



**REGIONAL SEMINAR ON INTERNAL DISPLACEMENT IN THE  
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
(SADC) REGION**

**GABORONE, BOTSWANA  
24-26 August 2005**

**Co-sponsored by:**

**The Office of the United Nations High Commissioner for Refugees  
The Representative of the United Nations Secretary-General on the  
Human Rights of Internally Displaced Persons**

**The Brookings Institution - University of Bern  
Project on Internal Displacement**

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Brookings Institution-University of Bern Project on Internal Displacement  
1775 Massachusetts Avenue NW, Washington, D.C. 20036  
Tel: +1 (202) 797-6168, Fax: +1 (202) 797-6003, [brookings-bern@brookings.edu](mailto:brookings-bern@brookings.edu)

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## Introduction

A regional seminar on internal displacement was convened from 24-26 August 2005 in Gaborone, Botswana, hosted by the Government of Botswana and co-sponsored by the Office of the United Nations High Commissioner for Refugees (UNHCR), the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons (IDPs), and the Brookings Institution-University of Bern Project on Internal Displacement. It was the first seminar of its kind focused on internal displacement in the Southern African Development Community (SADC) region.

The purpose of the seminar was to discuss the phenomenon of internal displacement in the SADC region, the needs of the displaced, and effective national, regional and international responses. The meeting brought together over 100 participants representing: the SADC member states; the SADC Secretariat; the African Union; the African Commission on Human and Peoples' Rights; national human rights institutions; local, regional and international non-governmental organizations; the United Nations (UN) and other international organizations; and donor governments; as well as experts from research institutions.

The meeting resulted in a set of recommendations for action at the national, regional and international levels to improve responses to internal displacement in the region. This report presents these recommendations and summarizes the discussions from which they emerged. The *Agenda*, *List of Participants*, and *Background Paper* for the meeting are provided in Appendices A, B, and C.

## Opening Session

Welcoming Statements:

*Hon. Phandu Skelemani*, Minister for Presidential Affairs and Public Administration, Government of Botswana

*Walter Kälin*, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons and Co-Director, Brookings Institution-University of Bern Project on Internal Displacement

*Ebrima Camara*, Regional Representative for South Africa, United Nations High Commissioner for Refugees (UNHCR)

**The Honorable Phandu Skelemani**, Minister for Presidential Affairs and Public Administration of the Republic of Botswana, warmly welcomed participants to the seminar and noted that the Government of Botswana was honored to host the gathering. The Minister put forth that ideally there should be no need for a seminar on internal displacement in southern Africa. Yet, the reality of the long-standing crisis of internal displacement on the continent needed to be recognized and decisive steps taken to address the problem at its root. The Minister lamented the scale and complexity of internal displacement in the region, underlining the heightened vulnerability of the

displaced, in particular displaced women and children, to impoverishment, malnutrition, disease and abuse. He cautioned that Africa “[ran] the risk of losing generations” given the harmful impact of displacement on children, especially when combined with the scourge of HIV/AIDS.

Minister Skelemani underlined that responsibility for assisting and protecting IDPs “rests squarely on the shoulders of national governments”. However, taking responsibility for internal displacement depended not only on national policies, but also on well-coordinated regional approaches, as the effects of internal displacement often extended beyond state borders. In this connection, Minister Skelemani applauded the initiatives afoot across Africa to give greater prominence to the issue of internal displacement and promote effective responses by governments. He underlined that efforts to tackle the root causes of internal displacement should be at the forefront of national and regional responses to the problem. Minister Skelemani commended the *Guiding Principles on Internal Displacement*<sup>1</sup> as a central reference point for SADC states as they develop national and regional response strategies. He noted that Botswana was proud to have joined fellow SADC states in co-sponsoring several UN resolutions recognizing the *Guiding Principles* as a valuable tool and standard for addressing internal displacement, but would be prouder still to see the *Principles* implemented in the region.

**Walter Kälin**, Representative of the United Nations Secretary-General (RSG) on the Human Rights of Internally Displaced Persons began by expressing his appreciation to UNHCR as well as to the Government of Botswana and the SADC Secretariat for their support in the development of the meeting. It was most appropriate, Professor Kälin reflected, that the seminar followed on from the SADC governments’ biennial meeting on refugees. IDPs and refugees frequently faced similar risks and their plight could be closely inter-connected: IDPs often became refugees when effective national protection and assistance were not available, while returning refugees who came home to insecurity and a lack of sustainable solutions often became internally displaced. The RSG observed that although Africa was the continent worst hit by internal displacement, it also had a strong tradition of pioneering innovative regional responses to forced migration. He acknowledged the groundbreaking work of former RSG Dr. Francis Deng, “one of the great sons of the continent,” to bring international attention to the plight of Africa’s IDPs.

Professor Kälin emphasized that although internal displacement remained first and foremost a question of national responsibility, it often had political, economic and humanitarian repercussions in neighboring countries and therefore a strong regional dimension. The RSG highlighted the need to enhance regional cooperation mechanisms, identify best practices, and channel the lessons learned by countries coping with internal displacement into the creation of sound policy at the national and regional levels.

**Ebrima Camara**, UNHCR Regional Representative, presented remarks on behalf of the United Nations High Commissioner for Refugees. The seminar, Mr. Camara observed,

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<sup>1</sup> UN Document E/CN.4/1998/53/Add.2 (1998), hereafter the *Guiding Principles* or *Principles*. See [http://www.unhcr.ch/html/menu2/7/b/principles\\_lang.htm](http://www.unhcr.ch/html/menu2/7/b/principles_lang.htm)

took place at a timely moment for UNHCR, as the organization was in the process of elaborating its commitment to be a “fully engaged and predictable partner” in the UN’s collaborative approach to internal displacement. Specifically, the High Commissioner had offered UNHCR’s leadership in three key areas: protection, including return; camp coordination; and emergency shelter. These commitments were undertaken with a view to increasing the capacity of the international community to offer a “structured and predictable response to internal displacement at all times.” Of the eight countries that currently were the focus of the UN’s collaborative approach to internal displacement, it was pointed out that six were in Africa, and one of which, the Democratic Republic of Congo (DRC), was in the SADC region. UNHCR would be reviewing its operations in these countries and elsewhere to determine where and in what specific ways UNHCR could take on an enhanced role in situations of internal displacement.

Mr. Camara also discussed the “complicating dimension” of internal displacement, which was that it could be caused both by irrational forces such as conflict and natural disasters as well as by states’ rational good intention to promote development. As conflict and disasters in particular respected no boundaries and could destabilize even prosperous countries, it was in everyone’s collective interest to prepare for internal displacement and to address it swiftly and effectively. Responding to internal displacement, he emphasized, was the “front line responsibility of national governments”. In addition, regional approaches rooted in agreements, such as the Memorandum of Understanding signed between SADC and UNHCR in 1996, were valuable. Overall, Mr. Camara underscored that the *Guiding Principles* provided the essential normative framework upon which protection and assistance to IDPs should be based.

## Overview of Internal Displacement in the SADC Region

Moderator:

*Peter Mumba*, Permanent Secretary, Ministry of Home Affairs, Government of Zambia

Presenters:

*John Oucho*, African Population and Environment Institute

*Graeme Rodgers*, Refugee Studies Centre, University of Oxford and Honorary Research Associate, Forced Migration Studies Programme, University of the Witwatersrand, South Africa

The problem of internal displacement was recognized as a serious concern both for national governments in the SADC region and for the SADC community as a whole. The overview provided by the presenters of the scope, causes and consequences of internal displacement in the SADC region was informed by the description of “internally displaced persons” set out in the *Guiding Principles*, namely:

persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized State border.

However, it was recognized that the victims of forced migration did not necessarily remain in neat categories -- there was fluidity among different types of migration such as internal displacement, refugee movements and economic migration. Although there were often similarities among these groups, for instance, in terms of the humanitarian needs of refugees and IDPs, participants noted with concern the inequities IDPs faced in accessing international humanitarian relief and protection. Unlike for refugees, there was no established international regime to ensure their protection and assistance.

While over half of the world's 25 million conflict-induced IDPs lived in Africa, with an estimated 2.9 million in the SADC region, many more people had been forced from their homes due to factors such as natural disasters or to make way for development projects. These figures, however, were at best estimates or "guesstimates". Generally, there was a lack of specific data on internal displacement in the SADC region.

Nonetheless, it was evident that the causes of internal displacement in the SADC region were diverse and inter-related. For example, it was pointed out that displacement had been a defining feature of colonialism in southern Africa, particularly in the case of South Africa under the apartheid regime. It was noted that the contemporary effects of colonial displacement policies have not yet been fully acknowledged or addressed.

Armed conflict was highlighted as a major cause of displacement in the region in the post-colonial era. Civil wars in Angola and Mozambique had sparked massive displacement crises, while conflict in the DRC continued to generate thousands of new IDPs, even as other IDPs were making the difficult journey home. Human rights violations and political violence also fostered internal displacement, in many cases targeted along ethnic or religious lines.

Natural disasters have caused widespread internal displacement in the SADC region. Cyclones, floods and volcanic eruptions have prompted sudden mass displacement on a number of occasions. Moreover, the ongoing drought in southern Africa has forced people from their homes by fostering persistent food insecurity. Participants recognized that all too often, the impact of natural disasters could have been mitigated through early-warning mechanisms and disaster preparedness systems; however in many cases these measures often were either non-existent or failed to function effectively. More research and capacity building was recommended in order to develop the necessary combination of strong national strategies and regional cooperation mechanisms necessary to limit the destruction and displacement caused by natural disasters.

Much of the discussion focused on the complex question of development-induced displacement. The panelists elaborated on several types of development-induced displacement, such as "village-ization" schemes, conservation-induced displacement and the construction of large dams. It was suggested that large dams have not been a major source of displacement in the SADC region, and that studies of projects such as the Kariba dam between Zambia and Zimbabwe have significantly enhanced awareness of the socio-economic consequences of displacement and the importance of ensuring that adequate resources were made available to resettled communities to serve long-term

needs. Mining-induced displacement, by contrast, was pointed out as one of the most under-reported causes of displacement in Africa, and one that was likely to increase, as mineral extraction remained a key economic driver in the SADC region. The displacement of the San people, or “Bushmen”, from the Central Kalahari Game Reserve, allegedly to open the park to diamond mining, was mentioned as but one example.

Urban renewal schemes represented another cause of internal displacement in the region, with the Government of Zimbabwe’s recent Operation Murambatsvina being a particular case of concern. Participants noted that while a government had the prerogative to renew and develop decaying urban environments, it was essential to carry out such projects in accordance with internationally accepted standards upholding the rights of those at risk of displacement. The UN Secretary-General’s Special Envoy for Human Settlement Issues in Zimbabwe had found “no indication that any of the procedural requirements were complied with” in the case of the evictions in Zimbabwe, which she concluded had violated the rights of those affected and occurred in an “unplanned and over-zealous manner which...has unleashed chaos and untold human suffering.”<sup>2</sup>

Participants voiced a desire to learn from the experiences of other regions in how to effectively balance the need for development with the rights of those displaced by infrastructure projects. The *Guiding Principles* and the World Bank’s guidelines on development-induced displacement and resettlement<sup>3</sup> were recommended as valuable tools and standards for governments to use as a reference when undertaking development projects. Participants also stressed the need to consult extensively with all segments of the affected communities; different groups, including indigenous communities, may support different approaches to development, and these should be given due consideration. Above all, it was essential to ensure that any resettlement takes place in a manner respecting the human rights of the populations concerned.

While acknowledging the different causes of displacement, it was emphasized that the distinction between persons displaced by conflict or disasters on the one hand and those displaced by development on the other was not always useful or even possible in the southern African context, where notions of development have been implicated in a range of social conflicts. In the DRC, for example, the distinction between conflict and development-induced displacement has been blurred as civilians have been displaced to make way for resource extraction, which in turn has fueled the war and further displacement. Moreover, it was pointed out that problems of development such as

*We need to recognize the complex relationship between conflict, development and natural disasters as inter-related causes of internal displacement, without isolating and placing undue emphasis on one or the other. In the SADC region, these causes of internal displacement seem to feed off each other and seldom occur in isolation.*

Graeme Rogers,  
University of Oxford and  
University of the Witwatersrand, South Africa

<sup>2</sup> *Report of the Fact-Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe, Mrs. Anna Kajumulo Tibaijuka*, (UN: July 2005), pp. 67 and 71.

<sup>3</sup> World Bank, *Operational Policy 4.12: Involuntary Resettlement* (Washington, D.C.: World Bank, 2001).



landlessness, homelessness, unemployment and epidemic disease and poor governance exacerbated vulnerability to displacement.

The consequences of internal displacement also were highlighted as being at odds with sustainable development. These consequences included increased morbidity and mortality; the accelerated spread of HIV/AIDS; heightened gender inequality; disruptions in education; the disintegration of social systems and family structures; and loss of access to property, including communally-held lands. It was noted with concern that internal displacement threatened to reverse achievements in the fields of good governance and democratic development, and to stymie SADC governments' ability to meet the Millennium Development Goals.

Moreover, internal displacement was not an isolated problem with a discrete beginning and end. It was pointed out that displacement was most likely to affect individuals who were already vulnerable owing to their rural, poor and socially marginalized status. Becoming an IDP rendered them vulnerable to further dislocation. Participants argued that ending vulnerability to displacement therefore required actively recognizing the entitlements of the most marginalized communities and adopting a rights-based approach to development that tackled not only the consequences, but also the root causes of internal displacement.

## **Normative Framework of Reference: *The Guiding Principles on Internal Displacement***

Moderator:

*H.E. Sir Ketumile Masire*, Former President of Botswana

Presenters:

*Walter Kälin*, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

*Bonaventure Rutinwa*, Senior Lecturer in Law, University of Tanzania

In opening the panel, the former President of Botswana, His Excellency Ketumile Masire remarked that his experience of mediating peace talks in the DRC had confirmed for him the importance of addressing the issue of internal displacement. In many cases persons were internally displaced for the same reasons as refugees, but they cannot access protection under the same international system. President Masire commended the *Guiding Principles on Internal Displacement* as a reference tool for governments, in particular to ensure that national legislation meets the standards set out by international human rights and international humanitarian law.

Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, explained that while there was no binding convention for IDPs, as there was for refugees, IDPs nonetheless had a legal claim to protection and assistance under international law. Indeed, as residents of the countries in which they were displaced, IDPs were entitled to the full range of rights under national law as well as under relevant international human rights and humanitarian law instruments.

The *Guiding Principles* were developed at the request of the UN Commission on Human Rights by an expert-level process under the auspices of Dr. Francis M. Deng, Dr. Kalin's predecessor. They were presented to the Commission in 1998. The *Principles* clarified the implications of international human rights and humanitarian law in situations of internal displacement. Although not legally binding in and of themselves, the *Guiding Principles* restated standards of international law, which *were* binding and therefore should be respected in situations of internal displacement.

The *Guiding Principles* addressed all phases of displacement, from prevention, to protection and assistance, to solutions. In light of earlier discussions on the causes of displacement, Dr. Kalin drew attention to the first section of the *Principles*, addressing protection from displacement. He explained that certain types of displacement, for instance when based on policies of apartheid or "ethnic cleansing", were prohibited in all circumstances. However, displacement could also occur for legitimate reasons, including for the purposes of development. In such cases, the issue of concern was not the cause of the displacement but the conditions under which the displacement was carried out. The *Guiding Principles* therefore specify not only the instances in which displacement is prohibited but the conditions that must be met when displacement and resettlement are legitimate.

UN resolutions as well as regional decisions had encouraged the wide dissemination and use of the *Guiding Principles*, including in the development of national legislation on internal displacement. A number of Governments, including Angola and Burundi, already had incorporated the *Principles* into domestic legislation and similar initiatives were underway elsewhere, such as in Nigeria. Beyond simply referencing the *Principles*, however, the RSG pointed out that national legislation should be a vehicle to make the *Principles* operational. To assist these efforts, he was developing a manual for legislators on how to incorporate the *Guiding Principles* into domestic law. Contributing to this process were experts from around the world, including Mr. Bahame Tom Mukirya Nyanduga, Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa for the African Commission on Human and Peoples' Rights (ACHPR), whose input was highly appreciated.

Bonaventure Rutinwa, Senior Lecturer in Law at the University of Tanzania, encouraged SADC states to operationalize the *Guiding Principles* in their respective national frameworks. This could be facilitated through three vehicles: national legislation incorporating the *Principles*; a national policy on internal displacement; and the development of rights-based standard operating procedures to abide by when planning for and carrying out resettlement.

Dr. Rutinwa emphasized that enacting national legislation based on the *Guiding Principles* was a key means of assuming and implementing national responsibility in situations of internal displacement. Angola was commended as a leader in this regard; it was the first country in the world to incorporate the *Guiding Principles* into domestic legislation. Governments were encouraged to develop legislation covering all phases of

displacement, from prevention to solutions as well as the range of causes, including development-induced displacement. National legislation should set out the conditions under which displacement would be permissible, and how resettlement would be managed in these cases. It was pointed out that ample jurisprudence from SADC countries existed which could offer guidance on these issues. Provisions for administration and enforcement of IDP legislation also were essential. In this regard, the adoption of a national policy on internal displacement was critical.

In addition to national legislation and policy, it was emphasized that states should devise a plan of action, with standard operating procedures to address internal displacement, including establishing clear frameworks for disaster warning and humanitarian response. These procedures should include a mechanism for declaring when a situation of internal displacement has occurred as well as modalities for emergency response and for return or resettlement and reintegration. Regional cooperation could facilitate the development and implementation of effective plans of action on internal displacement. Technical cooperation, including on data collection, registration, and protection monitoring, were identified as particularly fruitful areas for regional collaboration. Peer review mechanisms and personnel exchanges also could be valuable in promoting the exchange of best practices, identifying areas for improvement in national plans of action, and strengthening state officials' professional capacities.

In the discussion, participants commended the progress made thus far in raising awareness of the *Guiding Principles*, and called for the further dissemination and promotion of the *Principles* in the SADC region. The *Principles* were welcomed as a valuable tool for national authorities, in particular where a government was amenable to addressing a situation of internal displacement in its country; however, it had to be recognized that this was not always the case. In this connection, several participants called for the development of a binding convention on internal displacement. In the discussion of the merits of negotiating such an instrument, it was recognized that outside the SADC region many countries were reluctant to transform the normative framework set out in the *Guiding Principles* into a formal international treaty. However, real potential for advancement in the legal arena was identified at the regional level. Participants welcomed the initiative by the African Union (AU) to develop a legal framework on internal displacement. The RSG offered his full support for this initiative and suggested that as with the 1969 OAU Convention, Africa could set a strong example by developing this framework and thereby motivating other regions to follow suit. Also of note was the Dar-es-Salaam Declaration adopted in November 2004 by Heads of State of countries at the International Conference of the Great Lakes Region (which included a number of SADC states, namely Angola, DRC, Tanzania and also, as witnesses, the Heads of State of Malawi, Mozambique, South Africa and Zimbabwe) by which states committed themselves to “respect and use the Guiding Principles..., harmonize all the relevant pieces of legislation and define a national and regional framework for the monitoring and follow-up of the standards contained therein.”<sup>4</sup>

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<sup>4</sup> *Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region*, adopted by the International Conference on Peace, Security, Democracy and Development in the Great

A number of participants pointed out that implementing the *Guiding Principles* through effective national laws, policies, plans of action and procedures on internal displacement required considerable financial resources, which were not available in all countries of the SADC region. However, it was recognized that upholding many of the *Principles*, especially those on civil and political rights, was not predominantly dependent on resources. Moreover, it was suggested that a government's demonstration of commitment to respond to internal displacement in accordance with the *Guiding Principles* could be key to attracting the necessary outside support.

Overall, participants stressed the need for greater state accountability both for the welfare of the displaced and for the human rights violations underlying forced displacement. What was essential was to ensure respect for international and regional human rights obligations.

In conclusion, former President Masire emphasized the importance of the *Guiding Principles* as a tool for addressing internal displacement and in particular for enacting national legislation. He also encouraged SADC states to call on those who were out of step with the *Guiding Principles* to ensure that responses to internal displacement met the standards set out by international human rights and humanitarian law.

## National Responsibility

Moderator:

*Rosa Chissaque*, Director, National Institution for Refugees, Government of Mozambique

Presenters:

*Erin Mooney*, Deputy Director, Brookings Institution - University of Bern Project on Internal Displacement

*Pedro Walipi Calenga*, National Director of the Technical Unit for Humanitarian Assistance, Ministry of Social Affairs, Government of Angola

*Lumeya Dhu Malegi*, Ministry of Social Affairs, Government of the Democratic Republic of the Congo

*Aliro Omara Joel*, Commissioner, Ugandan Human Rights Commission

*Redson Kapindu*, Director of Legal Services, Malawi Human Rights Commission

The session began with a presentation of the *Framework for National Responsibility*, which had been developed as a tool to assist states in upholding their responsibility in situations of internal displacement.<sup>5</sup> The *Framework* identified twelve benchmarks of national responsibility, beginning with a focus on prevention, including the development of early warning mechanisms and efforts to address the root causes of internal displacement. Additional steps included recognizing the existence of problems of internal displacement; raising public awareness and promoting solidarity with the internally displaced; collecting disaggregated data on displaced populations and their needs;

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Lakes Region, First Summit of Heads of State and Government, Dar-es-Salaam, 19-20 November 2004, p. 8.

<sup>5</sup> Erin Mooney, *Addressing Internal Displacement: A Framework for National Responsibility* (Washington, D.C.: Brookings Institution-University of Bern Project on Internal Displacement, 2005).

training government officials on IDP issues; and developing national legislation as well as a national policy or plan of action on internal displacement. Responsibility for IDPs also entailed designating a national institutional focal point on internal displacement, and supporting the involvement of national human rights institutions (NHRIs) with the issue. Further steps included ensuring the participation of IDPs in decision-making; supporting durable solutions for internal displacement; and ensuring adequate resources were made available to tackle the problem. National responsibility also entailed cooperating with the international community, particularly when national capacity was insufficient. Ways in which countries in the SADC region were implementing a number of these steps were highlighted, along with suggestions as to where there remained scope for action.

The other presentations elaborated on some of the central themes introduced in the *Framework*. A representative of the Government of Angola shared his country's experience in incorporating the *Guiding Principles* into national legislation – the first country in the world to do so. When the government began this process in 2000, the country faced a crippling humanitarian crisis: after years of war, some 4.5 million IDPs and 400,000 refugees required durable solutions. Return was the preferred option from the government's perspective. However, lack of access to land was an obstacle to return and a critical factor increasing IDPs' vulnerability.

With this in mind, the Government of Angola had introduced Council of Ministers Decree Number 1/01, the *Norms on the Resettlement of Displaced Populations*, and Council of Ministers Decree 79/02, the *Standard Operating Procedures for the Enforcement of the Norms on the Resettlement of Displaced Populations*. These laws sought to promote conditions for IDP returns and reintegration, including by guaranteeing access to land for the displaced, providing assistance to enable IDP self-reliance, and specifying the responsibilities of authorities, in particular provincial and local authorities, for establishing conditions for IDP returns and resettlement. Importantly, the legislation provided for the active participation of local community groups in the return process. The involvement of international organizations was encouraged; indeed, the development of the legislation was considered to have been an important step in securing assistance from the international community to support return and resettlement. Moreover, although the two decrees focused on resettlement and return, they incorporated the *Guiding Principles* in their entirety, thereby promoting a comprehensive approach to the issue. The adoption of these laws had proven critically important in setting out the principles and procedures for IDP return and resettlement. In practice, however, the return process had faced a number of challenges. Yet by 2005, large numbers of IDPs had been able to return, with further progress expected by the end of the year. The initiative taken by Angola to develop a national normative framework on internal displacement based on the *Guiding Principles* was commended and recognized as having set an important precedent for legislators in other countries.

***Responsibility for addressing internal displacement rests squarely on the shoulders of national governments.***

Hon. Phandu Skelemani  
Minister for Presidential Affairs and Public  
Administration, Government of Botswana

The Democratic Republic of Congo's efforts towards implementing national responsibility for internal displacement were then shared. It was explained that following the establishment of the government of national unity, the Ministry of Social Affairs had been given the primary mandate for IDPs and was to work within the context of a broader institutional arrangement that involved other branches of government as well as international agencies. However, a representative of the Ministry noted that the absence of a legislative framework based on the *Guiding Principles* as well as coordination problems were curtailing progress under the current institutional arrangements. Civil society representatives pointed out that the development of a comprehensive national plan was needed to improve the coordination of national programs for the internally displaced, and could also assist in attracting greater international assistance; this suggestion was welcomed by representatives of the government. With a view to improving coordination between the government and international agencies, it was further recommended that the UN Secretary-General urgently designate a lead agency to partner with the government to facilitate the return and reintegration of IDPs. UNHCR was recommended by governmental and non-governmental organization (NGO) participants alike as the agency best suited for the task.

More generally, the experience in the DRC illustrated the need for national plans of action on internal displacement to spell out the responsibilities of different government departments, and identify mechanisms for coordination. At the same time, it was important to have an institutional focal point on IDPs with a mandate for both protection and assistance. This institution should be equipped with sufficient political authority, including not only funds but also staff trained in applying the *Guiding Principles*.

Participants emphasized that national efforts to address internal displacement needed to extend beyond capital cities to engage authorities at the local level, where programs and policies on internal displacement were more directly implemented. Moreover several speakers advised that policies and programs on internal displacement would be most effective if developed in consultation with civil society and displaced communities. In particular, governments were called upon to ensure NGO and IDP involvement in the drafting of national policies on internal displacement, with special attention paid to ensuring the full participation of women. Participants also stressed the need to translate national policies on internal displacement into local languages and disseminate them widely, including among internally displaced communities.

National human rights institutions (NHRIs) could make a valuable contribution to promoting national responsibility for internal displacement and protecting the rights of the internally displaced. Drawing on the experience of the Ugandan Human Rights Commission as well as proposals put forth by the Malawi Human Rights Commission, it was suggested that NHRIs in the SADC region could usefully engage with the issue in a number of ways. In particular, NHRIs could: research and document the conditions faced by IDPs, disseminate this information to governmental authorities as well as to the public, and advocate for the rights of the displaced. NHRIs could also investigate complaints of human rights violations suffered by IDPs, recommend remedies, convene public inquiries, and facilitate discussions to identify solutions to internal displacement.

Further, they could advise and assist governments in the development of national legislation and policies on internal displacement grounded in the *Guiding Principles*. Indeed, it was pointed out that many NHRIs in the SADC region were obliged under their constitutions to promote the development of binding regulations on human rights issues. In addition, NHRIs could promote and facilitate the reunification of separated displaced families, monitor the return or resettlement and reintegration of IDPs to safeguard the voluntary nature of the process, and ensure that IDPs were involved in the decision-making process.

To support a sustained focus on the issue and encourage national accountability, it was suggested that NHRIs in the SADC region establish a committee or focal point on internal displacement. NHRIs working in IDP-affected countries also were encouraged to establish a field presence among displaced communities, as this would enable the NHRIs to keep abreast of the issues affecting the displaced, to consult directly with them, and to monitor implementation of national laws and policies at the local level. Moreover, it was recommended that NHRIs in the SADC region make a point of networking and exchanging information and best practices with one another on the issue of internal displacement in order to learn from one another's experiences and enhance their individual and collective approaches to the issue.

Participants stressed the role of the international community and regional organizations in helping governments to fulfill national responsibility for internal displacement. Such assistance could entail: providing technical assistance in the development of national laws and policies; offering training on the *Guiding Principles*; assisting IDPs to obtain replacement documentation; monitoring areas where IDPs' physical security was at risk; accompanying IDP returns to verify that they were voluntary and safe; and supporting efforts to prevent internal displacement, in particular by preparing for natural disasters and addressing the socio-economic inequalities at the root of internal displacement. It was affirmed that international and regional efforts could not substitute for national efforts, but should aim to strengthen and support national capacity and accountability. The role of regional organizations and the international community was further explored in later sessions of the seminar.

## **The Role of NGOs and Civil Society**

Moderator:

*Rosa Chissaque*, Director, National Institution for Refugees, Government of Mozambique

Presenters:

*Mwakamubaya Nasekwa*, Coordinator, Programme pour la Promotion de Soins de Sante Primaire, DRC

*Didimas Munhenzwa*, Executive Director, Zimbabwean Community Development Trust

*Joseph Chilengi*, Executive Director, Africa IDP Voice, Zambia

Participants recognized that civil society played a vital role in assisting the internally displaced, advocating for their rights, and promoting national responsibility and accountability to address situations of internal displacement. Internal displacement

created a wide range of pressing needs, but at the same time, displacement frequently resulted in a significant weakening of the social support structures upon which individuals traditionally relied. Moreover, many states lacked the capacity or means to meet the needs of all IDPs. In the DRC, for example, the magnitude of the IDP population and limited access to IDPs in rebel-held territories posed challenges for the governmental response.

Due to their active presence in IDP-affected areas, civil society organizations, including NGOs and religious groups, often had the most detailed information on IDPs' conditions as well as the ability to consult directly with the displaced about their needs and concerns. As a result, civil society programs often constituted a central plank of national responses to internal displacement. Examples drawn from the work of several NGOs in the SADC region highlighted some of the key tasks civil society groups carried out. These included: identifying caseloads; undertaking needs assessments; assisting with the registration of the displaced; delivering emergency assistance; and monitoring and reporting on IDPs' protection concerns. NGOs also contributed to return, resettlement, rehabilitation and reconstruction processes, including by supporting the restoration of livelihoods and the reunification of families, as well as monitoring conditions in areas of return. In addition, many civil society groups in the region pursued long-term change by engaging in advocacy, working to magnify the voices of the displaced in decision-making and supporting the creation of stronger national policies on internal displacement.

It was noted that in certain cases governments had demonstrated an unwillingness to recognize the positive contributions made by NGOs and even threatened or punished NGOs for advocating on behalf of the displaced. Civil society organizations themselves therefore often required support. It was essential that their security be safeguarded.

Throughout the discussion, strong emphasis was placed on the importance of partnership, not only between governments and NGOs, but also between different civil society organizations. It was recommended that NGOs working with IDPs in the SADC region increase their interaction, share information and exchange best practices, including through the development of regional networks and international partnerships. It was also stressed that NGOs, like national governments, needed to be committed to upholding the *Guiding Principles*. They should work to ensure that the displaced understand the significance of the *Principles* and engage IDPs in assisting and supporting their own communities, particularly during the return process.

Ongoing challenges for civil society organizations were identified, including a lack of resources, problems of access to the displaced, and security for humanitarian workers. Local NGOs stressed that these challenges were amplified by inconsistent responses to internal displacement from the international community. For example, while the international spotlight focused on certain displacement crises, equally severe situations were often disregarded, increasing the burden borne by local civil society groups. It was therefore recommended that donors explore avenues to make greater resources available to local NGOs on the basis of need, while governments and NGOs work in cooperation to increase access to the displaced and security in the field.



## Protection and Assistance for the Displaced

Moderator:

*H.E. Joaquim Alberto Chissano*, Former President of the Republic of Mozambique

Presenters:

*Zoran Jovanović*, Head of Delegation, International Committee of the Red Cross (ICRC) Regional Delegation in Harare, Zimbabwe

*Alain Aruna*, IDP Protection Manager, Norwegian Refugee Council, DRC

*Kwezi Mngqibisa*, African Centre for the Constructive Resolution of Disputes (ACCORD), Peace and Security Unit

*Thomas Yanga*, Deputy Regional Director, World Food Programme, Southern Africa Bureau

The former President of Mozambique, Joaquim Alberto Chissano, opened the panel by reflecting on Mozambique's experiences of protecting and assisting those displaced by the country's brutal civil war and the particular challenges that arose during their return home. He pointed out that the protection and assistance needs of Mozambique's IDPs and returning refugees were essentially identical at the conclusion of the war. The government accordingly developed a multi-sectoral action plan for both IDPs and refugees. This was done in cooperation with the International Committee of the Red Cross (ICRC) and the UN peacekeeping mission. Protection and assistance efforts were initially limited by lack of access to the displaced, although as peace was consolidated the scope of the humanitarian operation expanded. The continued provision of humanitarian assistance had been essential as the lives of millions of Mozambicans were threatened by rampant food insecurity, following severe drought in the early 1990s. Other risks to the displaced included landmines and the receding conflict, with a key challenge being the demobilization and reintegration of ex-combatants. The greatest protection and assistance needs were borne by women and children from impoverished rural backgrounds. Mozambique's protection and assistance strategy focused on the reconstruction of essential infrastructure, nutritional interventions and the distribution of survival kits containing foodstuffs, seeds and tools. The overall program aimed to reduce dependency on external aid and normalize life for returnees. Vocational training proved to be essential and it was recommended that such training be integrated into humanitarian assistance programs at the earliest possible stage in the future.

***Only a border distinguished the internally displaced from those displaced in neighbouring countries.***

*His Excellency Joaquim Alberto Chissano,  
former President of Mozambique*

The experience of Mozambique served as a useful example for other SADC states as it illustrated the value of developing an institutional framework for the prevention and management of displacement; the importance of adopting food security strategies that account for short-term and long-term needs; and the need for strong, coordinated donor support to create conditions compatible with sustainable return and reintegration.

Many of these themes were further developed during the session. For instance, safe and unimpeded access to the displaced, which had presented a major hurdle to humanitarian

assistance in Mozambique in the 1990s, was identified as a current challenge for humanitarian agencies in parts of the SADC region. The ICRC's approach to negotiating access to the displaced in areas controlled by non-state actors was explained, with the point stressed that under international humanitarian law, armed groups were responsible for ensuring that the displaced could access humanitarian assistance. Access to rebel-held territory was acknowledged to be a sensitive issue for many governments. However, it was emphasized that when negotiating access, the ICRC endeavored to speak with all actors involved and refrained from passing judgment. The importance of gathering local knowledge by contacting and listening to different members of society was highlighted.

Participants recognized that providing effective protection and assistance to the displaced required tackling the issue of food insecurity, one of the predominant causes and effects of internal displacement in the SADC region. As a result of transitory as well as chronic

*Southern Africa is plagued by a deadly overlap of both types – transitory and chronic – of food insecurity, one building upon the other. Combating this requires a combination of humanitarian and development operations.*

Thomas Yanga, WFP

food insecurity, more than 10 million people in the region would require food assistance between July 2005 and March 2006. Food insecurity in the SADC region was principally caused by erratic weather including floods and drought, but was exacerbated by

factors such as misguided or failed development policies, the impact of HIV/AIDS on agricultural production, and internal displacement. Vulnerability to food insecurity tended to increase with internal displacement due to the loss of livelihoods, disrupted access to land and traditional patterns of natural resource use, and separation from family and community support structures. The World Food Programme (WFP), which supported an extensive food assistance program in the SADC region, accordingly was working to strengthen its capacity to address the needs of displaced populations. These efforts included the appointment of a Senior Operations Advisor on Refugees and IDP Programming, and the decision to give higher priority to external advocacy and resource mobilization on behalf of refugees and IDPs.

Peacekeeping missions increasingly were becoming a key component of international efforts to protect and assist IDPs. Indeed, it was stressed that peacekeeping should be considered an integral part of the international community's response to internal displacement. Contemporary peacekeeping missions consisted not only of military personnel but also of political, diplomatic and rule of law experts, who should seek solutions that address the root causes of displacement and conflict. This required the long-term engagement of peacekeeping missions in national institution building and the institutionalization of respect for human rights law. The architects of peacekeeping operations were advised to plan for internal displacement issues *before* deploying troops. Increased training for peacekeepers on internal displacement was strongly recommended, and it was proposed that institutions such as the Centre of Excellence in Disaster Management and Humanitarian Assistance as well as the Kofi Annan International Peacekeeping Training Centre in Ghana could be well placed to provide this training. Also, greater effort was needed to ensure that the personnel who receive training were those who were, in fact, deployed; it was pointed out that too often, this was not the case.

In addition to pre-deployment training, in-mission training on internal displacement should be made routine.

The challenges posed by lack of access to the displaced, the problem of food insecurity, and both the opportunities and the difficulties of a large deployment of peacekeepers were all evident in the DRC, which faced the longest-standing and largest internal displacement crisis in the SADC region. In addition to a lack of food, water, sanitation, education, and health services, IDPs faced acute protection risks, including the forced recruitment of children, physical attack, and widespread rape, sexual abuse and sexual exploitation. Looting, lack of access to land, and unlawful taxation further exacerbated IDPs' plight. There were also reports of forced return and inequitable distribution of reintegration assistance to returnees.

Several practical suggestions to improve the situation in the DRC were put forward. On the national level, these included the formulation of a national strategy, the adoption of legislation on internal displacement, and the identification of a national institutional focal point on IDPs. National budgetary allocations for programs for assistance, protection and durable solutions for IDPs were needed. Given the regional dimensions of the conflict, the development of a regional IDP protection strategy also was suggested. Increased engagement by the international community in the DRC was strongly urged. In particular, the RSG was encouraged to undertake a mission to the DRC – a proposal that the RSG welcomed. It was also recommended that the Office for the Coordination of Humanitarian Affairs (OCHA) Internal Displacement Division deploy an IDP advisor to the DRC, and the proposal for UNHCR to be designated lead agency for IDPs in the DRC was reiterated. Further, the international community could support efforts to unify the Congolese army and provide training on the *Guiding Principles* to army officers in advance of their redeployment. The importance of moving forward with these recommendations for action at the national, regional and international levels in advance of national elections set for 2006 was emphasized.

## **Risks and Vulnerabilities Needing Special Attention**

Moderator:

*Peter Mumba*, Permanent Secretary, Ministry of Home Affairs, Government of Zambia

Presenters:

*Maria Mpava Medina*, National Director for Women's Rights, Ministry of Family and Promotion of Women, Government of Angola

*Brigitte Mayisafi*, Safedi, DRC

*Gebrewold Petros*, UNHCR Liaison Officer to UNAIDS

*Olara Otunnu*, former Special Representative of the UN Secretary-General on Children and Armed Conflict

Understanding the particular vulnerabilities faced by displaced women and children, who represented approximately 80 percent of IDPs, was considered essential to ensuring a comprehensive response to internal displacement. It was also recognized that greater

attention also needed to be given to the risk the HIV/AIDS epidemic posed to the internally displaced.

Sexual violence, lack of education, inadequate health services and inequitable access to land due to discriminatory inheritance laws were flagged as among the most pressing problems for displaced women. It was recognized that sexual violence not only wreaked devastating physical harm and emotional trauma upon its victims, but also fueled the spread of HIV/AIDS. Much greater attention needed to be given to the protection, assistance and reintegration challenges faced by internally displaced women. Participants also stressed the need to support the formation and strengthen the capacity of displaced women's groups and NGOs, especially in rural areas. Particular support should be directed towards promoting IDPs women's empowerment, including their participation in electoral processes.

With many IDP children denied access to education and suffering from easily preventable diseases, it was stressed that the "stakes [were] very high for Africa". Nowhere were the vulnerabilities facing displaced children as intense as in IDP camps where the recruitment of child soldiers often remained a persistent threat. To ensure protection for displaced and other children in situations of armed conflict, a compliance regime for children's rights had been solidified in July 2005 by the United Nations Security Council in cooperation with the Special Representative of the Secretary-General on Children and Armed Conflict. This regime, it was explained, aimed to mainstream child protection, ensure that children receive high priority in post-conflict plans of action, and introduce an "era of application" for children's rights. It involved a detailed mechanism for observing conditions on the ground and reporting to the UN Security Council. Participants welcomed this important development. In addition, a call was made for a major public campaign to press upon legislators the need to strengthen national protection measures for war-affected children, including IDPs. It was also emphasized that curtailing the risks and vulnerabilities faced by IDP women and children depended on the development of a more systematic international response to internal displacement, which it was reiterated was urgently required.

*How can Africa have any claim to the future...if these children are being destroyed in IDP camps?*

Olara Otunnu,  
former Representative of the UN Secretary-General  
on Children and Armed Conflict

Southern Africa was reported as having 2 percent of the world's population but 30 percent of people living with HIV/AIDS. The HIV/AIDS epidemic was therefore a paramount concern for the region overall. It also had particular implications for IDPs, who were often the victims of prejudice and misconceptions concerning the disease. It was important to dispel the myth that displaced persons brought HIV/AIDS to host populations and increased infection rates. Indeed, displacement could place IDPs at increased risk of contracting HIV/AIDS. Among the risk factors affecting IDPs were: relocation to areas with higher HIV/AIDS rates; exposure to sexual exploitation and rape; and lack of access to proper medical care, including unsafe blood transfusions. More research was needed to better understand IDPs' vulnerability to the disease. In the

meantime, participants affirmed that as states move forward with HIV/AIDS prevention and treatment policies, they had a duty to ensure IDPs' full access to prevention programs and to treatment, as well as to actively combat the stigma and discrimination associated with HIV/AIDS suffered by IDPs. It was pointed out that doing so accorded with Guiding Principle 19, which affirms that special attention should be given to the prevention of contagious and infectious diseases, including HIV/AIDS, among IDPs. Additional recommendations included: utilizing pre-displacement opportunities to provide education on HIV/AIDS; increasing international funding for HIV/AIDS initiatives within displaced communities; strengthening regional approaches to fighting HIV/AIDS amongst displaced populations, particularly through the SADC HIV/AIDS Framework and Plan of Action; and engaging a wider range of actors in the fight against HIV/AIDS, especially women, children and humanitarian workers.

Particular concern was voiced regarding the vulnerabilities facing those recently internally displaced in Zimbabwe, and there was a call for much greater attention to be given by SADC states as well as the international community to the situation. A representative of the Government of Zimbabwe cautioned that the situation had been politicized by "certain countries" and that media reports on the humanitarian consequences of Operation Murambatsvina were unreliable, particularly in terms of statistics of IDPs, which have ranged from 150,000 to 500,000. Reference was made to the report of the UN Secretary-General's Special Envoy for Human Settlement Issues in Zimbabwe as well as to the Government of Zimbabwe's response to the report.

## **Towards Durable Solutions: Return, Resettlement and Reintegration**

Moderator:

*Harrison W. Mseke*, Assistant Director, Refugee Department, Ministry of Home Affairs, Government of Tanzania

Presenters:

*Allan Cain* and *André Domingos*, Development Workshop Angola

*Hans-Petter Boe*, Regional Representative for Southern Africa, International Organization for Migration

*Betsy Greve*, Senior Legal Advisor, Africa Bureau, UNHCR

Participants underscored the prevailing need for durable solutions to internal displacement in the SADC region, specifically through IDPs' safe and voluntary return or resettlement and reintegration. The challenges to effective return and reintegration were examined by drawing on the return process in Angola, the International Organization for Migration's (IOM) experience throughout the SADC region, and UNHCR's efforts to prepare for mass return in the DRC. The findings of a post-conflict risk mapping study carried out by Development Workshop Angola were particularly insightful and informative as they captured the voices and personal experiences of Angolan returnees in the years following the end of the civil war.

The experience in Angola brought into focus a number of obstacles needing to be overcome in order to attain durable solutions for IDPs. These included: the demobilization of former combatants; the devastation of infrastructure; massive urbanization and difficulties in re-establishing rural livelihoods; lack of accessible land; and conflict over land, especially between large commercial interests and displaced persons who lived on the land informally. Further, the pervasive presence of landmines significantly reduced the stock of available land and endangered returnees. It was also pointed out that in a situation where the entire country was devastated from years of war, vulnerable groups were compelled to compete for access to aid, jobs, vocational training, land and water. This threatened to polarize already marginalized groups such as refugees, IDPs and demobilized soldiers, and to exacerbate conflicts.

Also problematic was the general tendency to underestimate the complexity of post-conflict transformation and the time and resources needed to deal with the challenge. For example, despite the comprehensive legislative framework developed by the Angolan Government, only 30 percent of the areas of return have achieved the minimum conditions for humanitarian resettlement set out in the *Guiding Principles* and the *Angolan Norms on the Resettlement of Displaced Populations*. In Angola, the evidence suggested that IDPs' attainment of durable solutions depended principally on family networks rather than institutional strategies. Consequently, those IDPs who had no family members left in their areas of origin were typically the most vulnerable during the return and reintegration process and required special attention and support.

Participants highlighted several key elements of sustainable return and resettlement programs. For example, they pointed out that planning for safe, voluntary and dignified return relied on the collection of reliable data on the conditions, needs and preferences of IDPs. It also required the initiation of a sustained dialogue between IDPs and national as well as international actors so that the displaced could articulate their views and hopes for the future. It was important to prepare all stakeholders for return, in particular by providing IDPs with information on conditions in return communities, strengthening the capacities of local authorities, and rehabilitating infrastructure to increase absorption capacity. Civil society or international monitors accompanying returnees and monitoring the process could help ensure that return and resettlement was safe and voluntary. Overall, participants underlined the need to pursue durable solutions in a comprehensive manner, engaging stakeholders including governments, international agencies, NGOs, refugees, IDPs and members of the communities of origin. It was also suggested that IDP and refugee return was best managed in concert, as repatriating refugees could become IDPs if conditions for safe, dignified and voluntary return were not in place. In order to facilitate displaced persons reintegration and avoid allegations of preferential treatment, development assistance should benefit not only returnees but also other members of the community of origin. Moreover, the reintegration of former combatants, though a difficult challenge, needed to begin early on and was a key component of safe and sustainable solutions both for IDPs and for the country as a whole.

Several recommendations for supporting solutions for IDPs emerged from the presentations and the discussions. Of primary importance was that international

humanitarian assistance should not cease with the end of a conflict, but should be extended to support post-conflict transitions and the consolidation of peace. Post-conflict transition programs should be developed through a participatory process and should focus on reducing communities' vulnerabilities and augmenting household assets and individual skills. In doing so, it was important to recognize that in many cases, especially where rural people were displaced to urban centers, the displaced often gained useful skills and assets that they could put to use upon return. More research was recommended on this process of skills-development during displacement and in particular on how best to build upon IDPs' own capacities.

Restoring law and order as well as rebuilding national institutions were recognized as long-term and often difficult tasks, but were challenges that had to be met to make return and resettlement sustainable. Customary rural institutions could facilitate the process of IDPs' reintegration, and should be strengthened. However, it was pointed out that in many cases customary and national institutions would need to be reformed to make them more inclusive, particularly for women and young people. In order to reduce conflict over land in return areas, governments should assist vulnerable groups to regularize their informal land occupancy and transform their household survival strategies into sustainable enterprises. In particular, inheritance and land ownership rights for women needed to be safeguarded.

Noting that the strengthening of IDP networks was one of the few positive outcomes to emerge from conflicts such as the Angolan civil war, it was suggested that research on this process would be valuable. Further study of the return process, for instance illuminating the impact of return on the communities where IDPs resided and may have laid down roots while displaced, also was encouraged.

## **The Role of Regional Organizations**

Moderator:

*N. A. Mushelenga*, Deputy Chief of Immigration and Border Control, Ministry of Home Affairs, Government of Namibia

Presenters:

*Patrick Tigere*, Head of Humanitarian Affairs, Refugees and Displaced Persons Division, African Union

*Bahame Tom Mukirya Nyanduga*, Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa, African Commission on Human and Peoples' Rights

Participants concurred that regional and sub-regional organizations such as the AU, the African Commission on Human and Peoples' Rights (ACHPR) and the Southern African Development Community had a crucial role to play in supporting national responses to internal displacement and advancing effective regional approaches to the problem.

It was recognized that internal displacement problems in southern Africa were compounded and in some cases also caused by a lack of good governance, transparency and accountability. Regional organizations such as the AU were well placed to help

address these issues through the facilitation of political dialogue, election monitoring and peer review mechanisms. Several AU-led efforts to prevent and respond to internal displacement were welcomed, including the work of the African Union Peace and Security Council.

Particular attention was drawn to the AU's standard-setting initiative on the rights of IDPs. This effort, which was being undertaken with the support of the ACHPR and in consultation with Francis Deng, the former Representative of the Secretary-General on Internally Displaced Persons, would draw heavily on the *Guiding Principles on Internal Displacement* and seek to enhance legal protection for IDPs at the regional level. Other African initiatives were also underway to develop IDP protection frameworks, for instance, through the International Conference on the Great Lakes Region. Participants welcomed these initiatives and simply suggested the need for coordination and, where necessary, consolidation in order to avoid duplication and the dissipation of scant resources. Moreover, while participants commended the effort to develop a holistic legal framework on IDPs, they underscored that greater attention was needed to ensure compliance with commitments and agreements already in place.

The mandate of the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa was recognized as an innovative and important ACHPR protection mechanism. The Special Rapporteur explained that his mandate allowed him to investigate IDP situations, collect information and undertake collaborative studies, with a view to developing a framework for bolstering IDP protection in Africa. The Special Rapporteur noted that he had proposed a monitoring mission to Zimbabwe in June 2005. However, "diplomatic and procedural irregularities" had impeded the Special Rapporteur from undertaking this mission. In addition, he pointed out that other special rapporteurs as well as working groups of the African Commission could be mobilized, within the parameters of their respective mandates, to address the issue of internal displacement and promote the protection of IDP rights.

Several participants stressed the importance of tackling impunity for the human rights violations that caused internal displacement. Tensions were identified between combatants' demands for amnesties in exchange for peace, and the need to redress human rights violations in order to make durable solutions safe and dignified. Participants called for concerted national and regional efforts to combat the culture of impunity. The SADC Tribunal based in Namibia was identified as a key

***Unless African states address the gap between the assumption of international legal obligations, their implementation and domestication, the adoption of additional instruments will not alleviate human rights violations, including those affecting internally displaced persons.***

Bahame Tom Mukirya Nyanduga,  
Special Rapporteur on Refugees, Asylum Seekers  
and Internally Displaced Persons in Africa,  
African Commission on Human and Peoples' Rights

regional institution that could contribute to this endeavor. Ratification by States of relevant international agreements, including the Rome Statute of the International



Criminal Court, also was pointed out as important. Further, participants underscored the need for greater efforts promoting reconciliation.

Overall, the AU, ACHPR and SADC were encouraged to promote sustained regional and sub-regional attention to internal displacement. While it was recognized that limited resources may stand in the way of extensive programs of activities, participants pointed out that there nonetheless remained scope to further promote regional and sub-regional approaches to internal displacement. In particular, it was recommended that SADC designate a focal point on IDPs to promote timely attention to displacement crises in the region, and facilitate cooperation with other regional bodies as well as international agencies. A representative of the SADC secretariat thanked the participants for voicing this recommendation and acknowledged that the establishment of a focal point on IDPs within the SADC secretariat should prove possible. Moreover, he expressed the hope that the results of the seminar would be supported by the SADC member states and utilized by the Organ on Politics, Defense and Security Cooperation, the SADC body with overall responsibility for humanitarian issues including that of internal displacement. Indeed, it was broadly recognized that enhanced regional and sub-regional efforts to improve IDP protection depended upon greater commitment and cooperation on the issue from national governments.

Further, enhanced regional and sub-regional policies should be informed by increased dialogue with civil society on issues of internal displacement and solid research on the phenomenon as it affects Africa. In this connection, the participation at the seminar of civil society and researchers from the SADC region was welcomed. Increased opportunities for such dialogue and the active participation of civil society organizations and academics in AU decision-making processes were strongly encouraged. Participants also pointed out the need to support and strengthen the capacity of African academic institutions to research internal displacement issues, in particular to produce policy-relevant research and to effectively channel this into policy-making processes. The capacity-building project linking several African universities with the University of Oxford's Refugee Studies Centre was commended and further such programs encouraged.

## **The International Response**

Moderator:

*Randson P. Mwadiwa*, Former Commissioner for Refugees, Department of Poverty and Disaster Management (DPPMA), Government of Malawi

Presenters:

*Selvi Vikan*, UN Office for the Coordination of Humanitarian Affairs (OCHA) Regional Office for Southern Africa

*Jens-Hagen Eschenbächer*, Head of Monitoring and Advocacy Department, Global IDP Project, Norwegian Refugee Council

*Amy Sink*, United States Agency for International Development (USAID)

*Sihaka Tsemo*, Regional Representative for Southern Africa, Office of the United Nations High Commissioner for Human Rights

This session examined the role of international organizations in supporting national responsibility for IDPs and effective regional responses to internal displacement. While recognizing the valuable contributions of many international actors, there was broad consensus and deep concern that the UN's ad hoc approach to internal displacement was inadequate. Several participants expressed the view that greater international responsibility for internal displacement had to be cultivated as national governments often lacked the capacity to independently mount an effective response. Although participants recognized that a wide range of international agencies needed to be drawn upon in the context of a collaborative approach in order to address the diverse needs of IDPs, they also stressed the importance of greater predictability and accountability in the international response. In this connection, efforts underway within the UN to enhance coordination and sectoral accountability in situations of internal displacement were welcomed.

A number of the challenges needing to be addressed in order to improve the international response to internal displacement were outlined. Key obstacles arose in the areas of: coordination among agencies as well as between them and governments; resource mobilization, and a lack of safe and direct access to the displaced. It was also stressed that while internal displacement was often portrayed first and foremost as a humanitarian issue, the international community needed to do more to acknowledge and address the human rights and developmental aspects of the problem. Indeed, the international response to internal displacement crises should not stop with emergency humanitarian assistance, but should segue into long-term development initiatives. Moreover, there was a need for improved evaluation mechanisms so that recurring gaps could be addressed and responses enhanced.

International agencies were encouraged by participants to become more proactive, rather than primarily reactive, in their approach to internal displacement. Many voiced the need for greater involvement on the part of UNHCR with IDPs, in particular in the DRC.

*The global refugee crisis hides a greater crisis of internal displacement...One of the greatest challenges for UNHCR in Africa is the growth in the number of IDPs.*

His Excellency Sir Ketumile Masire  
former President of Botswana

Increased engagement of the Office of the High Commissioner for Human Rights (OHCHR) also was considered critical, given that internal displacement was fundamentally a human rights challenge. A number of ways in which OHCHR could contribute to the protection of IDPs in the SADC region were elaborated. These included: monitoring abuses; conducting fact-finding missions; advocating on behalf of IDPs; promoting a rights-based approach to development; and building domestic capacity for protection, including through training programs on human rights standards and the rule of law, and advising on the development of rights-based national legislation. It was acknowledged that the increased engagement of UNHCR, OHCHR and other international agencies would require enhanced resources.

Training was highlighted as a particularly valuable contribution the international community could make to strengthen national and regional responses to internal displacement. Training on internal displacement and on operationalizing the *Guiding*

*Principles* should extend to government officials, parliamentarians, members of NHRIs, police and military officers, NGOs and IDPs themselves. Increased training on the rights of IDPs also was needed for UN country teams and peacekeepers. The Norwegian Refugee Council's Global IDP Project had undertaken an extensive training program on the *Guiding Principles* in countries around the world, including in Angola and the DRC. Examples were provided of how this training program has been effectively adapted to particular local contexts and challenges. The Norwegian Refugee Council could organize further training programs in the SADC region and would welcome any such requests.

Greater public awareness of the issue of internal displacement and the plight of IDPs was urged. The media should be encouraged to play a greater role in raising awareness of the concerns facing IDPs and sharing the information communicated in training and other workshops to a wider audience.

Donors also have a critical role to play in supporting effective national, regional and international responses to internal displacement. As one example, the United States Agency for International Development (USAID) policy on internal displacement -- the first such policy developed by a donor -- was highlighted.<sup>6</sup> The policy had as its premise that addressing internal displacement was the primary responsibility of national governments and that reinforcing national responsibility and capacity should be the main goal of donor support. At the same time, it was recognized that the regional and international implications of internal displacement, especially in terms of security and development, often required a broader response. The policy sought to promote a more coordinated response by identifying USAID as the lead US agency for addressing internal displacement, while affirming the importance of partner organizations, including the UN and NGOs. The policy was comprehensive in scope, covering all phases of displacement, from prevention to emergency response to solutions, with a particular focus throughout on protection. Participants welcomed this development and encouraged other international donors to consider developing similar initiatives.

Participants also pointed to the need for a more predictable, efficient and equitable system of resource mobilization for addressing internal displacement and other humanitarian crises. Moreover, it was underscored that donor support for addressing internal displacement should not be limited to emergency assistance, but must also encompass activities promoting the prevention of displacement as well as durable solutions for the displaced.

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<sup>6</sup> *USAID Assistance to Internally Displaced Persons Policy* (Washington, D.C.: USAID, October 2004).

## Conclusions

Moderator:

*Walter Kälin*, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

Presenters:

*Megan Bradley*, Brookings Institution-University of Bern Project on Internal Displacement

*David Bugden*, UNHCR Botswana

Closing Remarks:

*Ebrima Camara*, Regional Representative, UNHCR

*Walter Kälin*

*Ross Sanoto*, Under Secretary (Political Affairs), Office of the President, Government of Botswana

Participants expressed broad support for the rapporteurs' summary of the discussions and of the recommendations to emerge from the meeting (set forth below).

In closing remarks, the co-sponsors and host of the meeting commended the openness displayed by SADC governments towards discussing the issue of internal displacement and the dedication of civil society in the region as well as international agencies and NGOs in addressing the plight of IDPs, and expressed appreciation to the SADC Secretariat for facilitating this forum for dialogue. They noted that the demonstrated readiness of SADC governments to recognize national responsibility for internal displacement and to work in partnership with one another, as well as with civil society, SADC and other regional bodies, and the international community provided a solid foundation for the implementation of the recommendations for action proposed during the seminar.

## **Recommendations for Action**

The following recommendations from the proceedings of the Seminar on Internal Displacement in the SADC Region are based on the recognition that primary responsibility for addressing internal displacement rests with national authorities. They complement the *Framework for National Responsibility* for addressing internal displacement, which was presented at the seminar and welcomed as a reference and a tool to assist governments in carrying out their responsibilities towards IDPs. The recommendations are organized according to national, regional and international levels of responsibility.

*Recommendations to SADC governments:*

- **Promote and disseminate the *Guiding Principles on Internal Displacement*.** Recognized as an essential tool and standard for addressing internal displacement, the *Guiding Principles* should be widely disseminated and their use promoted in the SADC region. Translation of the Principles into local languages is encouraged. Popular media should also be used to raise awareness of IDPs' rights.
- **Develop national laws and policies on internal displacement.** Laws and policies should be based on the *Guiding Principles on Internal Displacement*. They ideally should address all phases of displacement, including a focus on preventing arbitrary displacement as well as prescribing that return, resettlement or local integration must occur voluntarily and in conditions of safety and dignity, with specific provisions facilitating equitable access to land and the restitution of lost property. Policies should also specify local and national institutional arrangements for addressing IDP issues, and take into account the particular needs of displaced women and children.
- **Address the root causes of internal displacement.** States should mitigate the conditions that leave populations vulnerable to displacement by promoting reconciliation and peace-building activities that deal with the causes of displacement; pursuing rights-based development strategies; and addressing food insecurity in the SADC region.
- **Facilitate humanitarian access to the internally displaced.** Where states lack the capacity to respond effectively to internal displacement, they should ensure that humanitarian agencies have safe and unhindered access to internally displaced populations. Non-state actors have the responsibility to ensure that IDPs have access to assistance in the areas under their control.
- **Improve data collection on internal displacement.** Governments, academic institutions and international agencies should collaborate to improve methods to gather, analyze and disseminate data on the conditions and needs of IDPs. Complex questions arising from internal displacement, such as when displacement ends, should be addressed.

- **Increase efforts to tackle the specific needs of IDPs with heightened vulnerability.** Greater attention should be devoted to the specific concerns facing displaced women and children, including forced recruitment, gender-based violence and sexual exploitation, access to land, and engagement in decision-making.
- **Include IDPs in comprehensive HIV/AIDS programs.** More research should be conducted in the region to improve understanding of IDPs' vulnerability to HIV/AIDS. IDPs should have full access to HIV/AIDS prevention and treatment programs. The stigma and discrimination associated with HIV/AIDS must be actively combated.
- **Provide durable solutions to the internally displaced.** To support the sustainability of return, resettlement and reintegration, post-conflict transition programs should focus on reducing communities' vulnerabilities and augmenting household assets and individual skills. Equitable access for internally displaced persons to land and development assistance must be assured. At the same time, reintegration and reconstruction programs will be most effective when they benefit the entire community. Complex and long-term challenges such as demobilizing combatants, demining, restoring law and order, and rebuilding national institutions should be tackled as soon as possible, and before the outset of the return or resettlement process.
- **Ensure clear and effective institutional arrangements and coordination.** Each SADC state should identify a national focal point to take responsibility for issues of internal displacement. This focal point should promote coordination between different levels and branches of government, and with civil society and the international community.
- **Increase training on internal displacement issues.** Training should be provided to government officials, parliamentarians, members of NHRIs, police and military officers, NGOs, internally displaced communities, UN country teams and peacekeepers, with a view to operationalizing the *Guiding Principles*.
- **Engage all stakeholders in decision-making on internal displacement.** Decision-making on internal displacement, including the development of national laws and policies on internal displacement, should be carried out in close consultation with all stakeholders, including IDPs and civil society.
- **Recognize and support the role of civil society in addressing internal displacement.** Support for local NGOs should be maximized and special attention should be paid to building the capacity of rural women to organize and participate in civil society. Local NGOs were encouraged to increase contact with one another to facilitate coordination and enable the sharing of experiences and exchange of best practices. States and other authorities were called upon to ensure security for local NGOs and humanitarian personnel assisting the displaced.

- **Support the engagement of NHRIs in addressing internal displacement.** Governments should encourage and support the establishment of NHRIs and their engagement with issues of internal displacement. NHRIs in the SADC region are encouraged to meet with one another and with counterparts in other regions to exchange best practices on promoting and protecting the rights of internally displaced persons.
- **Devote financial resources to internal displacement as an indication that governments take the issue seriously.** In countries experiencing internal displacement, resources should be allocated specifically for addressing the needs of IDPs, ensuring durable solutions and mitigating further displacement, and dispensed in a non-discriminatory manner. As respect for civil and political rights is not predominantly a question of finances, progress in this area should be made expeditiously.

*Recommendations to SADC and other Regional Organizations in Africa:*

- **Further develop continental and sub-regional approaches to internal displacement.** The development of stronger regional approaches to internal displacement in southern Africa should be pursued as a matter of urgency. The SADC Secretariat should nominate a focal point on IDPs; hold regular discussions on IDP issues at meetings of the SADC Organ on Politics, Defense and Security Cooperation; and continue regional dialogues on issues of internal displacement such as through the Migration Dialogue for Southern Africa (MIDSA). Other regional cooperation initiatives should be explored in areas such as training as well as technical cooperation on issues including registration, durable solutions, data collection, legislative and policy development. SADC states should widely disseminate the *Compendium of OAU Instruments on Refugees, Returnees and Displaced Persons in Africa* (2000), and support the AU's standard-setting initiative on the rights of IDPs.
- **Address governance issues associated with internal displacement.** Regional tools such as peer review mechanisms should be used to address internal displacement and associated governance issues. Regional and international mechanisms to end impunity for grave human rights violations should be utilized to their full extent, including the SADC Tribunal.
- **Share the exchange of best practices on internal displacement within and across regions.** Opportunities should be seized to learn from the experiences of other countries and regions in addressing internal displacement. In particular, guidance should be sought and discussions held on addressing development-induced displacement.
- **Develop the capacity of African institutions to produce research on internal displacement and participate in decision-making on internal displacement issues.** Greater capacity should be developed among African institutions to produce policy-relevant research on internal displacement and to channel the findings of this research

into regional and international policy-making processes. Research institutions producing sound empirical analysis should be supported. Civil society organizations, including research groups, were encouraged to become more actively involved in the African Union's decision-making on internal displacement. International agencies were urged to engage more directly in capacity building with African regional and sub-regional organizations.

*Recommendations for the International Community:*

- **Ensure a more engaged, effective and predictable international response to IDPs.** Greater predictability and accountability should be pursued in the international response to internal displacement. Agencies such as UNHCR, OHCHR, and other UN agencies were encouraged to take greater roles in addressing internal displacement in the SADC region. With regard to IDPs in the DRC, UNHCR was encouraged to play a leading role.
- **Reinforce the capacity of international agencies working on IDP issues and ensure a comprehensive international approach.** Coordination, resource mobilization and security arrangements should be enhanced to enable international agencies to work more effectively on behalf of IDPs. The international resource mobilization system should be made more predictable and equitable. It should also ensure that assistance for IDPs does not cease with the end of conflict but encompasses the reintegration and reconstruction process.
- **Pursue international advocacy and dialogue with governments and other actors.** International agencies should expand the opportunities available to them to advocate on behalf of the displaced. They should proactively pursue dialogue with governments and, where appropriate, also with non-state actors in order to promote effective national responses to internal displacement. The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons was encouraged to undertake a mission to the DRC.
- **Improve capacities of peacekeepers to respond to internal displacement.** Peacekeeping should be seen not only as a military function but also in terms of promoting national conditions and capacities to effectively transition out of situations of conflict. Internal displacement issues should be integrated at the earliest stages of mission design. Peacekeepers should receive training on internal displacement issues before deployment as well as during missions. Policies of zero tolerance for sexual exploitation of the displaced and other affected populations by military and peacekeeping forces, as well as by humanitarian personnel, must be rigorously implemented and enforced.
- **Improved resource mobilization and increased engagement by donors.** The system of resource mobilization for addressing internal displacement and other humanitarian crises should be made more predictable and efficient as well as more equitable across regions, relative to levels of humanitarian needs. Moreover, donor



support for addressing internal displacement must not be limited to emergency assistance, but should also encompass activities promoting the prevention of displacement as well as durable solutions for the displaced. In this regard, donors should consider developing specific policies on internal displacement, as exemplified by USAID, with a view to promoting a more focused, coordinated, and comprehensive approach to internal displacement. Donor support should seek to enhance national capacity and regional approaches for addressing internal displacement. It should include not only assistance to governmental and regional initiatives, in particular those of SADC and the AU, but also support for research institutions, local NGOs and initiatives by internally displaced communities themselves.

*Seminar Rapporteurs: Megan Bradley,  
David Bugden, Maureen Master*

*Report edited by: Erin Mooney  
Brookings Institution-University of Bern Project on Internal Displacement*

## APPENDIX A

### AGENDA

## **Seminar on Internal Displacement in the SADC Region**

*Hosted by the Government of Botswana and co-sponsored by the United Nations High Commissioner for Refugees (UNHCR), the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons and the Brookings Institution-University of Bern Project on Internal Displacement*

Grand Palm Conference Centre  
Gaborone, Botswana

August 24-26, 2005

### Wednesday, August 24

#### **10:00-11:15 REGISTRATION**

#### **11:30 AM WELCOMING STATEMENTS AND INTRODUCTIONS**

Hon. Phandu Skelemani, Minister for Presidential Affairs and Public Administration, Government of Botswana

Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons and Co-Director, the Brookings Institution-University of Bern Project on Internal Displacement

Ebrima Camara, Regional Representative, United Nations High Commissioner for Refugees (UNHCR)

#### **12:00-12:15 INTRODUCTION OF PARTICIPANTS**

#### **12:30 PM LUNCHEON**

#### **2:00 PM OVERVIEW OF INTERNAL DISPLACEMENT IN THE SADC REGION**

Worldwide, there are some 25 million internally displaced persons as a result of conflict, ethnic strife and communal violence. Although exact numbers are difficult to determine, it is estimated that there are some 2.9 million internally displaced persons in the SADC region. The causes are multiple. Armed conflicts have displaced millions, especially in the Democratic Republic of Congo, Angola and, earlier, also in Mozambique. Natural disasters, especially drought, and food insecurity are also among the causes of displacement in the region. This session will provide an overview of regional displacement trends, with special focus on

the different causes of displacement and the particular issues, challenges and vulnerabilities that arise for the displaced.

Moderator: Peter Mumba, Permanent Secretary, Ministry of Home Affairs, Government of Zambia

Presentations

John Oucho, African Population and Environment Institute

Graeme Rodgers, Refugee Studies Centre, University of Oxford and Honourary Research Associate, Forced Migration Studies Programme, University of the Witwatersrand, South Africa

Discussion

**3:30 PM Coffee Break**

**4:00 PM NORMATIVE FRAMEWORK OF REFERENCE: THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT**

This session will focus on the normative framework developed for responding to internal displacement -- the *Guiding Principles on Internal Displacement* -- developed at the request of the United Nations, and based on international humanitarian law and human rights law, as well as refugee law by analogy. It will examine how states around the world affected by internal displacement are using the *Guiding Principles* as a reference and a tool, in particular in the development of national laws and policies, as well as how regional bodies, international organizations, NGOs and others have been using the *Principles* in addressing situations of displacement.

Moderator: H.E. Sir Ketumile Masire, Former President of Botswana

Presentations

Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons

Bonaventure Rutinwa, Senior Lecturer in Law, University of Tanzania

Discussion

**5:30 PM Close of session**

**7:00 PM Reception**

## Thursday August 25

### **9:00 AM NATIONAL RESPONSIBILITY**

The responsibility for meeting the needs of internally displaced persons rests first and foremost with national authorities. This session will focus on the national response to internal displacement by examining key steps that national authorities can take to address internal displacement within their borders, including when caused by conflict or natural disaster. Particular attention will be given to national policies, laws and institutions developed to address the needs of the internally displaced, including a look at the special role that national human rights commissions can play. This session will include the sharing of experiences of national responses from countries outside of the region.

Moderator: Rosa Chissaque, Director, National Institution for Refugees (INAR), Government of Mozambique

#### Presentations

##### *A Framework for National Responsibility*

Erin Mooney, Deputy Director, Brookings Institution-University of Bern  
Project on Internal Displacement

##### *National Laws and Policies on Internal Displacement*

Pedro Walipi Calenga, National Director of the Technical Unit for Humanitarian Assistance (UTCAH), Ministry of Social Affairs (MINARS), Government of Angola

##### *National Institutions for Dealing with Displacement*

Lumeya Dhu Malegi, Ministry of Social Affairs, Government of the Democratic Republic of the Congo

##### *The Role of National Human Rights Commissions*

Aliro Omara Joel, Commissioner, Ugandan Human Rights Commission

Redson Kapindu, Director of Legal Services, Malawi Human Rights Commission

#### Discussion

### **11:00 AM THE ROLE OF NGOS AND CIVIL SOCIETY**

#### Presentations

Mwakamubaya Nasekwa, Coordinator, Programme pour la Promotion de Soins de Sante Primaire, DRC

Didimas Munhenzwa, Executive Director, Zimbabwean Community Development Trust

Joseph Chilengi, Executive Director, Africa IDP Voice

Discussion

**11:45 AM Coffee Break**

**12:00 PM PROTECTION AND ASSISTANCE FOR THE DISPLACED**

Persons forced to flee their homes often find themselves in urgent need of food, water, shelter, health services, and other necessities, and in many situations also require protection and physical safety. This session will address issues of humanitarian access and discuss the challenges of protecting and assisting internally displaced persons in the midst of armed conflict, including in areas under the control of non-state actors, and the role of peacekeepers. In addition, this session will consider these concerns in the context of natural disasters and other situations, such as social tensions and generalized violence, in which internal displacement can also occur.

Moderator: H.E. Joaquim Alberto Chissano, Former President of the Republic of Mozambique and Envoy of the United Nations Secretary-General for the September 2005 United Nations World Summit

Presentations

*Humanitarian Access to IDPs in the SADC Region*

Zoran Jovanović, Head of Delegation, International Committee of the Red Cross (ICRC) Regional Delegation in Harare

*Protecting and Assisting Displaced Populations in Situations of Armed Conflict*

Alain Aruna, IDP Protection Manager, Norwegian Refugee Council-Democratic Republic of Congo

*The Role of Peacekeepers*

Kwezi Mngqibisa, African Centre for the Constructive Resolution of Disputes (ACCORD), Peace and Security Unit

*Food Insecurity issues, including drought*

Thomas Yanga, Deputy Regional Director, World Food Programme Southern Africa Bureau

Discussion

**1:30 PM LUNCHEON**

## **2:30 PM RISKS AND VULNERABILITIES NEEDING SPECIAL ATTENTION**

Displacement frequently entails elevated vulnerability to particular risks, especially for women and children, which require special attention. This session will explore how sexual violence and exploitation as well as HIV/AIDS impact internally displaced persons, both as a consequence and a cause of their displacement. It will also examine the particular protection and reintegration challenges faced by internally displaced children. In addition, it will address the extent to which these particular concerns are being addressed, including in IDP camps, and identify strategies to improve responses at the national, regional and international levels.

Moderator: Peter Mumba, Permanent Secretary, Ministry of Home Affairs, Government of Zambia

### Presentations

#### *Sexual and Gender-Based Violence and Exploitation: Prevention and Response*

Maria Mpava Medina, National Director for Women's Rights, Ministry of Family and Promotion of Women, Government of Angola

Brigitte Mayisafi, Safedi (DRC)

#### *HIV/AIDS and IDPs*

Gebrewold Petros, UNHCR Liaison Officer to UNAIDS

#### *Protection and Reintegration of Internally Displaced Children*

Olara Otunnu, Former Special Representative of the Secretary-General on Children and Armed Conflict

### Discussion

## **3:45 PM Coffee Break**

## **4:00 PM TOWARDS DURABLE SOLUTIONS: RETURN, RESETTLEMENT AND REINTEGRATION**

A “durable solution” for internally displaced persons, the ultimate goal in responding to internal displacement, is found when displaced persons are able to resume stable, secure lives by returning to their places of origin or resettling in another part of their country. This session will focus on conditions for safe and voluntary return or resettlement, including protection for returnees, the elements of reintegration, questions of property restitution and compensation, and alternatives to return. Best practices and lessons learned from experiences in the region, in particular in Mozambique and Angola, will be highlighted.

Moderator: Harrison W. Mseke, Assistant Director, Refugee Department, Ministry of Home Affairs, Government of Tanzania

Presentations

*Angola: Challenges of Reintegration*

Allan Cain and André Domingos, Development Workshop Angola

*Experiences of the International Organization for Migration (IOM)*

Hans-Petter Boe, Regional Representative for Southern Africa, IOM

*Preparing for Return in the Democratic Republic of Congo*

Betsy Greve, Senior Legal Advisor, Africa Bureau, UNHCR

Discussion

**6:00 PM**      **Close of session**

**7:00 PM**      **Reception at Mokolodi restaurant**

**Friday, August 26**

**8:30 AM**      **THE ROLE OF REGIONAL ORGANIZATIONS**

Regional organizations are playing a pivotal role in focusing attention on issues of internal displacement, promoting the *Guiding Principles*, and encouraging collective efforts to find solutions. In this session, the potential of SADC's role will be explored in light of the experience of other regional organizations, in particular the African Union and other sub-regional organizations on the continent. Linkages with NEPAD and other Africa-wide initiatives designed to further realization of the Millennium Development Goals will also be discussed.

Moderator: N. A. Mushelenga, Deputy Chief of Immigration and Border Control, Ministry of Home Affairs, Government of Namibia

Presentations

*African Union*

Patrick Tigere, Head of Humanitarian Affairs, Refugees and Displaced Persons Division, Political Affairs Department, African Union Secretariat

*African Commission on Human and Peoples' Rights*

Bahame Tom Mukirya Nyanduga, Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa

Discussion

**9:30 AM THE INTERNATIONAL RESPONSE**

International humanitarian, human rights and development organizations can be crucial partners in national and regional efforts, in particular in providing assistance, protection and reintegration support to the internally displaced. This session will explore cooperation with UN agencies, international organizations, NGOs, and donor governments as part of a regional response.

Moderator: Randson P. Mwadiwa, Former Commissioner for Refugees, Department of Poverty and Disaster Management (DPPMA), Government of Malawi

Presentations

Selvi Vikan, UN Office for the Coordination of Humanitarian Affairs (OCHA) Regional Office for Southern Africa

Jens-Hagen Eschenbächer, Head of Monitoring and Advocacy Department, Global IDP Project, Norwegian Refugee Council

Amy Sink, United States Agency for International Development

Sihaka Tsemo, Regional Representative for Southern Africa, Office of the United Nations High Commissioner for Human Rights

**10:45 AM Coffee Break**

**11:15 AM CONCLUSIONS**

This session will review the major conclusions of the seminar, including recommendations for how protection, assistance, reintegration and development needs of internally displaced persons can be most effectively met in the region.

Moderator: Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons

Presentation by Rapporteurs: Megan Bradley, Brookings Institution – University of Bern Project on Internal Displacement and David Bugden, UNHCR Botswana

Discussion



**12:15 PM CONCLUDING REMARKS**

Ebrima Camara, Regional Representative, United Nations High Commissioner for Refugees (UNHCR)

Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons

Ross Sanoto, Under Secretary (Political Affairs), Office of the President, Government of Botswana

**12:30 PM CLOSE OF MEETING**

**LUNCHEON**

## **APPENDIX B**

### **List of Participants**

#### **SADC MEMBER STATES**

##### **ANGOLA**

- Pedro Walipi Calenga  
National Director of the Technical Unit for Humanitarian Assistance (UTCAH)  
Ministry of Social Affairs (MINARS)
- Maria Mpava Medina  
National Director for Women's Rights, Ministry of Family and Promotion of  
Women (MINFAM)

##### **BOTSWANA**

- Hon. Phandu Skelemani  
Minister for Presidential Affairs and Public Administration
- Tefo Kgotlhane  
Botswana Police Department
- P. T. Kenosi  
Deputy Director  
Multilateral Affairs Department  
Ministry of Foreign Affairs and International Cooperation
- Mmaphiri Kutlapye  
Principal Immigration Officer
- Mr. Merafhe  
Department of Immigration
- Busang Mokobela  
Botswana Police Superintendent
- Ross Sanoto  
Under Secretary (Political Affairs)  
Office of the President
- Ephraim Sekeinyana  
Settlement Comandant  
Office of the President  
Dukwi Refugee Camp

- B. K. Sentle  
Acting Permanent Secretary (Political Affairs)  
Office of the President

## **DEMOCRATIC REPUBLIC OF CONGO**

- Ntumba Luaba  
Government Secretary-General
- Lumeya Dhu Malegi  
Ministry of Social Affairs
- Rigobert Moupondo  
Ministry of Interior
- Kenge Ngomba  
Conseillère  
Ministry of Human Rights
- André Shikayi  
Member of Parliament

## **LESOTHO**

- Francis T. Sefali  
Commissioner for Refugees  
Ministry of Home Affairs
- Mantabe Thejane  
Senior Legal Officer  
Ministry of Home Affairs

## **MALAWI**

- Randson P. Mwadiwa  
Former Commissioner for Refugees  
Department of Poverty and Disaster Management
- Sarah Nayeja  
Senior Legal Advisor  
Department of Poverty and Disaster Management
- Selwin Simfukwe  
Regional Immigration Officer

## **MAURITIUS**

- Jean Michel Ah Sen  
State Counsel  
State Law Office

- Abdool Cader Moosuddee  
Principal Assistant Secretary  
Prime Minister's Office
- Rajkumar Sookun  
First Secretary, Foreign Affairs

## **MOZAMBIQUE**

- Rosa Chissaque  
Director  
National Institution for Refugees
- Manuel Joaquim Gulian  
Chief Commandant of the Technical School of Police
- M. Herminio Matandalasse  
Secretario Executivo  
Commissao National de Reinserciao Social
- Damasco Mathe  
Program Officer  
National Institution for Refugees

## **NAMIBIA**

- N.A. Mushelenga  
Deputy Director of Immigration and Border Control
- Elisabeth Negumbo  
Commissioner for Refugees
- L. Nepaka  
First Secretary  
Namibian High Commission in Botswana

## **SOUTH AFRICA**

- Busisiwe Mkhwebane-Tshehla  
Director of Refugee Affairs  
National Immigration Branch  
Department of Home Affairs

## **SWAZILAND**

- Batandwa Gamedze  
Deputy Head of Refugee Service  
Ministry of Home Affairs

- Priscilla Shabangu  
Head of Refugee Services  
Ministry of Home Affairs
- B. Vilakazi  
Estates Officer  
Ministry of Home Affairs

## **TANZANIA**

- Harrison Mseke  
Assistant Director  
Refugee Department  
Ministry of Home Affairs
- Judith Mtawali  
Director  
Refugee Department

## **ZAMBIA**

- Timothy Kazetu  
Deputy Chief, Immigration Office
- Jacob Mphepo  
Commissioner for Refugees
- Peter Mumba  
Permanent Secretary  
Ministry of Home Affairs

## **ZIMBABWE**

- Isaac T. Mukaro  
Commissioner for Refugees
- Lancaster Museko  
Permanent Secretary  
Ministry of Public Service, Labour and Social Welfare
- Misheck Zengeya  
Camp Administrator  
Waterfalls Transit Centre

## **SPECIAL GUESTS**

- His Excellency Joaquim Alberto Chissano  
Former President of the Republic of Mozambique  
Special Envoy of the UN Secretary-General on the September 2005 United Nations World Summit
- His Excellency Sir Ketumile Masire  
Former President of Botswana

## **NATIONAL HUMAN RIGHTS COMMISSIONS**

- Redson Kapindu  
Director of Legal Services  
Malawi Human Rights Commission
- Aliro Omara Joel  
Commissioner  
Ugandan Human Rights Commission

## **SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) SECRETARIAT**

- Dr. Stephen Kokerai  
Senior Legal Counsel and Head of Legal Affairs Unit
- Dr. Magang Phologane  
Organ on Politics, Defense and Security Cooperation

## **REGIONAL ORGANIZATIONS**

- Rita Amukhobu  
Political Affairs Department  
African Union Commission
- Bahame Tom Mukirya Nyanduga  
Commissioner, Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa  
African Commission on Human and Peoples' Rights
- Patrick Tigere  
Head of Humanitarian Affairs, Refugees and Displaced Persons Division  
Political Affairs Department  
African Union Commission

## **NON-GOVERNMENTAL ORGANIZATIONS**

- Maureen Akena  
DITSHWANELO—Botswana Centre for Human Rights
- Alain Kambale Aruna  
IDP Protection Manager  
Norwegian Refugee Council, DRC
- Allan Cain  
Executive Director  
Development Workshop Angola
- Joseph Chilengi  
Executive Director  
Africa IDP Voice
- André Domingos  
Development Workshop Angola
- Jens-Hagen Eschenbächer  
Head of Monitoring and Advocacy Department  
Global IDP Project, Norwegian Refugee Council
- Susannah Graham  
DITSHWANELO—Botswana Centre for Human Rights
- Brigitte Mayisafi  
Safedi, DRC
- Kwezi Mngqibisa  
Peace and Security Unit  
African Centre for the Constructive Resolution of Disputes (ACCORD)
- Didimas T. Munhenzwa  
Executive Director  
Zimbabwean Community Development Trust (ZCDT)
- Mwakamubaya Nasekwa  
Coordinator  
Programme pour le Promotion de Soins de Sante Primaire, DRC
- Reverend Father Peter Mufaro Siziba  
Inter-regional Meeting of the Bishops of Southern Africa (IMBISA) Refugee Service

- Shani Winterstein  
Media, Communications & Linkages Officer  
Southern African Regional Poverty Network

### **ACADEMICS/RESEARCHERS/INDEPENDENT EXPERTS**

- Cheryl Hendriks  
Head, Southern African Security Programme  
Institute for Security Studies
- Loren Landau  
Director, Forced Migration Studies Programme  
University of the Witwatersrand
- Erin Mooney  
Deputy Director, Brookings Institution-University of Bern Project on Internal  
Displacement and Senior Advisor to the Representative of the UN Secretary-General on  
the Human Rights of Internally Displaced Persons
- Daniel D. Ntanda Nsereko  
Professor of Law  
University of Botswana
- Olara Otunnu  
Former Special Representative of the United Nations Secretary-General on  
Children and Armed Conflict
- John Oucho  
Founder and Chairman  
African Population and Environment Institute
- Graeme Rodgers  
Research Fellow, University of Oxford Refugee Studies Centre/  
Honourary Research Associate, Forced Migration Studies Programme  
University of the Witwatersrand, South Africa
- Bonaventure Rutinwa  
Centre for the Study of Forced Migration  
University of Dar es Salaam, Tanzania



## **INTERNATIONAL ORGANIZATIONS**

- Haji Jama Abdulkadir  
Representative  
UNHCR Malawi
- Chrysantus Ache  
Representative  
UNHCR Tanzania
- Tewabech Bishaw  
Programme Coordinator  
UNICEF
- Hans-Petter Boe  
Regional Representative for Southern Africa  
International Organization for Migration (IOM)
- Ebrima Camara  
Regional Representative for Southern Africa  
UNHCR
- Dario Carminati  
Representative  
UNHCR Angola
- Mohammed Dualeh  
Head of Desk—Southern Africa  
UNHCR, Geneva
- Ahmed Said Farah  
Representative  
UNHCR Zambia
- Betsy Greve  
Senior Legal Advisor, Bureau for Africa  
UNHCR, Geneva
- Zoran Jovanović  
Head of Regional Delegation  
International Committee of the Red Cross (ICRC)  
Harare, Zimbabwe
- Walter Kälin  
Representative of the United Nations Secretary-General on the Human Rights of  
Internally Displaced Persons and Co-Director, Brookings Institution-University of Bern  
Project on Internal Displacement

- Wairimu Karago  
Regional Coordinator  
Great Lakes Operation  
UNHCR
- Girma Gebre Kristos  
Chief of Mission  
UNHCR Zimbabwe
- Abel Mbilinyi  
Assistant Representative—Protection  
UNHCR Regional Representation in South Africa
- Annette R. Nyekan  
Deputy Representative  
UNHCR Angola
- Benny Otim  
Representative  
UNHCR Botswana
- Gebrewold Petros  
Liaison Officer to UNAIDS  
UNHCR Regional Office for Southern Africa
- Hesdy Rathling  
Representative  
UNHCR Namibia
- Barbara Rijks  
Partnership on HIV/AIDS and Mobility in Southern African (PHAMSA)  
International Organization for Migration (IOM)
- Sihaka Tsemo  
Regional Representative for Southern Africa  
Office of the UN High Commissioner for Human Rights
- Selvi Vikan  
Regional Office for Southern Africa  
UN Office for the Coordination of Humanitarian Affairs (OCHA)
- Thomas Yanga  
Deputy Regional Director  
World Food Programme (WFP), Southern Africa Bureau

## **INTERNATIONAL DONORS**

- Stefan Andersson  
Second Secretary  
Embassy of Sweden
- Anne Bookbinder  
Honourary Consul  
Consulate of Canada
- Amy Sink  
United States Agency for International Development (Pretoria)

## **RAPPORTEURS**

- Megan Bradley  
Brookings Institution-University of Bern Project on Internal Displacement
- David Bugden  
Protection Officer  
UNHCR Botswana
- Maureen Master  
UNHCR Botswana

## **OBSERVERS**

- Amah Assiama-Hillgartner  
Senior Protection Officer  
UNHCR Kinshasa
- Christopher Dolan  
Consultant  
UNHCR Kinshasa
- Patrick Kawuma-Male  
Executive Assistant to Regional Coordinator  
Great Lakes Operation  
UNHCR
- Esther Kiragu  
Protection Officer  
UNHCR Zimbabwe
- Lawrence Mgbangson  
Senior Protection Officer  
UNHCR Zambia

- Vedasto Mwesiga  
Deputy Representative  
UNHCR Zambia
- Kelvin Sentala  
Field Assistant  
UNHCR Malawi
- Enrique Valles  
Reintegration Officer  
UNHCR Angola

### **SECRETARIAT**

- Galefele Beleme  
Assistant Programme Officer  
UNHCR Botswana
- Violet Chepape  
Secretary  
UNHCR Pretoria
- Erna Fivaz  
Human Resources Assistant  
UNHCR Pretoria
- Meliha Hadziabdic  
Programme Officer  
UNHCR Botswana
- Imran Omar  
Associate Finance Officer  
UNHCR Pretoria
- Maria Liakina-Frolova  
Conference Organizer  
UNHCR Botswana
- Fitzroy Rampersad  
IT Services  
UNHCR, Zambia
- Pumla Rulashe  
Public Information Assistant  
UNHCR , South Africa



## **APPENDIX C**

# **Background Paper**

### **Introduction**

In addition to the 9.2 million refugees worldwide, there are more than twice as many people who have been uprooted from their homes but who, unlike refugees, remain within their own countries and are called internally displaced persons (IDPs). Around the world, some 25 million women, men and children have been internally displaced by conflict, communal violence, and internal strife. Many millions more have been displaced by natural disasters and development projects. Africa bears a disproportionate and truly staggering toll of the global problem of internal displacement. Of those internally displaced by conflict and communal violence, more than half -- an estimated 13.2 million persons -- are in Africa, with some 2.9 million in the countries comprising the Southern African Development Community (SADC).

Governments have the primary responsibility for addressing the needs of displaced persons within their borders. Indeed, sovereignty generally is recognized as entailing national responsibility for ensuring the welfare and security of one's citizens and other populations residing within a country's territorial jurisdiction. To this end, governments are expected to undertake measures, such as adopting policies and laws, setting up national institutions, allocating resources, and cooperating as appropriate with international and regional organizations as well as non-governmental organizations, to ensure the provision of assistance, protection and reintegration and development aid to their internally displaced populations.

In dealing with internal displacement, governments often face difficult challenges and questions: What are the most effective ways to address displacement? What is the relevant normative framework? What role should national, regional and international institutions play? What constitutes a durable solution to displacement?

### **Purpose of the Seminar**

The purpose of this seminar is to provide a forum to discuss these questions at the regional level, thereby enabling governments and other relevant actors to develop their thinking on these issues, review current trends in internal displacement in the SADC region, pinpoint best practices, and identify steps that could be taken to enhance policies and practices at the national, regional and international levels.

### **Internal Displacement in the SADC region**

Internal displacement is by no means a recent phenomenon in the SADC region. The apartheid policies of South Africa forcibly displaced an estimated 3.5 million people. Civil wars in Mozambique and Angola in the 1970s, 1980s and 1990s internally displaced millions in each country. The resolution of these conflicts subsequently has led to the return of many of those uprooted. Nonetheless, internal displacement remains a significant problem in the region. Indeed, more than ten percent of the world's internally displaced persons currently are found in SADC

member states. Particularly affected is the Democratic Republic of Congo (DRC), where as a result of the ongoing conflict more than 2.3 million persons are internally displaced. Significant numbers also can be found in Zimbabwe where added to the figure of 150,000 internally displaced persons that was reported by the Norwegian Refugee Council's Global IDP Project in 2004, more than half a million more people have been displaced in recent months. Moreover, in Angola, there remain sizeable numbers (estimates range from 40,000 to 340,000) of IDPs who, despite the end of conflict in 2002, lack a durable solution to their plight.

Much of the internal displacement in the SADC region has occurred in the context of armed conflict. The civil war that ravaged Mozambique from 1977 to 1992 forcibly uprooted more than 3.5 million people within the country. In Angola, the long-standing conflict from 1975 to 2002 between the insurgent group UNITA and Angolan government forces internally displaced some 4 million – more than a third of the population. Despite the cessation of hostilities in the rest of the country, in the northwestern province of Cabinda, a violent separatist struggle persists and continues to displace civilians.

In the ongoing conflict in the DRC, national military forces clash with insurgent groups in an ethnically charged conflict that is further complicated by the periodic involvement of several foreign armies. The signing of the Global and Inclusive Agreement on Transition in the DRC in 2002, the establishment of the Transitional Government in June 2003, and the strengthened deployment of the UN peacekeeping mission in the country has brought a degree of stability. However, especially in the eastern parts of the country, the situation remains volatile. Although some 900,000 Congolese IDPs have returned to their homes since 2003, 150,000 people were uprooted between May and August 2004 as a result of an intensification of the conflict in South Kivu. Today there remain more than 2.3 million IDPs in the country. Many have suffered the trauma of displacement not just once but multiple times; in the DRC's eastern regions, there are IDPs who have had to flee more than five times in the past year alone to escape repeated attacks on their camps.

When caught in the midst of conflict, IDPs face particularly acute protection risks and difficulties accessing humanitarian assistance. In the DRC, civilians bear the brunt of the violence. Armed groups, rather than confronting one another directly, frequently settle scores by systematically attacking and killing civilians, often forcing entire communities to flee for their lives. Nor are IDP camps immune from such attacks. Places of safe refuge can be difficult to find, driving many IDPs to hide in forests for months, without shelter or assistance. Countless children have been conscripted into fighting, and displaced children, especially children separated from their families, are particularly at risk. Sexual violence is widespread and systematic. Combatants often abduct women and girls to be used as "sex slaves." Médecins Sans Frontières reports in the town of Bukavu alone more than 550 women sought assistance from the organization between August 2003 and January 2004 after having been sexually assaulted by members of fighting forces. Disturbingly, additional risks can come from actors deployed to assist and protect civilians: sexual exploitation by UN peacekeepers and in some cases also international humanitarian workers, involving coercing displaced and other women and children into exchanging sexual favors for food and other necessities, has been an extensive problem.

Reaching the displaced to provide them with assistance and protection often can be difficult. Especially in internal armed conflicts, large numbers of IDPs often are found in areas under the control of non-state actors, to which humanitarian access may be limited. For instance, in

Angola, political concerns led the UN to restrict its humanitarian agencies from undertaking operations in UNITA-held areas and thereby providing much needed assistance and protection to the large number of IDPs trapped behind UNITA lines. Even when access is permitted, insecurity can seriously constrain and endanger humanitarian efforts. In April 2001, six staff members of the International Committee of the Red Cross (ICRC) were brutally murdered in the Ituri region of the DRC while carrying out a routine needs assessment. The death of these and other humanitarian workers further added to the victims of a conflict that has killed an estimated 3.8 million people.

Natural disasters also are a significant cause of displacement across the SADC region. In February 2000, three weeks of severe flooding displaced over 1.25 million people across Southern Africa. Mozambique, where flooding was coupled with the occurrence of cyclone Eline, bore the brunt of the disaster, which left hundreds of thousands homeless and destroyed infrastructure and farmland. Recurring drought is also a problem in many parts of the region. The drought is particularly pronounced in Zimbabwe, where the resulting food insecurity compels people to leave their homes and also worsens conditions for those already displaced. In addition, other types of disaster can generate displacement. In 2002, the volcanic eruption of Mount Nyiragongo in the Goma region of the DRC forced thousands of people, many of whom already were displaced, to flee. The fact that the area was controlled by one of the insurgent groups, the Congolese Rally for Democracy, complicated efforts to bring aid to the uprooted.

Displacement may also result from the development process. This would include the organized resettlement of populations to make way for the creation of natural parks and wildlife reserves. For indigenous peoples, resettlement, especially when it entails a loss or limitation of access to their traditional lands, can be particularly difficult. Within the SADC region, the legacies of these policies are still felt today by groups such as the Maasai and the San; in an encouraging development, however, new models for conserving wildlife while enabling indigenous peoples to remain on their lands have been pioneered in a number of SADC states.<sup>i</sup> In Zimbabwe, though it was conceived as an essential component of the national development process, the land reform program and accompanying political violence dislocated approximately 100,000 people by the end of 2003.<sup>ii</sup> The number of IDPs in the country has swelled dramatically in the spring and summer of 2005 when more than a half a million people living in urban areas became displaced due the demolition of their homes and businesses as a result of “Operation *Murambatsvina*”, undertaken by the authorities to clear shanty towns and crack down on ‘illegal’ construction in urban areas.<sup>iii</sup>

Generally, the internally displaced are amongst the most vulnerable in society. Uprooted from their homes, separated from their families and communities, shorn of their resource base and livelihood, they are particularly at risk of impoverishment, abuse and disease. The scourge of HIV/AIDS, already so prevalent in the Southern African region, is intensified in displacement crises as heightened levels of sexual violence and sexual exploitation, the erosion of traditional social structures, and the lack of reproductive health services facilitate the spread of the disease amongst the internally displaced. While there is increasing awareness of the need to do more to ensure that efforts to combat HIV/AIDS extend to IDP populations, in many cases the programs and policies necessary to inhibit the spread of the disease are lacking. Zambia has taken an important step by incorporating displaced persons into the country’s National HIV/AIDS Institutional Framework. However, far greater attention and resources need to be devoted to confronting this devastating disease in situations of displacement. Noteworthy in this regard is



the Partnership on HIV/AIDS and Mobile Populations in Southern Africa (PHAMSA), forged by International Organization for Migration (IOM) and in which SADC participates, that aims to create a more effective response to HIV/AIDS among mobile populations in the region and recognizes that IDPs are amongst the groups most at risk.

Women and children make up the majority of displaced populations, overwhelmingly so in situations of armed conflict, and have specific protection, assistance and reintegration needs. Especially when displacement undermines the family structure, which is the most basic unit of protection, they are exposed to heightened risk of harassment and abuse, including sexual violence and exploitation, trafficking and military recruitment. Women heads of household and unaccompanied children, the number of which dramatically increases in most situations of displacement, are especially vulnerable. Moreover, for children, the disruption of education that displacement causes not only stunts their development but also heightens their vulnerability to these and other risks. It is noteworthy that Zimbabwe's National Plan of Action on Orphans and Other Vulnerable Children recognizes the need to gather more information on displaced children. Region-wide, the 1998 SADC Declaration on the Prevention and Eradication of Violence Against Women and Children calls for the adoption of legislation to protect vulnerable women, including women in armed conflict, as well as for measures to ensure the protection of children; in many cases, however, this legislation has not yet materialized or suffers from insufficient implementation.

The vulnerabilities engendered by displacement do not necessarily diminish over time. To be sure, many IDPs show great resilience in adapting to their challenging circumstances and developing coping strategies to survive. However, the ICRC and the World Food Programme have found that increased levels of food and livelihood insecurity experienced by the internally displaced can persist long after the emergency phase. In the absence of viable income-generating opportunities, including for women, IDPs are likely to become dependent on humanitarian aid. Donor organizations such as USAID point out that prolonged displacement often disrupts or reverses progress made by a country in healthcare, food security, education, sanitation, infrastructure and local governance, and undermines the ability of governments to meet their commitments under the Millennium Development Goals. Moreover, the failure to address the long-term development needs of IDPs may create new cycles of insecurity and displacement.

Providing IDPs with a durable solution to their plight therefore is essential to ending their vulnerability and resolving situations of internal displacement as well as to promoting development for the country as a whole. For IDPs, a durable solution entails return to their home communities or resettlement in another part of the country. International standards provide that return or resettlement must be voluntary and occur in conditions of safety. Moreover, whether they choose return or resettlement, IDPs will require reintegration assistance to rebuild their lives.

Experiences in Mozambique and Angola provide important lessons on finding durable solutions for IDPs and determining the circumstances under which internal displacement can be considered to have ended. In the aftermath of conflict in Mozambique, concerted national and international efforts to find solutions for the millions of displaced persons, both refugees and IDPs, achieved large-scale returns within a matter of just a few years and consequently is a case that is broadly considered to provide a model for return processes. However, on a visit to the country in December 1996, the Representative of the UN Secretary-General on Internally

Displaced Persons found that ‘despite the decision by the government and the donor community no longer to target displaced groups, this in no way means that all internally displaced persons have returned.’ Among the reasons for this was ‘a lack of confidence in the durability of peace, sometimes coupled with a reluctance to return to the area where they had experienced terror,’ as well as a lack of transport to areas of return.’<sup>iv</sup> At the same time, positive lessons from the return and reintegration process in Mozambique included: close coordination between the various relevant governmental ministries; national and international efforts to provide reintegration assistance to all vulnerable groups as part of the community harmonization process; and the efforts undertaken to seek input at the grassroots level from displaced communities as well as the local population.

In Angola, the government took the important initiative of laying the groundwork for the return and resettlement process even before the conflict had ended. Particularly noteworthy is the development by the national authorities of domestic legislation articulating the norms and minimum standards to govern the return and resettlement of the internally displaced (see below). Experiences in Angola also highlight the value of engaging IDPs in peace building and planning for return. For example, with support from the Luanda-based Centre for Common Ground, IDPs living in camps in Viana municipality organized themselves into peacebuilding teams that played a valuable role in preventing and resolving disputes within the camps and between IDPs and members of local communities upon return. SADC Heads of State, in a 2003 communiqué, commended Angola’s efforts to ensure the safe and orderly return of refugees and IDPs.

However, the process has not been without challenges. At the end of the conflict, the country was littered with some eight to ten million land mines. Returning IDPs proved to be particularly at risk because they lacked the knowledge of where mines had been laid in their communities in their absence: according to the ICRC, while IDPs represented approximately 30 percent of the population in 2002, they made up 50 percent of civilians injured or killed by landmines. Several areas of return also continue to suffer from a scarcity of potable water, inadequate roads and infrastructure, weak local administration, poor health and educational services and limited economic opportunities. Providing restitution to returnees and resolving inequalities in land tenure, especially for women, is another obstacle to sustainable returns. Rehabilitating returning children who were forced to fight or were exposed to severe violence is a major challenge that still requires attention in Angola today, as well as in the DRC.

Elsewhere in the SADC region, South Africa’s efforts to address apartheid-era displacement and land tenure disputes through the Land Claims Court provides insight into the complexities of property restitution. At the same time, the South African Truth and Reconciliation Commission is one model of how countries can endeavor to address inter-communal grievances, which many believe must be voiced if return and peace are to be sustained.

### ***The Guiding Principles on Internal Displacement***

The *Guiding Principles on Internal Displacement* are the first international standards specifically tailored to the needs of IDPs. Based on international humanitarian law, human rights law and refugee law by analogy, the 30 Principles set forth the rights of IDPs and the obligations of governments and non-state actors towards these populations. They cover all phases of internal displacement: the pre-displacement phase; during displacement; and during return or resettlement and reintegration.

The Principles begin with an introduction on their scope and purposes, including a description of internally displaced persons as:

[p]ersons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border.

This description highlights the two core elements of internal displacement: (1) the involuntary character of the movement; and (2) the fact that such movement takes place within national borders.

Section I of the document contains general principles including that national authorities have the primary duty and responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as provisions stipulating that internally displaced persons are entitled to enjoy in full equality the same rights and freedoms as other persons in their country and shall not be discriminated against because of their displacement. At the same time, the Principles acknowledge that certain groups of IDPs -- especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons -- may require specific attention.

Section II addresses the issue of protection from displacement and articulates a right not to be arbitrarily displaced. What this means is that states are under an obligation to avoid the displacement of populations and in particular to protect against the displacement of groups with a special dependency on, or attachment to, their lands. When displacement is unavoidable, the *Guiding Principles* specify minimum guarantees to be observed.

The third and most extensive section of the Principles identifies the range of civil, political, economic, social and cultural rights that all persons, including IDPs, should enjoy. This includes, for instance, the right to life, the right to an adequate standard of living, and the right to education. The fourth section deals with the issue of humanitarian assistance and specifies that when governmental authorities are unable or unwilling to provide assistance to the displaced, international organizations have the right to offer their services, and that consent for them to do so shall not be arbitrarily withheld.

The final section of the *Guiding Principles* emphasizes the importance of providing IDPs with durable solutions, namely voluntary return in safety and dignity or resettlement in another part of the country, as well as the need to provide IDPs with reintegration assistance and ensure they have equal access to public services. In addition, national authorities are duty-bound to help IDPs recover the property and possessions they lost upon displacement or, when this is not possible, to assist them in obtaining compensation or another form of just reparation.

Throughout the *Guiding Principles*, special attention is paid to the protection, assistance and reintegration needs of women and children, who typically comprise the overwhelming majority of displaced populations. For example, the *Guiding Principles* call for the participation of

women in the planning and distribution of relief supplies. They also prohibit sexual violence and the military recruitment of minors, stress the need for family reunification, and highlight the right of women to equal access to personal identity and other documentation. The Principles affirm the right of displaced children to education and specify the need for special efforts to ensure the full and equal participation of girls and women in educational as well as skills-training programmes.

Since their presentation to the United Nations (UN) in 1998 by the Representative of the Secretary-General on Internally Displaced Persons, who had been requested by the UN Commission on Human Rights and the General Assembly to develop a normative framework, the *Guiding Principles* have gained international standing and authority and are being widely used around the world. Intergovernmental bodies, such as the UN Commission on Human Rights and the General Assembly, in resolutions adopted by consensus and with a number of SADC states as co-sponsors, have recognized the Principles as ‘an important tool’ and ‘standard’ for addressing situations of internal displacement, encouraged their wide dissemination and welcomed their increasing use by states, UN agencies and regional and non-governmental organizations.<sup>v</sup> The UN Secretary-General has called on the Security Council to encourage states to observe the *Guiding Principles* in situations of mass displacement, and in his 2005 report on UN reform, he urged member states to accept the *Guiding Principles* as ‘the basic international norm for protection’ of internally displaced persons.<sup>vi</sup> All of the main international humanitarian, human rights and development organizations and umbrella groups have endorsed the *Guiding Principles* and taken steps to disseminate and apply them in the field. Around the world, regional organizations including the Organization for Security and Cooperation in Europe (OSCE) and the Inter-American Commission on Human Rights of the Organization of American States (OAS), have expressed support for the Principles and use them as a monitoring tool, as a benchmark for measuring conditions on the ground and as a framework for IDP programs and activities. Regional and sub-regional responses in Africa are discussed below.

Most importantly, the *Guiding Principles* are being used at the national level in countries affected by internal displacement. Particularly noteworthy is the use of the Principles by governments in the development of national laws and policies. Angola led the way as the first country in the world to incorporate the *Guiding Principles* into domestic legislation, with the Norms for the Resettlement of Displaced Populations. Adopted in January 2001 in anticipation of the end of the conflict and the possibility of durable solutions for the displaced, the Norms set forth minimum standards for the protection and assistance of IDPs during their resettlement. For instance, they affirm that all returns must be voluntary and occur in conditions of safety. They specify that returning IDPs are to have access to land and should receive seeds and tools. Further, the Norms provide that rule of law and public infrastructure such as schools must be in place in areas of return.

Several other governments, including Burundi, Colombia and Liberia, have followed suit and expressly referenced the *Guiding Principles* in national law. Others, such as Uganda, have developed a national policy based on the Principles; a similar exercise currently is underway in Nigeria. National human rights institutions, for instance in Uganda and in several countries in South Asia, are also making use of the *Guiding Principles* to promote and protect the rights of the internally displaced. Even some non-state actors have begun to refer to the *Guiding Principles* as a guide for protecting and assisting the internally displaced in their zones of influence.<sup>vii</sup> Moreover, around the world, civil society groups have been instrumental in

disseminating the *Guiding Principles* and using them as a basis for advocating for the rights of the internally displaced. IDPs themselves are using the Principles as an empowerment tool.

The normative framework found in the *Guiding Principles* therefore not only sets out the norms to be observed but also provides a framework for dialogue on IDP issues, thereby lending support to the development of effective strategies for preventing and effectively responding to internal displacement. In a number of countries, including Angola and the DRC, training workshops bringing together representatives of national and local government, civil society, IDP communities and international agencies have raised awareness and understanding of the *Guiding Principles* and stimulated the development of national strategies promoting their application.

As a sign of their broad use, the *Guiding Principles* have been translated into more than 35 languages, including Arabic, French, Kirundi, Luo, Portuguese and Swahili.

### **National Responsibility**

As noted above, addressing the problem of internal displacement is primarily a responsibility for governments. This requires the taking of concrete steps to prevent arbitrary displacement, protect and assist internally displaced populations and find durable solutions to their plight. To assist governments with these challenging tasks, a framework developed by the Brookings-Bern Project on Internal Displacement spells out the main indicators of national responsibility in situations of internal displacement.<sup>viii</sup> These include the following 12 steps:

1. Prevent displacement and minimize its adverse effects;
2. Raise national awareness of the problem;
3. Collect data on the number and conditions of IDPs;
4. Support training on the rights of IDPs;
5. Create a legal framework for upholding the rights of IDPs;
6. Develop a national policy on internal displacement;
7. Designate an institutional focal point on IDPs;
8. Encourage NHRIs to integrate internal displacement into their work;
9. Ensure the participation of IDPs in decision-making;
10. Support durable solutions;
11. Allocate adequate resources to the problem; and
12. Cooperate with the international community when national capacity is insufficient.

## Regional Responses to Internal Displacement

The consequences of internal displacement are felt strongly at the regional level. Neighboring countries often must bear the brunt of refugee flows and cope with serious political and economic disruptions and instability as a result of conflicts and other causes uprooting populations next door.

Africa has a long tradition of pioneering innovative regional approaches to forced migration through, for example, the creation of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. In 1988, the first international meeting on internally displaced persons and refugees took place in Africa, with the Conference on the Plight of Refugees, Returnees, and Displaced Persons in Southern Africa (SARRED). Thus, for nearly two decades regional approaches have been promoted on the continent to address internal displacement.

Beginning in 1994, the Organization of African Unity (OAU), now reconstituted as the African Union (AU), has convened a series of meetings designed to make its member states more aware of and responsive to the problem of internal displacement. That year, the OAU Commission on Human and Peoples' Rights held a seminar on the protection of refugees and internally displaced persons in Africa. Also that year, the OAU together with UNHCR organized a regional symposium on refugees and forced population displacements. Both meetings recommended greater OAU engagement in addressing internal displacement, in tackling its root causes and in forging stronger linkages between conflict resolution activities and programs on behalf of refugees and internally displaced persons. This was followed in 1996 by a conference co-sponsored with UNHCR on forced migration in the Great Lakes region.

In 1998, in collaboration with the Representative of the UN Secretary-General on Internally Displaced Persons, UNHCR and the Brookings Project on Internal Displacement, the OAU co-sponsored in Addis Ababa the first Africa-wide seminar specifically devoted to the issue of internal displacement. Among the recommendations emerging from the seminar were that the OAU establish a focal point on internal displacement to collect data on the problem and that the *Guiding Principles on Internal Displacement* be widely disseminated in Africa. The OAU Commission on Refugees, Returnees and Displaced Persons subsequently began monitoring IDP conditions and conducting field visits to different countries. The following year, the OAU Commission on Refugees, Returnees and Displaced Persons formally acknowledged and expressed appreciation for the *Guiding Principles*. The Principles subsequently were included in the Compendium of OAU Instruments and Texts on Refugees, Returnees and Displaced Persons in Africa, published in 2000.

Conferences organized in collaboration with the AU have given further momentum to these efforts. At meetings held in Nairobi in 2002 and Addis Ababa in 2003 governments reaffirmed their commitment to the *Guiding Principles* as a useful tool and standard for addressing situations of internal displacement and reported on steps taken towards the development of national legislation on internal displacement. They also identified the need for training of government officials on IDP and refugee issues. In November 2004, Heads of State of member countries of the International Conference on the Great Lakes Region (which includes SADC member states: Angola, DRC, Tanzania and Zambia) committed themselves to respect and use the *Guiding Principles* and to define national and regional frameworks for monitoring implementation of these standards.

In another important development, in 2004 the African Commission on Human and Peoples' Rights created the mandate of Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa, a post to which Bahame Tom Mukirya Nyanduga of Tanzania was appointed. Like the Representative of the UN Secretary-General, with whom he has taken the initiative to forge links, the Rapporteur's mandate directs him to engage in dialogue with inter-governmental and regional bodies in order to promote the protection of IDP rights.

At the sub-regional level as well, in particular in West Africa, the Great Lakes region and the Horn of Africa, governments have found regional approaches to internal displacement to be a valuable complement to national efforts. At a Conference on War-Affected Children in West Africa, governments of the Economic Community of West African States (ECOWAS) adopted a declaration welcoming the *Guiding Principles* and calling for their application by ECOWAS member states; this declaration was adopted at the ECOWAS Summit of Heads of State and Government later that year. In 2002, the office of the UN Representative and the Brookings Project on Internal Displacement co-sponsored a seminar on migration in West Africa for ECOWAS member states convened in Dakar by ECOWAS and IOM. Among the recommendations emerging from the seminar was the development of national laws on internal displacement using the *Guiding Principles* as a framework.

In East Africa, in September 2003, a ministerial-level Conference on Internal Displacement for member states of the Inter-Governmental Authority on Development (IGAD) was convened in Khartoum, hosted by the Government of the Sudan, and co-sponsored by IGAD, the Representative of the UN Secretary-General and UN Office for the Coordination of Humanitarian Affairs' (OCHA) Internal Displacement Unit. The Khartoum Declaration adopted by the conference and endorsed at the IGAD Ministerial Summit the following month, underscored that 'the problems of internal displacement affect all Member States in the sub-region and constitute a threat to socio-economic development, political stability, national security and the environment,' and accordingly emphasized that finding durable solutions to internal displacement is an indispensable step to realizing lasting peace, stability and development. The Declaration noted that the *Guiding Principles* on Internal Displacement are a 'useful tool' for addressing IDP issues and in particular for developing and evaluating appropriate national policies and legislation on internal displacement. Among the Declaration's other recommendations was the establishment within the IGAD secretariat of a unit on forced displacement, in particular to collect data on displacement in the region, disseminate the *Guiding Principles* and provide technical assistance to member states in developing and monitoring policies on internal displacement.

In Southern Africa, SADC's efforts to promote peace and security in the region have made important contributions to the resolution and prevention of conflicts and displacement crises. SADC diplomacy helped resolve conflicts in Mozambique, Zimbabwe and Angola, which in turn facilitated IDP return. A 1996 Memorandum of Understanding signed between SADC and UNHCR notes that the consolidation of peace in many parts of Southern Africa has created conditions conducive to the safe return of refugees and IDPs. At the same time, it recognizes that returning refugees and IDPs have assistance and rehabilitation needs that also must be assured. The agreement affirms SADC and UNHCR's resolve to work together to address the root causes of forced displacement, ensure the provision of humanitarian assistance, and search for durable

solutions for forced migrants, including by collaborating with non-governmental organizations (NGOs) at the national and regional levels.

That same year, the SADC Heads of State and Government created the Organ on Politics, Defense and Security Cooperation, which has among its central objectives to prevent, contain and resolve intra-state conflict by peaceful means. The 2004 Strategic Indicative Plan guiding the work of the Organ highlights the problem of internal displacement among the pressing political, economic and social challenges facing SADC. It recognizes the need for SADC states to develop appropriate policies for the social reintegration of ex-combatants, refugees and IDPs, mandates the creation of a handbook on social integration, and urges SADC states to share best practices for promoting effective reintegration. The Plan also calls for training workshops and seminars to be convened on the issue of refugee and IDP reintegration.<sup>ix</sup>

Also of note are the conclusions of a workshop on forced migration in the SADC region that was held in Lusaka in 2003. Participants, who included representatives of all SADC states and of the SADC Secretariat, recommended the integration of the *Guiding Principles* on Internal Displacement into national legislation as well as the establishment of a regular forum of SADC refugee commissioners and legal advisors to work towards the harmonization of forced migration laws and policies. They also proposed the development of a regional IDP database to aid in planning, the increased involvement of local governments in IDP protection, and the creation of a SADC Comprehensive Plan of Action to assist countries experiencing displacement crises.<sup>x</sup>

Also relevant are the efforts undertaken by SADC to address the problem of natural disasters in the region. Recognizing that the impact of natural disasters can be lessened through preparedness measures, SADC has assessed responses to past disasters and has been working to assist the governments of Southern Africa to develop quick-response capacities, effective emergency coordination mechanisms and disaster management plans.<sup>xi</sup>

Collectively, these initiatives provide a strong foundation for future SADC contributions to the prevention, management and resolution of internal displacement in Southern Africa. Based on the experiences of other regional bodies as well as recommendations already out forth the SADC region, these might include monitoring situations of internal displacement in the region, the appointment of a focal point on the issue, and promoting the adoption of laws and policies on internal displacement.

## **The Role of the International Community**

The international community can reinforce and provide valuable support to national and regional efforts for addressing internal displacement. UN agencies and international humanitarian and development organizations such as UNHCR, WFP, the UN Children's Fund (UNICEF), the World Health Organization (WHO), the UN Development Program (UNDP), OCHA, IOM as well as the ICRC and an array of international NGOs have been directly engaged in providing assistance, protection and reintegration support to large numbers of IDPs in the region, in particular in the DRC, Angola and in Mozambique. Areas of activity include: providing emergency relief to uprooted victims of conflict and disaster; promoting adherence to international human rights and humanitarian law; awareness-raising and training on the *Guiding Principles*; advocating for the rights of IDPs; supporting national capacity-building to address



internal displacement; facilitating IDP return or resettlement and monitoring to ensure that return or resettlement is voluntary and occurs in conditions of safety; and providing reintegration assistance so IDPs can begin to rebuild their lives. In addition to channeling crucial resources enabling these and other activities, donor countries have drawn attention to particular crises of internal displacement, for instance in Angola in 2000, and advocated with governments for effective responses to the plight of their internally displaced populations.

There are also UN experts on thematic issues that have undertaken missions to specific situations of internal displacement to assess and discuss the conditions of the internally displaced with the government and other relevant actors. For instance, the Representative of the UN Secretary-General on Internally Displaced Persons visited Mozambique in 1996 and Angola in 2000 to engage in dialogue with the respective governments in particular as regards the search for durable solutions for the millions of internally displaced persons uprooted by the conflicts. Missions undertaken to SADC countries by the Representative of the Secretary-General on Children and Armed Conflict, the Internal Displacement Division of OCHA and, most recently, the Secretary-General's Special Envoy for Human Settlement Issues in Zimbabwe also have addressed particular issues and situations of internal displacement in the region.

Although not specific to internal displacement, a number of broader regional and international initiatives also have important linkages to addressing internal displacement in the Southern African region. Particularly noteworthy is the New Economic Partnership for African Development (NEPAD), which is premised on recognition of the link between peace, security and development and promotes good governance and sustainable post-conflict reconstruction and development. The Millennium Development Goals adopted by Heads of State in 2000 also are relevant; indeed, their implementation would go a long way to addressing many of the assistance, protection and reintegration needs of the internally displaced.

## **Conclusion**

Internal displacement is a pressing issue in several SADC states. While some significant displacement crises have attenuated due to the cessation of hostilities, millions of IDPs in the region nonetheless remain in a precarious situation and new situations of internal displacement continue to occur. A great deal therefore remains to be done to address IDPs' protection and assistance needs, to find durable solutions to their plight and to prevent further displacement from taking place.

These are challenges for national and local authorities, first and foremost, to address together with the affected populations. But internal displacement also is a problem of particular impact at the regional level and one that regional bodies as well as the international community can help to address, in particular by promoting and reinforcing national efforts. Indeed, given the magnitude and complexity of crises of internal displacement, working in partnership with regional bodies and the international community may prove valuable to ensuring effective responses. In bringing national, regional and international actors together to discuss internal displacement, this seminar seeks to lend support to achieving more effective strategies for responding to internal displacement and addressing the plight of the large numbers of internally displaced persons in the SADC region.

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- <sup>i</sup> Dawn Chatty and Marcus Colchester (eds.), *Conservation and Mobile Indigenous Peoples Displacement, Forced Settlement and Sustainable Development* (Oxford: Berghahn Books, 2002).
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- <sup>iv</sup> United Nations, Commission on Human Rights, *Profiles in Displacement: Mozambique. Report of the Representative of the Secretary-General on Internally Displaced Persons*, UN Doc. E/CN.4/1997/43/Add.1.
- <sup>v</sup> See United Nations, Commission on Human Rights resolution 2004/55; General Assembly resolution 2004/58; and Commission on Human Rights resolution 2005/46.
- <sup>vi</sup> United Nations Secretary-General Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All*, UN doc. A/59/2005 (2005), para. 210.
- <sup>vii</sup> See *Seminar on Internal Displacement in Southern Sudan, November 25, 2002* (Washington, D.C.: Brookings-SAIS Project on Internal Displacement, 2002).
- <sup>viii</sup> *Addressing Internal Displacement: A Framework for National Responsibility* (Washington, D.C.: Brookings Institution-University of Bern Project on Internal Displacement, 2005).
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