

**Summary and Recommendations from the Seminar on
Internal Displacement in the SADC Region
Gaborone, Botswana
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**Sponsored by the United Nations High Commission 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**

Overview of the discussion

Through the presentations and discussions that took place during the seminar, it was recognized that internal displacement is an issue of serious concern for the SADC region: many countries have directly experienced the problem in the past while others face it currently. Since more than half of the world's 25 million internally displaced persons (IDPs) are in Africa, the severity of the problem for the region cannot be denied. Discussion in particular focused on the internal displacement situations in the Democratic Republic of Congo and Angola as well as on the earlier experience of displacement in Mozambique. Other situations of displacement, in particular in Zimbabwe, also were raised.

The causes of internal displacement in the SADC region are diverse and inter-related. Displacement may be induced by conflict, human rights violations or natural disasters such as drought and other factors such as food insecurity. Displacement may also be associated with urban renewal schemes and development projects such as the construction of dams, roads and other infrastructure. The question of balancing the potential positive outcomes of development projects and the negative consequences of displacement is a difficult one which merits further consideration, drawing upon the experiences of other regions. While planned displacement of this kind may be justified as in the public interest, it is essential to bear in mind the standards set out in the Guiding Principles on Internal Displacement and other guidelines put forward by institutions such as the World Bank.

There are many similarities between the circumstances facing refugees and IDPs, but also key differences. Legally, IDPs are in a different context: still within their country, they are entitled to the full range of rights as citizens, and their protection and assistance is the responsibility primarily of their government. On the ground, differences between refugees and IDPs are often manifested in discrepancies in access to humanitarian assistance and in the support received for durable solutions.

It was also recognized that victims of forced migration do not necessarily remain in neat categories—there is fluidity between different types of migration such as internal displacement, refugee movements and economic migration.

There was strong consensus amongst participants regarding the importance of acknowledging and responding to the vulnerabilities facing the internally displaced.

Individuals who are already vulnerable, for example due to gender, ethnicity, or socio-economic status, are among those most likely to become displaced. Displacement itself exacerbates vulnerability to further displacement. It is essential to tackle the root causes of internal displacement, particularly conflict and under-development. The importance of creating a culture of peace, combating impunity and the need for reconciliation was emphasized. Preventing and mitigating the impact of natural disasters was considered vital.

Beyond prevention, it is fundamental to address the *consequences* of internal displacement, which are devastating for individuals, families and communities. The challenges of protecting and assisting the displaced were discussed, in addition to facilitating access to durable solutions. The question of when displacement ends stands out as a key issue that requires further consideration.

In responding to internal displacement, the Guiding Principles on Internal Displacement were recognized as an important tool and reference point to assist governments and other actors in promoting and protecting the rights of the internally displaced. The wide use and dissemination of the Principles in the SADC region were encouraged. Discussion took place on the issue of whether there should be a binding convention on internal displacement; in this connection the AU initiative to develop a legal framework on internal displacement was noted with interest.

The following recommendations were drawn from the seminar discussions and are organized according to national, regional and international responsibility:

National

The meeting underscored that primary responsibility for addressing internal displacement rests with national authorities. The *Framework for National Responsibility* provides a reference and a tool to assist governments in carrying out their responsibility to IDPs by identifying measures to be taken.¹ A number of these measures received particular emphasis for follow up in the SADC region:

Develop national laws and policies on internal displacement

SADC states should develop national laws and policies on internal displacement using the Guiding Principles on Internal Displacement as a framework for reference, following the example set by countries such as Angola. National policies on internal displacement should address all phases of displacement, including prevention, protection and assistance during displacement, and durable solutions. The policies should specify the local and national institutional arrangements for addressing IDP issues, and should take into account the particular protection, assistance and reintegration needs of displaced women and children, recognizing that these populations make up the majority of the displaced.

¹ *Addressing Internal Displacement: A Framework for National Responsibility* (Washington, D.C.: Brookings Institution-University of Bern Project on Internal Displacement, 2005).

National policies should ensure that return, resettlement or local integration occurs voluntarily and in conditions of safety and dignity. In particular, national policies and laws should uphold the right of the displaced to choose to return or resettle and start a new life in another part of the country. National IDP policies should facilitate equitable access to land and the restitution of lost property. If durable solutions are indeed to be sustainable, national policies on internal displacement must be part of a broader, rights-based approach to development.

National policies and laws on internal displacement should be created in close consultation with all stakeholders, including the internally displaced themselves, ensuring that the views of historically marginalized groups such as women and children are taken into account.

Promote and disseminate the Guiding Principles on Internal Displacement

Recognizing that the Guiding Principles are an essential tool and standard for addressing internal displacement, governments, regional organizations and national bodies should take steps to raise awareness of the Principles by translating and disseminating them. The media could also play a larger role in raising awareness of the concerns facing IDPs, and the rights of the displaced.

Recognize and support the role of NGOs in addressing internal displacement

SADC member states should work in partnership with civil society organizations to prevent, respond to and resolve internal displacement. National governments, local authorities and NGOs, including religious organizations, have different but complementary capacities; it is therefore valuable for these groups to work in partnership. The work of NGOs can be critical in cases where the government has limited access to assist displaced populations in rebel-controlled areas. It is also important for NGOs and international humanitarian agencies to consult and cooperate, drawing on one another's experiences and best practices. Local NGOs often lack the support they need to carry out essential assistance programs. It is therefore advisable to look at ways to ensure better international support for local civil society organizations. It is vital to build the capacity of rural women to organize and participate in civil society organizations. For both local and international NGOs as well as international agencies, security remains a major concern that must be addressed in order to enable them to carry out their work with displaced populations.

Support the development of national human rights institutions

Governments should support the development of national human rights commissions, and encourage and support these institutions to address the issue of internal displacement. National human rights institutions in different countries should have the opportunity to meet and exchange best practices in addressing internal displacement.

Address root causes of internal displacement

States should take active steps to mitigate the conditions that leave populations vulnerable to displacement. This would involve promoting reconciliation and peace-building activities; pursuing integrated, rights-based national development strategies; and

addressing food insecurity, which is both a cause and effect of internal displacement in the SADC region. Addressing internal displacement is key to the achievement of the Millennium Development Goals, and also is relevant to the NEPAD framework.

Increase efforts to tackle the specific needs of IDPs with heightened vulnerability

Much greater attention needs to be devoted to the devastating impact of displacement on children, who are often robbed of their childhood and the opportunity to obtain an education during displacement. They are highly vulnerable to forced recruitment, sexual abuse and other dangers. Greater attention must also be paid to IDP women and how displacement exacerbates gender inequalities. Displacement often changes gender roles and increases the responsibilities borne by women, particularly female heads of households. Specific concerns for women, including sexual and gender-based violence, access to property and engagement in decision-making, need to be effectively addressed.

Promote full humanitarian access to the internally displaced

Where states lack the capacity to respond effectively to internal displacement, they should ensure that humanitarian assistance agencies have safe and full access to internally displaced populations. In areas controlled by non-state actors, these actors are responsible for ensuring that the displaced have access to humanitarian assistance. These obligations are made clear under international humanitarian law and the Guiding Principles on Internal Displacement.

Ensure effective institutional arrangements and coordination

On the national level, it is advisable to nominate a focal point within government to take responsibility for issues of internal displacement and promote coordination between different levels and branches of government, including at the regional and local levels, and with the international community.

Provide durable solutions to the internally displaced

For internally displaced persons, a durable solution means voluntary and safe return, resettlement or local integration. Building on experiences gained throughout the SADC region, it is recommended that post-conflict transition programs focus on reducing communities' vulnerabilities and augmenting household assets and individual skills. Ensuring that both male and female IDPs can access land and re-establish sustainable livelihoods are also fundamental components of truly durable solutions. Restoring law and order and rebuilding national institutions can be a long term and difficult task, but is essential if the solutions offered to IDPs are to be sustainable. Indeed, it was suggested that ending populations' vulnerability to displacement requires ending the legacy of colonialism and increasing individuals' capacity to become "empowered citizens".

Programs designed to facilitate reintegration of IDPs may be most effective if they benefit not only those returning or resettling, but other members of the community as well. The demobilization and reintegration of former combatants is a sensitive but crucial task. Tackling the challenge of demining also is requisite to making durable solutions accessible to the displaced.

Increase training on internal displacement issues

Increased training on internal displacement issues, both for displaced citizens and government officials, must be undertaken. Civic education can help ensure that the displaced are aware of their rights and that government officials are fully informed regarding their responsibilities towards IDPs. The training the Norwegian Refugee Council's Global IDP Project offers to governments, UN country teams and national human rights institutions can make a significant contribution to augmenting the capacity of national and international actors working on IDP issues. Avenues to expand the Global IDP Project's training activities in the SADC region could be pursued.

Improve data collection

There is need to improve the methods used to gather data on IDP numbers and conditions so that this data can become more reliable and comprehensive. Governments have a key role to play in strengthening data collection efforts. This will involve tackling several complex questions arising from internal displacement, such as when displacement ends. Efforts to develop better statistical methods also are needed at the international level.

Include IDPs in comprehensive HIV/AIDS programs

Misconceptions exist regarding IDPs and HIV/AIDS. More research is needed, but as states move forward with HIV/AIDS prevention and treatment policies, it is necessary to ensure that IDPs have full access both to prevention programs and to treatment, and that the stigma and discrimination associated with HIV/AIDS are actively combated.

Devote financial resources to internal displacement as an indication that governments take the issue seriously

Even though financial resources may be limited, national authorities should indicate that they regard internal displacement as a national priority by devoting specific resources to internal displacement in national budgets. It should be noted that while access to adequate resources is a major issue, respect for human rights, particularly in terms of political and civil rights, is not always a question of resources. It also is important to ensure non-discrimination in access to humanitarian assistance and services.

Regional and Sub-Regional Organizations

Regional and international organizations can make valuable contributions to reinforcing and supporting national responsibility. Indeed, the development of stronger regional approaches to internal displacement in the SADC region was identified as a matter of urgency. The following recommendations were made:

Continue developing regional approaches to internal displacement, at continental and sub-regional levels

It was affirmed that regional and sub-regional organizations have a valuable part to play, both in terms of preventing and responding to internal displacement. In this connection, the African Union standard-setting initiative on the rights of IDPs was

welcomed and encouraged. This initiative was considered part of the tradition of African leadership in developing commitments on forced migration. Once this exercise is completed, however, the challenge, as with national legislation, will be to ensure its effective implementation. States and regional organizations also should widely publicize and disseminate the AU Compendium of Legal Instruments on Displacement.

The role of the African Commission on Human and Peoples' Rights (ACHPR) in addressing displacement issues is also noteworthy, for instance its complaints mechanism, and in particular the work of its Special Rapporteur on Refugees, Asylum Seekers and IDPs, who can undertake fact-finding missions to areas of displacement. Other mechanisms, including the Rapporteur on the Rights of Women and the Working Group on Indigenous Persons and Minorities are also relevant.

SADC was encouraged to develop more detailed regional approaches to internal displacement, including by continuing regional dialogues, such as the IOM-supported Migration Dialogue for Southern Africa (MIDSA), and by augmenting the focus on internal displacement. To institutionalize the issue of internal displacement in SADC, it was recommended that a focal point be appointed and that regular discussions of IDP issues be held at meetings of the SADC Organ. Other fruitful areas for regional cooperation could include the region-wide promotion of relevant human rights standards including the Guiding Principles; technical cooperation for registration, return and resettlement; capacity building in terms of data collection; working with states to support the development of legislation and policies on IDPs; election monitoring; and carrying out regional training exercises for government officials and military officers.

Address governance issues associated with internal displacement

It was emphasized by various participants that displacement often is associated with poor governance practices, and that "good governance" is not simply about holding elections, but also about effective, responsible, responsive institutions that can make good on rights such as freedom of movement. It was suggested that regional tools such as peer review mechanisms should be used to address internal displacement. In addition, regional and international tools to end impunity for the type of crimes that may lead to forced displacement should be utilized to their full extent. These tools include the new SADC Tribunal located in Namibia.

Share experiences across regions

Interest was expressed in learning from the experiences of other regions in addressing internal displacement. Guidance on development-induced displacement would be particularly welcome.

Develop the capacity of African institutions to produce research on internal displacement and participate in decision-making on internal displacement issues

The capacity of African academic institutions to research internal displacement issues must be strengthened. In particular, there is a need to increase capacity to produce research that can inform policy. An enabling environment is required in order for researchers to carry out studies that can serve as the basis for policies at the national and

regional levels. In addition, avenues must be opened to disseminate research and channel the results of sound empirical studies into the policy-making process. In particular, there was a call for the stronger participation of civil society organizations, including research groups, in the African Union's decision-making on internal displacement. International agencies could also engage more directly with African regional and sub-regional organizations.

The International Community

Ensure a more engaged, effective and predictable international response

The present ad hoc system for responding to internal displacement was considered inadequate. There is urgent need for greater predictability and accountability in the international response to internal displacement. Greater engagement on the part of UNHCR with IDPs was encouraged, in particular in the DRC. The increased engagement of the Office of the High Commissioner for Human Rights (OHCHR) also was encouraged, given that internal displacement is fundamentally a challenge of human rights. The increased engagement of these and other international agencies with IDPs will require enhanced resources.

It was also recognized that the problem of internal displacement is of such magnitude and the needs so diverse, that a wide range of international agencies must be drawn upon in the context of a collaborative approach. In this connection, the efforts currently underway to enhance sectoral accountability were welcomed.²

Reinforce the capacity of national and international agencies working on IDP issues

Coordination and resource mobilization must be enhanced to enable international agencies working on IDP issues to strengthen their protection and assistance efforts in the field. The current ad hoc system for resource mobilization needs to be made more predictable, ensuring that resources are available on an equitable basis. Increased support should be directed not only to humanitarian agencies, but also to human rights agencies such as the ACHPR and OHCHR, which play an indispensable role in addressing the human rights violations associated with internal displacement. Assistance to IDPs should not cease with the end of conflict but continue into the reconstruction phase in order to ensure that solutions to internal displacement are truly durable. It was highlighted that the capacity of international agencies to respond to internal displacement is greatly weakened by a lack of security for humanitarian workers in the field. More effective measures are therefore needed to ensure the security of humanitarian operations.

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 and launch dialogue with governments, for example through missions undertaken by the Representative of the Secretary General on the

² Under the United Nations' collaborative approach to addressing internal displacement, efforts are being made to promote greater responsibility and accountability for specific sectors. At the time of the seminar, UNHCR was discussing plans to accept responsibility for the following sectors- protection (including return), camp coordination and emergency shelter.

Human Rights of IDPs. The recommendation that the RSG carry out a mission to the DRC was noted. International actors may also promote respect for IDPs and civilian populations not only with national authorities but also with non-state actors, bearing in mind the obligations of armed groups under international humanitarian law and the Guiding Principles.

Improve capacities of peacekeepers to respond to internal displacement

Peacekeepers can make major contributions to protecting and assisting IDPs. Peacekeeping should be considered not only a military function but also seen in terms of governance, humanitarian concerns, and capacity building. Internal displacement issues must be integrated at the earliest stages of mission design. SADC states as well as governments elsewhere in the world should ensure that national military forces and peacekeeping forces receive training on the Guiding Principles on Internal Displacement and the particular security concerns facing IDPs. Such training should take place before deployment, as well as during missions. It is also necessary to ensure that those who are trained are in fact those who are deployed. Policies of zero tolerance for sexual exploitation of the displaced by military and peacekeeping forces, as well as humanitarian personnel, must be rigorously implemented.

Increase engagement of donors

The USAID donor policy on internal displacement was welcomed as a strong example of how donors can promote a more coordinated, focused approach to internal displacement, with a particular focus on protection. Other international donors were encouraged to consider developing similar initiatives.

Continue funding specific programs for IDPs so long as particular vulnerabilities exist

Assistance to IDPs must not end simply with the end to a conflict—they will require support in the post-conflict phase until peace is consolidated, their safety can be assured and reintegration assistance is provided to help them rebuild their lives. Host communities, who often display tremendous hospitality towards IDPs and shoulder the burden of assisting them, may also require assistance alongside IDPs.

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