its systematic focus on the role of civil society, including IDPs and host communities themselves, in responding to displacement. It encourages states and international organisations to recognise the need to build on the capacities of all components of affected communities, empower them and help to strengthen their resilience so that they are able to engage fully in the defence and exercising of their rights.

³¹ Kampala Convention, Articles 3(2)C and 5(5)

³² Making the Kampala Convention work for IDPs, a guide for civil society on supporting ratification and implementation, IDMC/AU, July 2010

³³ Kampala Convention, Articles 2e, 3 (2) b, 4 (3), 5 (6), 8 (3), 9 (3), 11 (3) and 13 (1)