



CAPACITY BUILDING FOR LAW AND POLICY-MAKING ON INTERNAL DISPLACEMENT

# SESSION 5: PREPARATION - INCREASING KNOWLEDGE AND UNDERSTANDING AND LEGAL REVIEW

## OVERVIEW

The next three sessions will concentrate on the preparation phase and highlight the importance of conducting a legal review, increasing knowledge and understanding of displacement, and collecting data on IDPs before starting to draft a law or policy. Data collection may have already begun, but information should be collected regularly and systematically updated.

This session focuses on reviewing national legislation. The rationale for doing so is to ensure that existing laws uphold and do not violate IDPs' rights, and that they will not impede the implementation of the new instrument. A methodology and country examples demonstrate how to analyse the protection afforded to IDPs under national legislation as compared with regional and international standards such as the Guiding Principles, the Kampala Convention and the Great Lakes Pact. Such legal reviews have been carried out in the Central African Republic, Kenya and Zimbabwe.

## OBJECTIVES

By the end of the session participants should be able to:

- Explain why certain actions need to be taken in preparation for drafting
- Suggest ways of increasing knowledge and understanding of displacement in the initial stages
- Understand why, when and how to conduct a review of national legislation
- Learn lessons from previous reviews

#### KEY MESSAGES

- The development of a national instrument require time and accurate preparation
- The preparations will influence the way the new instrument is developed and its eventual form and content

#### DOCUMENTATION

- Guiding Principles, 1998
- Kampala Convention, 2009
- National laws
- IDMC-NRC/Brookings-LSE, National Instruments on Internal Displacement: A Guide to their Development
- IPU-UNHCR handbook for parliamentarians
- IDMC, A review of the legal framework in Zimbabwe relating to the protection of IDPs, December 2014
- IDMC, A review of the normative framework in Kenya relating to the protection of IDPs, August 2015
- Brookings-Bern, A review of legal framework in the Central African Republic relating to the protection of IDPs (French), November 2010

#### HANDOUTS:

- Recommendations from IDMC's review of the legal framework in Zimbabwe