

(6.12.12)

AFRICA UNITES on HUMAN RIGHTS!

A media guide to the Kampala Convention



THE KAMPALA CONVENTION: an overview

The adoption of the Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa by the African Union (AU) in October 2009 is an historic accomplishment. The so-called Kampala Convention is the first legally binding continental instrument in the world that imposes on states the obligation to protect and assist IDPs.

The Kampala Convention became legally binding on December 6, 2012, when Swaziland, the critical 15th country, completed the process needed for it to come into force.

Since it was adopted in Kampala, a growing number of countries have shown a commitment to its contents. It has been **signed by** 37 of the 53 AU member states, but not yet ratified by all of these. This means that while that they are not yet legally bound by it, they agree to refrain from acts that would defeat the object and purpose of the convention.

The 15 states legally bound by the Kampala Convention:

Benin, Burkina Faso, Central African Republic, Gambia, Gabon, Guinea-Bissau, Lesotho, Niger, Nigeria, Republic of Chad, Sierra Leone, Togo, Uganda, Zambia, and most recently, Swaziland.

The adoption of the Kampala Convention has come at a time when Africa is faced with complex and persistent internal displacement challenges affecting millions of people. For the 15 countries that are now legally bound by it, the Kampala Convention will provide a critically important legal framework for protecting, assisting and reestablishing livelihoods and access to rights for millions of IDPs in Africa, as well as for the prevention of future displacement by addressing the root causes.

The Kampala Convention applies to displacement caused by a wide range of causes – from conflict and human rights violations to natural or man-made disasters and development projects – and provides standards for the protection of people from unlawful displacement, the protection of IDPs while they are displaced, as well as durable and peaceful long-term solutions to their displacement.

Before displacement

One of the aims of the Kampala Convention is to prevent displacement. It prohibits unlawful or systemic displacement, and requires national authorities to take preventive measures to protect people from displacement in line with their obligations under international law.

It provides that people should be protected against displacement resulting from conflict and violence, or human rights violations, such as ethnic cleansing. It also states that displacement should not be used as a method of warfare or as collective punishment.

In the case of natural disasters, forced evacuations should only take place in conditions which respect the basic rights of people and for reasons of health and safety. It calls on national authorities to establish early warning systems and adopt disaster preparedness and management measures to prevent displacement caused by natural disasters.

In the case of development projects, carried out by public or private actors, forced relocation must be justified by “compelling and overriding public interest”. National authorities must ensure that other alternatives are explored and that socio-economic and environmental impacts are assessed beforehand. National authorities also have a duty to inform and consult people who are likely to be displaced by such projects.

During displacement

When a person is first displaced, they face particular challenges. They often lack basic necessities, are vulnerable to sexual violence and family separation, and face difficulties in accessing education and finding work opportunities.

Measures national authorities must take under the Kampala Convention:

- Gather data on and identify IDPs to understand where they are and what they need
- Provide personal ID documents
- Trace family members and help to reunite them
- Consult with IDPs in decisions related to their needs



Graduation from a young adult program, Gulu District, Uganda. Photo © IDMC, January 2011.

The Kampala Convention provides that national authorities have the primary responsibility for providing help to internally displaced people (IDPs). They are obliged to assess and address not just their needs but also those of the communities which take them in.

Internally displaced people are entitled to the same rights as other citizens and residents of the country. They should not be discriminated against on the grounds of their displacement or on any other grounds, such as their ethnicity, religious beliefs or political affiliation.

Bringing displacement to an end

The Kampala Convention calls on governments to help IDPs resume dignified lives. IDPs must also be provided with the information they need in order to make a free and informed decision on where they want to settle; be it return home, stay where they are, or move to another part of the country.

Making the Kampala Convention work

“The absence of a specific and binding international legal regime specific to IDPs represented a serious gap creating numerous challenges for their protection, assistance and finding durable solutions for their problems,” the African Union (AU)

has emphasised in an [explanatory note](#). It is for this reason, that the Kampala Convention is so important.

While 15 countries are now legally bound, there is still a way to go before this is the case for all 53 countries in Africa.

If you are a civil society organisation seeking to promote the ratification and implementation of the Kampala Convention in your country, see [our guide to the convention](#).

“The Kampala Convention is a major achievement. It represents the will and determination of African States and peoples to address and resolve the problem of internal displacement in Africa.”

Dr Chaloka Beyani, United Nations Special Rapporteur on the human rights of internally displaced persons

QUOTES

“While recognising the responsibility on states and enabling IDPs to claim their rights is a huge achievement, and one which we hope will encourage other world leaders to follow suit, this is a beginning, not an end. The convention will not in itself create significant concrete change for internally displaced people. Measures must be taken by the 15 countries currently legally bound by the convention, so that it is reflected in their national legislation and made into a concrete reality.”

Sebastián Albuja, Head of the Africa Department at the Internal Displacement Monitoring Centre (IDMC)

“The reality is that right now, people are forced to flee their homes due to natural disasters and development projects such as dams and building projects, in addition to war and human rights violations. The Kampala Convention is comprehensive in that it addresses the multiple causes of internal displacement. Africa is home to almost 40% of the world’s internally displaced, or IDPs; the continent is taking an important step towards addressing the plight of its people.”

Kim Mancini, Senior Training and Legal Officer, Internal Displacement Monitoring Centre (IDMC)

“Displacement is a devastating experience. Those who flee or are forced to leave their homes may find security but they have to pay a heavy price. They leave behind their property, livelihoods, community ties and all they cherished. Dreams are shattered and hopes gone, and often it takes years or even decades for them to rebuild normal lives.”

Walter Kälin, former Representative of the Secretary-General on the human rights of IDPs

“Everyone displaced by conflict or natural disaster is an individual. A person, likely a woman or child, who may be undernourished and living in fear of recruitment or rape. A person whose potential remains unrealised, with dreams unfulfilled and contributions forgone.”

UN Secretary general Ban Ki-Moon’s message to the African Union Special Summit of Heads of State and Government on refugees

“Sustaining returns remains a challenge that must be addressed by quick impact recovery and development activities, which requires stronger action by development agencies and support of donors.”

Walter Kälin, former Representative of the UN Secretary-General on the Human Rights of IDPs

“The convention will have its desired impact only when it is speedily signed, ratified and implemented. (...) Member states are called upon to complete the process by signing and ratifying the convention and taking the various measures outlined therein to ensure its implementation and answer to the cries of these displaced populations.”

African Union, 23 October 2009

“The convention represents an important achievement, but not an end in itself. Everything is in fact just starting as this is an indispensable tool that will serve a regional vision aiming at improving the life of the populations and turning this continent into one where life is good, sheltered from fear and needs.”

Jean Ping, Chairperson of the Commission of the African Union (translated from French)



Students at the Kourouko site, Central African Republic. Photo © IDMC, March 2010.

SOCIAL MEDIA: suggested messaging

Twitter

IDMC lauds the #AU for #KC2012, which obliges states to assist ppl forced to flee & find durable solutions #IDPRights <http://ht.ly/fwCp1>

Today the Kampala Convention comes into force! The #AU convention is 1st ever regional treaty to protect IDP rights #IDPRights <http://ht.ly/fwCp1>

Africa takes the lead! World's 1st continental treaty to protect those forced to flee comes into force #IDPRights <http://ht.ly/fwCp1>

Did u know: #KC2012 obliges states to provide assistance to ppl forced to flee & find long-lasting solutions #IDPRights <http://ht.ly/fwCp1>

Did u know: #KC2012 is the 1st regional treaty to protect the rights of ppl forced to flee in their country? <http://ht.ly/fwCp1> #IDPRights

Did you know: the #KC2012 addresses not only the needs of ppl forced to flee, it helps prevent the causes #IDPRights <http://ht.ly/fwCp1>

Facebook

Africa Unites on Human Rights!

Today, we celebrate an historic achievement. The Kampala Convention, the first regional convention to commit states to protect the rights and well-being of people forced to flee inside their home country, enters into force. Watch this short video:

[Embed video, available here <http://ht.ly/fwCp1> or on Youtube at <http://www.youtube.com/user/internaldisplacement/videos>]

Photos

These photos are available for download and distribution:



[Click to download](#)

A makeshift IDP camp on the outskirts of Goz Beida. The village of Bakinia was attacked during a wave of inter-communal fighting that erupted on November 4, 2006. UNHCR estimates

that 5,000 people arrived in Goz Beida as a result of those attacks. Survivors of the attacks said they needed to return to their fields to harvest but didn't feel safe enough to do so. **Credit:** UNHCR/Hélène Caux, 2006



[Click to download](#)

A displaced woman in Tamadjour collects grains from a large pot used to stock the harvest. The village was attacked and burned in November 2006 and all the villagers fled to Goz Beida. Some people, such as this woman, returned for a few hours to collect remaining belongings and stocked grains.

Credit: UNHCR/Hélène Caux, 2006



ABOUT IDMC

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples.

IDMC is part of the Norwegian Refugee Council (NRC). For more information, visit our website at www.internal-displacement.org.

For more information about the Kampala Convention, please contact Kim Mancini at kim.mancini@nrc.ch

For media enquiries, please contact Clare Spurrell at clare.spurrell@nrc.ch, +41 (0)79 379 89 52.



Internal Displacement Monitoring Centre
Norwegian Refugee Council

Chemin de Balexert 7-9
1219 Châtelaine (Geneva), Switzerland
Tel.: +41 22 799 07 00
Fax: +41 22 799 07 01
Web: www.internal-displacement.org
Twitter: www.twitter.com/idmc_geneva
Facebook: www.facebook.com/InternalDisplacement