

## **IDP Protection in Africa**

In Hartisheik, a small town in the north east of Ethiopia, Somali asylum seekers gather in their hundreds to be registered as refugees by UNHCR. Most have fled the fighting in Mogadishu, traveling for days in search of a safe haven. Some journey on foot, others by truck. Many, in the confusion of war, have been separated from family and friends: women arrive without their husbands, children without their parents. All recount stories of destruction and desperation. Sadly, these are the lucky ones. They have survived to tell the tale and, as refugees, they have access to international protection. Many of their compatriots, however, have died in Mogadishu and many more remain internally displaced, scattered around Somalia, invisible exiles in their own country.

In the last few months in neighbouring Somalia, thousands of people have been displaced by fighting in Mogadishu and its environs, continuing a pattern of internal displacement that began in 1991, with the collapse of Siad Barre's government, which led to an estimated 250,000 persons being displaced within the city and its suburbs. In the latest round of fighting, which began in February this year, it is estimated that over 400,000 people have fled Mogadishu, some of whom have sought asylum in the bordering states of Ethiopia and Kenya, but many of whom remain in Somalia as internally displaced persons (IDPs).

Sadly, Somalia is not the only country on our continent grappling with the problems of the internally displaced. Many countries have suffered from extensive internal displacement for years caused by various factors ranging from internal conflicts to increasing poverty and scarce natural resources. Africa has the largest number of IDPs in the world – approximately 11.8 million, which amounts to just under half of the world's total IDP population. Of the ten countries with the highest level of displacement in the world, seven are to be found in Africa (CAR, Chad, Cote d'Ivoire, DRC, Somalia, Sudan and Uganda). And although some conflict situations, for example in Burundi, have improved in the past few years, allowing substantial numbers of IDPs to return home, other countries, like the CAR and Somalia, continue to experience deteriorating conditions generating yet more IDPs.

Despite the obvious presence of large numbers of IDPs on this continent, some countries shy away from clearly and publicly recognizing the internal displacement situation in their country and their responsibility to respond, often because of concern that they may be subjected to international scrutiny or interference. Political will, however, is a prerequisite to addressing the root causes of conflict and displacement and finding solutions for the displaced. It is heartening to note that support for the plight of IDPs in Africa appears to be growing. In July 2004 in Addis Ababa, the 5th Ordinary Session of the African Union Executive Council adopted a decision in which it requested the AU Commission "to 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". Following this, the AU Commission began work on the development of a Convention for the Protection and Assistance of IDPs. The 2nd AU Ministerial Conference held in Ouagadougou, Burkina Faso also called upon the AU Commission to expedite the development of an AU legal framework on the protection of IDPs in consultation with concerned partners. A Consultative Meeting was held in Addis-Ababa in May 2007 to discuss a first draft of what might be the first hard-law instrument addressing the issue of IDPs in Africa as a whole.

The May 2007 AU Consultative Meeting was held in the wake of the adoption in December 2006 of a legally-binding IDP Protocol at the International Conference on the Great Lakes Region and the Nairobi Declaration earlier in the year, where member states of the IGAD region reiterated their responsibilities for the protection of refugees, returnees and the internally displaced. At the national level, there has also been progress in the development of legal policies regulating some aspects of internal displacement in countries like Angola, Burundi, Liberia and Uganda.

It should be noted, however, that political will and legal instruments are not the sole pre-requisites for strengthening the protection of IDPs in Africa. The task of providing adequate assistance and services to displaced communities is costly and frequently exceeds national capacities in countries that are often among the poorest in the world. In situations of armed conflict, governments may not even be in a position to ensure the necessary protection. Consequently, where individuals are in need of protection and assistance, and States are unable or unwilling to protect, the international community has a pivotal role to play in supporting the protection of basic rights and ensuring that needs are addressed.

## **UNHCR and the Protection of IDPs**

Unfortunately, the international community's response to the challenge of internal displacement has often been inadequate, depriving many IDPs, local communities and the countries concerned of the support they need. While international awareness of the IDP problem has grown significantly in recent years, operational efforts to provide IDPs with protection and solutions have been inconsistent and are in significant need of reinforcement. There is a moral imperative for States and other actors to address this global issue in a more effective manner. The rise in IDP-related interest and activity has created pressures on the work of UNHCR that derive not just from the moral imperative to 'do something', but also from a human rights approach which recognizes the absence of an international framework and mechanisms specifically designed to protect IDPs and seeks to identify legal remedies and fill this protection gap. Consequently, UNHCR's efforts on behalf of the internally displaced are based on the principle that IDPs, like all other citizens, are entitled to full protection under international human rights and humanitarian law, as well as national law, at all stages of the displacement process.

In Africa, UNHCR has been operationally involved with persons forcibly displaced within their own countries for over thirty years. IDPs were included in programmes for returning refugees in South Sudan (1972), Guinea-Bissau, Angola and Mozambique (1974). Protection and assistance for IDPs were assumed under UNHCR's work for returning refugees in situations where it was operationally difficult to discriminate between the two. Similar considerations applied where IDPs were mixed in with refugees in their country of refuge, as victims of the same regional conflict. It is important to remember that IDPs are often displaced for the same reasons as those who have crossed an international border and they will have endured similar experiences and have similar needs.

More recently, as part of the UN Humanitarian Reform Initiative, through the newly established 'Cluster Approach', UNHCR has significantly increased its involvement in the protection and assistance of IDPs on the African continent. UNHCR has agreed to play a leading role in efforts to ensure the protection of conflict-related IDPs, the provision of emergency shelter to such populations, as well as the coordination and management of IDP camps.

The Cluster Approach has been adopted in Côte d'Ivoire, DRC, Liberia, Somalia, Uganda and Ethiopia. In Liberia, for instance, UNHCR has developed a comprehensive protection monitoring framework revealing the extent of child rights' violations, rape, domestic violence, physical assault and property disputes. UNHCR also provides logistical and technical support to judicial and police institutions, in order to establish effective mechanisms to ensure the treatment of survivors of abuses, as well as the prosecution of perpetrators. In Somalia, UNHCR monitors population movements and the distribution of relief items to ensure assistance to individuals with vulnerabilities. UNHCR has also developed IDP programs in CAR, Chad and Sudan. As part of the country team's joint effort, UNHCR has also developed IDP programs in Southern Sudan and in west Darfur. Over 41,000 IDPs in Juba and surrounding areas have received assistance from UNHCR and its partners. In west Darfur, UNHCR coordinates protection activities as part of a UN collaborative effort for IDPs.

## **IDPs versus Refugees?**

UNHCR's responsibilities for IDPs are still evolving and concerns have been raised about the implications of the agency's involvement in IDP protection. Some States have expressed concern about perceived interference with national sovereignty or unwarranted interventions. UNHCR recognizes that States have primary and ultimate responsibility for the rights, protection and welfare of their citizens, including those who are internally displaced. The UN system, including UNHCR work closely with States so that they can exercise this responsibility in an effective and equitable manner.

There is also some unease about the possibility of UNHCR's protection activities for IDPs being considered as substituting the right to seek and enjoy asylum across borders. Concern is expressed that States will assess UNHCR's involvement in IDP operations as an indication for safe return or that diminishing importance will be given to strengthening national asylum procedures and institutions. However, UNHCR's experience so far has demonstrated that involvement with IDPs often yields clear and tangible dividends for IDPs as well as refugees. Collaboration with authorities can be much closer and, where the benefits of UNHCR's involvement with IDPs are clear to see, these contacts can have a positive effect on asylum and protection in the country concerned. By operating in what are also areas of origin for refugee movements, UNHCR gains a better understanding of the factors which cause the flight of refugees thereby improving asylum management. Additionally, the ability to elaborate strategies on and promote prospects for repatriation is enhanced.

Finally, it is important to note that all of UNHCR's activities and operations on behalf of the internally displaced, as with refugees, are oriented towards promoting the attainment of durable solutions. In the case of IDPs, this ideally includes the voluntary return of displaced persons to their former places of residence, long-term or permanent settlement in areas to which they have been displaced, or voluntary relocation to another part of their own country. UNHCR recognizes that in neighboring Somalia, unfortunately, the prevailing instability does not immediately allow for the return of either the internally displaced or of the thousands refugees who have fled the country. In the interim, UNHCR, together with host countries and its partners continues to provide protection and assistance for all those displaced who wait for the day when, once again, they will have a place to call home.