

# **Regional Seminar on Internal Displacement in the Economic Community of West African States (ECOWAS) Sub-Region**

**Abuja, Nigeria, 26-28 April 2006**

## ***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 the borders of their own countries and are called internally displaced persons ('IDPs'). Around the world, some 23.7 million women, men and children have been internally displaced by conflict, communal violence, and internal strife.<sup>1</sup> 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 12.1 million persons -- are in Africa, with over 1 million in the fifteen countries comprising the Economic Community of West African States ('ECOWAS').<sup>2</sup>

Governments have the primary responsibility for addressing the needs of displaced persons within their borders. Indeed, sovereignty is recognized as entailing national responsibility for ensuring the welfare and security of the people 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 the question of internal displacement at the regional level, thereby enabling governments and other relevant actors to develop their thoughts on this issue, review current trends in internal displacement in the region,

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<sup>1</sup> Unless otherwise stated, all figures relating to conflict-induced displacement are based on the Norwegian Refugee Council, Internal Displacement Monitoring Centre, *Internal Displacement: Global Overview of Trends and Developments in 2005*, March 2006.

<sup>2</sup> Benin, Burkina Faso, Cabo-Verde, Côte-d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra-Leone and Togo.

share experiences and best practices, consider the role and activities that ECOWAS might play in addressing internal displacement, and identify steps that could be taken to enhance policies and practices at the national, regional and international levels.

### **Internal Displacement in the ECOWAS Region**

Since 1990, West Africa has become one of the sub-regions of Africa most heavily affected by conflict-induced displacement. Such conflict has often been the result of ethnic tensions and rivalries, political instability and disputes over the control of natural resources. In addition, natural disasters and the imperatives of development, including urbanization and the exploitation of natural resources, have resulted in significant displacement of populations. The exact number of IDPs at any one time in West African states is difficult to estimate. There are no precise figures. For purposes of illustration, the following discussion relies on the figures compiled by the United Nations ('UN') and the Internal Displacement Monitoring Centre ('IDMC') of the Norwegian Refugee Council, unless otherwise indicated.

As a result of the outbreak of civil war in Liberia in 1989 and 14 years of intermittent conflict, most Liberians are believed to have fled their homes at one time or another. Many sought refuge in neighboring and other states of West Africa. Others fled to relatives' homes in safer areas of Liberia while a large number fled the conflict to live in internal displacement camps and an unknown number of IDPs fled to the cities. The displacement caused by the 11-year civil war in Sierra Leone was on a similarly large scale. Up to a third of Sierra Leone's population is estimated to have been internally displaced at the height of the conflict which ended in 2002.

The civil wars in neighboring Liberia and Sierra Leone spilled over into Guinea, providing a prime example of the regional nature and destabilizing effect of the conflicts in West Africa. From 2000 to 2001 the Guinean Government began to complain of the infiltration of rebels into refugee camps on its territory and reported the displacement of a large number of people, primarily in the border regions.

Civil war in neighboring Guinea-Bissau caused mass displacement. However, it is believed that since the end of the war in 1999, most of the displaced have returned to their homes. The conflict in Côte d'Ivoire, however, continues and the scale of the displacement is significant. According to a study conducted by the United Nations Population Fund, approximately 1.2 million people were displaced in Côte d'Ivoire as a whole by the end of November 2005. The UN Development Fund for Women ('UNIFEM') has estimated that of the displaced people, 80% are women and children. Similarly, in Sierra Leone, Save the Children UK estimated that 60% of the displaced were children.

Political instability, as well as ethnic tensions and disputes over the management of natural resources, have also brought about situations of internal displacement. In Togo in 2005 the death of former President Gnassingbe Eyadema and subsequent political events led to the displacement of thousands, although many are now believed to have returned. Many thousands more remain in Benin, Burkina Faso and Ghana as refugees or asylum seekers.

Senegal and Nigeria too have witnessed displacement caused by instability. A rebellion in the southern Casamance province of Senegal has led to major displacement. Hopes that these displaced could soon return have diminished since the resurgence of fighting at the beginning of 2006. In Nigeria, the primary causes of conflict-induced displacement have been religious, ethnic and resource-related conflicts. The Nigerian Commission for Refugees claims that Delta state has witnessed the displacement of hundreds of thousands of people, in part because of conflict among different ethnic groups and over oil resources. In addition, the Commission claims that ethnic tensions as recently as March 2006, particularly in the south-eastern provinces of Nigeria, led to significant displacement.

Now that the civil wars in Sierra Leone and Liberia have officially ended and the instability in Togo has abated, the return and resettlement of IDPs and refugees have become priorities in each of these countries. In Sierra Leone, return and resettlement of IDPs, as well as refugees and ex-combatants, was carried out in accordance with a Resettlement Strategy developed by the Government. According to UN figures, all IDPs in Sierra Leone returned to their places of residence by the end of 2002. Similarly, in 2004, the Government of Liberia, with the support of the international community, took the important step of adopting a national policy framework designed to address all aspects of rehabilitation, including IDP and refugee returns. The return of IDPs from camps in Liberia is scheduled to be completed by April 2006. Togo also has developed a National Action Plan addressing return and reintegration and as mentioned earlier, the number of IDPs in Togo has decreased significantly since early 2005.

The way in which return and resettlement have been carried out raises some important issues. First, return or resettlement should be in accordance with international standards and be voluntary. Displaced persons must never be forced to return to their homes. Second, return should only be encouraged when the area of return is safe enough to receive returning IDPs. As is the case in the Casamance in Senegal, land mines may render large tracts of land unusable and uninhabitable. Or as has been the case in other countries, some areas of resettlement may be prematurely declared safe. Finally, in order for return and resettlement to be comprehensive, it is important to identify *all* those populations and individuals who have been displaced, be they in camps, with host families or merged into cities. This means that all IDPs should be eligible to receive resettlement packages.

One of the greatest challenges currently faced by those countries recovering from conflict is to develop in places of return and resettlement sufficient infrastructure and other conditions necessary for the development of livelihoods, thereby creating durable solutions. Failure to create the conditions for successful return or reintegration may lead some IDPs either not to return or to return only temporarily, going back instead to camps or other sites in which the services and infrastructure are comparatively more developed. In countries where IDPs have expressed concern about returning, the reasons given invariably include inadequate return packages, lack of transport, continuing security fears, and lack of infrastructure and services in home areas. The failure to find durable solutions could precipitate further conflict if unreasonable pressure is exerted on basic services and public utilities to the dissatisfaction of host communities.

In addition to conflicts, natural disasters also are a significant cause of displacement across the ECOWAS region, including in many of the same countries that have been affected by conflict. Flooding, drought and the destruction of agricultural production that natural disasters can cause, have affected significant numbers of people. The precise number of displaced as a result of these disasters has not been studied. However, the UN has estimated that in August 2005 alone, floods in Nigeria and Sierra Leone affected 3,000 people in each country and a further 61,500 in Senegal. Guinea too was seriously affected by flooding in 2005. The on-going drought in the Sahel is said to have caused the migration of entire families and villages who have left their homes in search of food and livelihoods.

Displacement may also result from development projects. This might include the resettlement of populations for the purposes of urban planning or the building of a dam or the opening of a mine. In Abuja, Nigeria, for example, individuals have been uprooted as part of an urban plan for the city.

As mentioned earlier, one of the great challenges in West Africa is determining precise numbers of displaced. Comprehensive registration of all displaced is difficult and seldom takes place. As a result, those displaced that are not in camps or other discrete areas in which they are easily accessed and counted, will often not receive assistance. The Inter-Agency Internal Displacement Division and the OCHA Mission to Liberia in February 2006 identified this issue as one of particular concern. The Mission noted in particular that there were unknown numbers of urban IDPs living in public buildings in Monrovia, without any international assistance or protection. The Mission considered favorably plans to conduct a survey of the protection needs of urban-based IDPs in Monrovia.

It is particularly important to identify the most vulnerable IDPs and to tailor the protection and assistance they receive to their needs. Two groups that are particularly vulnerable in situations of displacement are women and children. As mentioned above, in Côte d'Ivoire, these two groups combined are estimated to constitute 80% of the displaced population. In the case of conflict-induced displacement, the vulnerability of women and children stems from the breakdown of social order, traditional means of subsistence, familial structures and traditional sexual standards and practices. According to surveys conducted in Sierra Leone in 2004, as many as 94% of displaced households surveyed reported incidents of sexual assault, including rape, torture and sexual slavery.

The same reasons given for the particular vulnerability of women and children to sexual violence during conflict are relevant to an increased concern about the spread of HIV/AIDS in times of conflict. HIV/AIDS is an issue of concern in West Africa with some statistics suggesting that in the Mano River States alone there are 1.9 million AIDS carriers. HIV/AIDS is also said to be one of the main causes of death in adults in Côte d'Ivoire. These statistics are of particular concern in those areas in which conflict and social upheaval continue. For the reasons already mentioned, transmission of HIV/AIDS may be more likely in these circumstances. No concrete study appears to have been undertaken on this question.

Protection and assistance to IDPs need not only relate to their life, health and physical integrity. IDPs are entitled to the protection of all their rights. This encompasses the broad range

of civil, political, economic, social and cultural rights, including, for example, their right to political participation. This issue arose most starkly in Liberia during the Presidential election when the application of national electoral laws would have required IDPs to return to their homes in order to cast their vote. Ultimately, the National Elections Commission amended polling regulations to enable IDPs who had registered to vote in their areas of origin but who had not managed to return, to vote in the camps.

Whether facilitating the participation of IDPs in national electoral processes or ensuring IDPs return to areas that have the infrastructure and services necessary to absorb them, properly addressing the needs of IDPs and promoting respect for their rights are both responsibilities but also strategies for conflict prevention. West Africa as a sub-region has been particularly affected by interlocking patterns of conflict and human displacement, in which the movement of refugees, IDPs and returnees has been both a consequence and a cause of social and political upheaval. Many advances towards peace have been achieved in recent years, but instability in the region persists. Add to this the unpreventable nature of natural disasters and continued displacement caused by development projects, then the importance of seriously addressing the needs and rights of the displaced becomes clear.

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

The Guiding Principles on Internal Displacement (‘Guiding Principles’) 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 Guiding Principles set forth the rights of IDPs and explain the obligations of national authorities and non-state actors towards IDPs. They cover all phases of internal displacement: the pre-displacement phase; during displacement; and during return or resettlement and reintegration.

The Guiding Principles begin with an introduction explaining their scope and purpose. In the introduction, internally displaced persons are described 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 coercive or otherwise involuntary character of the movement; and (2) the fact that such movement takes place within national borders. It is also important to note that the list of causes of displacement is not exhaustive. It covers persons who are obliged to leave their homes and places of residence because of conflict and large-scale human rights violations as well as natural disasters and development projects. In this context, it is important to note that the notion of ‘displacement’ is neutral in the sense of covering both situations where persons are forced to leave in violation of their rights and instances of evacuations and relocations/resettlements that are involuntary but perfectly legal.

Section I sets out general principles relating to the rights of IDPs and the responsibilities of national authorities. Importantly, Principle 3(1) explains that national authorities have the primary duty and responsibility to provide protection and assistance to IDPs within their jurisdiction. In addition, Principle 1(1) stipulates that IDPs 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 Guiding 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 (see Principle 4(2)).

Section II addresses the issue of protection from displacement and articulates a right not to be arbitrarily displaced. In practice, therefore, 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 Guiding Principles identifies the full range of civil, political, economic, social and cultural rights that all persons, including IDPs, should enjoy. This includes, for instance, the rights according to Principle 11(2)(a) -- to be protected against acts of violence, torture and cruel, inhuman or degrading treatment or punishment as well as the right to be protected against the use of anti-personnel landmines (Principle 10(2)(e)). Principle 22(d) specifically identifies the right of IDPs to vote and to participate in governmental and public affairs, whether or not they are living in camps. Principle 18 relates to the right to an adequate standard of living, including ensuring safe access to essential food, potable water, basic shelter and housing as well as appropriate clothing and essential medical services and sanitation. The third section also states that special attention should be given to the prevention of contagious and infectious diseases, including AIDS, among IDPs (Principle 19(3)).

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 long-term options, namely voluntary return in safety and dignity or resettlement in another part of the country. It also emphasizes the importance of ensuring durable solutions, including the need to provide IDPs with reintegration assistance, whether they return or resettle, and to ensure they have equal access to public services. In addition, this section explains the duty of national authorities to assist 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. These two groups typically comprise the overwhelming majority of displaced populations. They are currently estimated as comprising 70-

80% of the IDP population worldwide. The Guiding Principles call for the participation of women in the planning and distribution of relief supplies. They require special attention to be paid to the health needs of women, including access to female health care providers and services, and special efforts be made to ensure the full and equal participation of women and girls in educational programs. They also prohibit sexual violence, stress the need for family reunification, and highlight the right of women to equal access to personal identity and other documentation and to have such documentation issued in their own names. Principle 23 recognizes the right to education and states that special efforts must to be made to ensure that women and girls enjoy equal and full participation in educational programs. In relation to children, Principle 13(2) adds that under no circumstance are children to be recruited or to be required or permitted to take part in hostilities.

The United Nations Commission on Human Rights and the General Assembly requested the former Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, to develop a normative framework on internal displacement. In 1998, he presented the Guiding Principles to the United Nations. Although not a binding document like a treaty, they have gained considerable international standing and authority. Both the Commission on Human Rights and the General Assembly, in resolutions adopted by consensus, have recognized the Guiding 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>3</sup>

The UN Secretary-General has also 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>1</sup> In addition, heads of state and governments who assembled at the World Summit in New York in September 2005 recognized the Guiding Principles as an ‘*important international framework for the protection of internally displaced persons*’ (Art. 132). 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, the Council of Europe, and the Inter-American Commission on Human Rights of the Organization of American States, 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 have expressed support for the Principles as well (see discussion below).

Importantly, the Guiding Principles are being used at the national level in countries affected by internal displacement. Particularly noteworthy is the development of national laws and policies based on the Principles. In Africa, 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 in the country and the possibility of durable solutions for the displaced, the Norms set forth

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<sup>3</sup> See United Nations, Commission on Human Rights resolution 2004/55; General Assembly resolution 2004/58; and Commission on Human Rights resolution 2005/46.

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. In West Africa, Nigeria is in the process of developing a policy on internal displacement, a recent draft of which reveals the comprehensive response that Nigeria takes to displacement, addressing all its causes including conflict, natural disasters and development projects. In Liberia, the President announced the endorsement of the Guiding Principles, which have been referenced in domestic law. Several other governments, including Burundi, Colombia Georgia and Uganda, have also expressly referenced the Guiding Principles in their national laws and policies.

National human rights institutions, for instance in Uganda and in countries in South Asia and the Americas, 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>4</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 Guiding Principles as an empowerment tool.

The normative framework found in the Guiding Principles 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 in West Africa, 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 from English into over 40 languages, including French, Portuguese, Hausa, Ibo and Yoruba.

## **National Responsibility**

As noted above, addressing the problem of internal displacement is primarily the responsibility of national authorities. 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 Institution – University of Bern Project on Internal Displacement sets out the benchmarks for an effective national response and identifies twelve key steps for national authorities to take in responding to internal displacement.<sup>5</sup> These steps are:

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<sup>4</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>5</sup> *Addressing Internal Displacement: A Framework for National Responsibility* (Washington, D.C.: Brookings Institution-University of Bern Project on Internal Displacement, 2005) Available at:

- 1 **Prevention.** Governments have a responsibility to try to prevent conditions on their territory that might compel populations to flee. In particular, early warning and rapid response mechanisms need to be developed. Where displacement proves unavoidable, national authorities have a responsibility to minimize its adverse effects, provide for the safety and well being of those affected, and to ensure that displacement lasts no longer than absolutely required by the circumstances.
- 2 **Raising National Awareness of the Problem.** The basic foundation for an effective national response is a government's recognition of the problem and of its responsibility to address it. For example, public pronouncements about the problem are important to build national consensus around the issue and promote solidarity with the displaced.
- 3 **Data Collection.** Credible information is needed on the numbers, locations and conditions of IDPs in order to design effective policies and programs. Data should be disaggregated by age, gender, and other key indicators so that the specific needs of particular groups are taken into account. Attention must also be given to whether IDPs are uprooted by armed conflict and violence or by natural disasters or by development projects. Information is needed not only on emergency situations but also on protracted situations of displacement, which often are neglected and forgotten.
- 4 **Training.** Training programs for government officials, including camp administrators, military and police, in the Guiding Principles on Internal displacement is essential for ensuring that they are aware of the rights and needs of the displaced and their own official duties to protect and assist them.
- 5 **A National Legal Framework.** States have been encouraged by United Nations resolutions to develop laws to uphold the rights of IDPs, taking into account the Guiding Principles. A growing number of governments around the world have been adopting new laws or revising existing legislation.
- 6 **A National Policy or Plan of Action.** A national policy can complement national legislation. For example, it should spell out national and local institutional roles and responsibilities for responding to internal displacement as well as identify a mechanism for coordination. The policy should extend to all relevant branches of government -- national, local, military and police -- and also to non-state actors who also must be held accountable. To be most effective, the policy should be developed in full consultation with civil society and IDP communities and disseminated to IDPs in their own language and in a form they can easily understand.
- 7 **Creation of a National Institutional Focal Point.** This could mean assigning responsibility for internal displacement to an existing governmental agency, creating a new body or establishing an inter-departmental task force or committee.

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[http://www.brookings.edu/fp/projects/idp/20050401\\_nrframework.htm](http://www.brookings.edu/fp/projects/idp/20050401_nrframework.htm) (available in English as well as Arabic, French and Portuguese).

- 8 **A Role for National Human Rights Institutions.** The role of NHRIs in reinforcing national responsibility can be important, in particular by working with governments to adopt and implement policies and laws that respect the rights of IDPs as well as by investigating reports of violations of their rights and providing training programs on their rights.
- 9 **Participation of IDPs in Decision-Making.** Engaging displaced persons in consultations and building upon their skills is something often overlooked but critical to an effective response, whether the issue is relocation, design of assistance programs or returns. The participation of women can reduce their vulnerability to sexual extortion and violence.
- 10 **Supporting Durable Solutions.** Governments have a duty to establish conditions to allow IDPs to return voluntarily, in safety and dignity, to their places of habitual residence or, if they choose, to resettle in another part of the country, and to assist IDPs to recover property and possessions or obtain compensation or reparation. Decisions on when displacement ends must be taken on the basis of humane criteria ensuring respect for the full range of human rights of the displaced.
- 11 **Allocation of Adequate Resources.** National responsibility means that governments devote, to the extent they can, resources to address situations of internal displacement.
- 12 **Cooperation with International and Regional Organizations.** When governments do not have the capacity to provide for their displaced populations, they are expected to invite or accept international assistance. Indeed, cooperating with, and giving safe and unimpeded access to international agencies is a sign of responsible sovereignty.

## **Regional Responses to Internal Displacement**

The consequences of internal displacement can have a strong impact 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. Thus, for nearly two decades regional approaches have been promoted on the continent to address internal displacement.

Since 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. For example, in 1994, the African 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.

The first Africa-wide seminar specifically devoted to the issue of internal displacement took place in Addis Ababa in 1998. The OAU co-sponsored this meeting, which was held in collaboration with the Representative of the UN Secretary-General on Internally Displaced Persons, UNHCR and the Brookings Project on 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 situations of internal displacement and conducting field visits to different countries. In 1999, the OAU Commission formally acknowledged and expressed appreciation for the Guiding Principles and in 2000 the Guiding Principles were included as part of the *Compendium of OAU Instruments and Texts on Refugees, Returnees and Displaced Persons in Africa*.

The Council of Ministers of the OAU has also adopted resolutions on the situation of refugees and displaced persons in Africa. Some of the issues raised in these resolutions have been identified earlier in this paper. For example, in 1996, the Council urged countries of origin to create conditions conducive to the voluntary repatriation of refugees and the return of displaced persons to their places of habitual residences in conditions of safety and dignity. The resolution of the following year spoke of the need to promote conditions conducive to the return and *sustainable* reintegration of refugees and displaced persons. More recently, in 2001 the Council requested the Secretary-General to continue to support all efforts being made at sub-regional and regional levels in the search for lasting solutions to the problems of refugees, returnees and displaced persons. The Executive Council of the AU has similarly passed decisions on displacement, and in January 2006 noted the progress made in the preparation of a Ministerial Meeting on Refugees and Displaced Persons scheduled for June 2006 in Burkina Faso.

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<sup>6</sup>, a post to which Mr Bahame Tom Mukirya Nyanduga of Tanzania was appointed. Like the Representative of the UN Secretary-General, with whom he has forged links, the Rapporteur's mandate directs him to assist Member States of the African Union to develop appropriate policies, regulations and laws for the effective protection of IDPs and to engage in dialogue with inter-governmental, regional and international bodies as well as National Human Rights Institutions in order to promote the protection of IDP rights.

Finally, in July 2004 the Executive Council of the AU decided that the Commission of the African Union should '*collaborate with relevant cooperating partners and other stakeholders to ensure that Internally Displaced Persons are provided with an appropriate legal framework to ensure their adequate protection and assistance*'. This decision was complemented by a decision

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<sup>6</sup> See Resolution On The Mandate Of The Special Rapporteur On Refugees, Asylum Seekers And Internally Displaced Persons In Africa, Adopted at the 36th Ordinary Session of the African Commission on Human and Peoples' Rights in Dakar, Senegal, on 7th December 2004.

stating that *'the specific needs of [IDPs] such as protection should be addressed through a separate legal instrument'*. In pursuance of these decisions, at a meeting held in Addis Ababa in April 2006, the development of an AU Protocol on internal displacement was the primary issue for discussion. At that meeting, a concept paper for an African Legal Framework on IDPs was presented in addition to a draft outline of the framework.

At the sub-regional level as well, many developments have taken place to complement national efforts on internal displacement, in particular in the Great Lakes region, East Africa, Southern Africa, and West Africa. In the Great Lakes region, states have undertaken a comprehensive process to develop a Protocol on Protection and Assistance to Internally Displaced Persons. They have also developed a draft Model Law which is designed to give legal effect to the Protocol on the Protection and Assistance to Internally Displaced Persons and the Guiding Principles on Internal Displacement. The process of developing a Protocol and Model Law was preceded in November 2004 by an International Conference on the Great Lakes Region in which Heads of State committed themselves to respect and use the Guiding Principles and to define national and regional frameworks for monitoring implementation of these standards.

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 Sudan, and co-sponsored by IGAD, the Representative of the UN Secretary-General and the UN Office for the Coordination of Humanitarian Affairs' 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. More recently, in February 2006, a ministerial-level Conference on Refugees, Returnees and IDPs in the IGAD Region was held in Nairobi. The Final Recommendations adopted by the conference included the decision to *'create a legal framework for the protection and assistance of IDPs in collaboration with the African Union, UN agencies and concerned stakeholders, in line with the Guiding Principles on Internal Displacement'*.

In Southern Africa, in 1996 the SADC Heads of State and Government created an 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.<sup>2</sup> In 2003, participants at a workshop on forced migration in the SADC region, 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. 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>7</sup>

In West Africa, there have been notable developments as well. In 2000, at a conference on War-Affected Children, the ECOWAS governments present 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 2001, the International Organization for Migration and other UN agencies, in cooperation with ECOWAS, held an International Migration Policy Seminar for West Africa in Dakar, Senegal. The Seminar addressed issues of migration generally, including specifically internal displacement. Recommendations coming out of the meeting included: the elaboration of national legislation on internal migration, the establishment of a national migration statistics unit; implementing measures to ensure that the needs of migrants and displaced are reconciled with the needs and interests of the local population; and strengthening intra-regional and international co-operation and co-ordination in order to further the capacity of West African States to respond in a timely and efficient manner to large, spontaneous migration flows and human displacement.

In 2002, ECOWAS and IOM convened a seminar in Dakar on migration, co-sponsored by the office of the UN Representative and the Brookings Project on Internal Displacement. Two sessions of the Workshop were dedicated to the topic of internal displacement. During the course of these sessions participants raised the possibility of developing a model law on internal displacement for the West African region. Discussion also focused on training military troops in the Guiding Principles and other aspects of humanitarian law, given the role of African peacekeepers in a growing number of situations of internal displacement. These discussions were broadly reflected in the recommendations of the meeting which included that: Member States should enact appropriate migration laws taking into account the opinions of displaced persons; and Member States should work with ECOWAS to implement training programs targeting all levels of society (the civilian population, administrative authorities, the military, police etc) for a more effective approach to problems involving displaced persons. The Workshop participants also stressed the importance of comprehensive data collection, including of the internally displaced.

Most recently, in June 2005 in Accra, Ghana, ECOWAS and UNHCR organized a Regional Experts Meeting on Sustainable Solutions to Situations of Forced Displacement in West Africa. The conclusions and recommendations emanating from this meeting reflect those of previous meetings, including the importance of ECOWAS states harmonizing their laws and policies on forced displacement with international as well as regional norms. The meeting also called for the strengthening of ECOWAS' advocacy role in the area of durable solutions for situations of forced displacement, with the assistance of all relevant stakeholders. Finally, the importance of empowering refugees and other displaced populations to contribute towards bringing about peace talks was recognized, as well as the need to provide them with the leadership, conflict mediation and resolution skills to effectively participate in such talks.

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<sup>7</sup> SADC, *Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation* (Gaborone: SADC, 2004), pp. 17 and 19.

As one of Africa's leading sub-regional organizations, ECOWAS itself has become increasingly involved with the issue of internal displacement. In December 1999, the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security established a mechanism designed, among other things, to prevent, manage and resolve internal and inter-State conflicts, maintain and consolidate peace, security and stability within the Community, and establish institutions and formulate policies that would allow for the organization and coordination of humanitarian relief missions. The conflict prevention and management mechanism of ECOWAS and its growing focus on humanitarian issues relate directly to the plight of internally displaced persons. In recognition of ECOWAS's potential role in addressing situations of internal displacement, Representative of the Secretary-General Francis Deng visited ECOWAS headquarters in Abuja in 2001.

Since then, various departments of ECOWAS have begun to take steps with regard to internal displacement in the region. The Observation and Monitoring Centre of ECOWAS, for example, is in the process of developing early warning indicators, including an indicator on internal displacement. The Child Protection Unit has incorporated internal displacement concerns into its work and missions to the region.

Collectively, all these initiatives in Africa provide a strong foundation for future ECOWAS contributions to the prevention, management and resolution of internal displacement in West Africa. Based on the experiences of other regional bodies as well as recommendations already relating to the ECOWAS region, it can be seen that many possibilities exist for regional and sub-regional organizations to become involved with the issue of internal displacement. For example, some of the organizations have begun to monitor situations of internal displacement, hold regular meetings on the subject, appoint focal points on the issue, promote the adoption of a regional framework and encourage the development of national laws and policies on internal displacement. They have recognized the importance of addressing the issue as a means of promoting security and stability in regions.

### **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 have been directly engaged in providing assistance, protection and reintegration support to large numbers of IDPs in the region, in particular in Liberia, Côte d'Ivoire, Sierra Leone, Guinea Bissau and Togo. These agencies and organizations include: UNHCR; the UN Children's Fund ('UNICEF'); the World Food Programme; the Office for the Coordination of Humanitarian Affairs ('OCHA'); the UN Development Program ('UNDP'); the UNIFEM; IOM as well as the International Committee of the Red Cross and an array of international NGOs. Areas of activity include: providing emergency relief to uprooted victims of conflict and disaster; promoting adherence to international human rights and humanitarian law; 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.

Although many UN agencies are involved in the provision of assistance to IDPs, it emerged from various UN and independent evaluations that improvements were needed in the UN collaborative framework so as to bring greater predictability and accountability to the protection of IDPs. In 2005 mechanisms and procedures were agreed upon within the United Nations to strengthen the collaboration of the different UN agencies and create greater clarity in the response to situations of internal displacement. A so-called ‘cluster approach’ was developed to deal with IDPs and is intended to promote greater protection for the internally displaced and strengthen the humanitarian response in general.

Under the cluster system, which came into effect in 2006, different agencies are expected to assume lead roles in their areas of expertise in situations of internal displacement and carry them out on a regular basis in emergencies. UNHCR, the UN agency responsible for refugees, has accepted to be the cluster lead for three areas: emergency shelter; camp coordination and management; and protection, focusing on the needs of those internally displaced by conflict. This means that the new cluster approach marks a major turning point for UNHCR in particular – IDPs, in addition to refugees, will now be an integral and important part of UNHCR’s global activities. The challenge now is to build the capacity of the international agencies that are adopting greater roles in IDP protection and to ensure that these agencies have sufficient resources to allow them to fulfill their new roles while still being able to maintain their previous commitments and priorities. The cluster approach is being tried in three countries of Africa, one of which is Liberia.

Beyond international organizations, there are also UN experts who have undertaken missions to specific areas 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 Francis Deng visited Rwanda in 1995, Mozambique in 1996, Angola in 2000 and Darfur in 2004 to engage in dialogue with the respective governments in particular as regards the search for durable solutions for the millions of IDPs uprooted by conflict. In 2005, Representative Walter Kälin visited South Sudan and most recently, in April 2006 Côte d’Ivoire and is currently undertaking a working visit to Nigeria. Missions undertaken to ECOWAS countries by the Representative of the Secretary-General on Children and Armed Conflict and, most recently, the Internal Displacement Division of OCHA 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 West 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 African Post-Conflict Reconstruction Policy Framework (June 2005) developed by NEPAD particularly emphasizes the needs of IDPs in emergency situations, while also highlighting the importance of ensuring socio-economic development takes place simultaneously with return, resettlement and reintegration processes. 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 remains a pressing issue in the ECOWAS region. While some significant displacement crises have attenuated due to the cessation of hostilities and tens of thousands of IDPs have been able to return to their original places of residence, over a million more in the region 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 ECOWAS region.

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