



Comparative Experiences on Implementing the Kampala Convention in West Africa

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Introduction

A number of regional bodies and instruments explicitly call for the incorporation of the Guiding Principles on Internal Displacement into national legislation. The most notable regional progress on domestication of the Guiding Principles has taken place in Africa. Twenty-seven states have ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention),¹ and 12 states have adopted the Pact on Security, Stability and Development in the Great Lakes Region, which includes a Protocol on the Protection and Assistance to Internally Displaced Persons (IDPs).² States party to the Kampala Convention are obliged to domesticate and implement the Convention, and the Great Lakes Pact requires signatory states to enact national legislation that domesticates the Guiding Principles. This year, Niger became the first State to domesticate the Kampala Convention following ratification.

The African Union (AU) has declared 2019 “the Year of Refugees, Returnees and Internally Displaced Persons” in Africa to mark the 50th anniversary of the OAU Convention on Refugees and the 10th anniversary of the Kampala Convention. The AU Commission together with UNHCR, the office of the UN Secretary General and others is organizing a series of continental consultative meetings (CCM) to raise the visibility of forced displacement in Africa. One CCM will be devoted to the Kampala Convention in April 2019 in Malabo, Equatorial Guinea to further its promotion, ratification, domestication and implementation. To feed into and follow up after this event, regional and sub-regional peer to peer state exchanges on law and policy to prevent and address internal displacement in Africa will be organized. Experiences and lessons learned on domestication and implementation of the Kampala Convention will be shared and recommended actions to support implementation and monitoring will be identified.

The Economic Community of West African States (ECOWAS) is one of Africa’s leading sub-regional organizations and its Parliament, Court and Commission have increasingly become engaged in issues of humanitarian concern, including internal displacement. At the First ECOWAS Ministerial Conference on Humanitarian Assistance and Internal Displacement in West Africa in 2011, a declaration was adopted welcoming the Kampala Convention and calling for its

¹ As at June 2017, the list of ratifications is available at: <https://au.int/sites/default/files/treaties/7796-sl-african_union_convention_for_the_protection_and_assistance_of_internally.pdf>

² International Conference of the Great Lakes Region, ‘Protocol on the Protection and Assistance to Internally Displaced Persons’ (30 November 2006) Article 6.3 <<http://www.refworld.org/pdfid/52384fe44.pdf>>. The 12 countries in the Great Lakes Region are Angola, Burundi, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Kenya, Rwanda, Sudan, South Sudan, Tanzania, Uganda, and Zambia.



ratification by ECOWAS Member States. West Africa has the highest percentage of ratifications of the Kampala Convention with only four ECOWAS member states outstanding.³ In parallel, the ECOWAS International Humanitarian Law Plan of Action (2019-2023) calls for alignment of laws, policies and procedures relating to the protection, safety and dignity of IDPs with international law, and implementation of laws and policies for IDPs that fully incorporate the protections of the Kampala Convention. An exchange between governments in the region on their experience in developing and implementing laws and policies on internal displacement can help advance implementation of the Kampala Convention and other relevant policies.⁴

Objectives

This exchange has three main objectives:

1. To facilitate the sharing of lessons learned on development and implementation of laws and policies to prevent and address internal displacement
2. To encourage further ratification and domestication of the Kampala Convention among ECOWAS member states
3. To continue efforts of ECOWAS member states to adopt and apply the Kampala Convention through its inclusion in the Community Law of ECOWAS

Outputs

A communiqué with agreed recommended actions will be published immediately following this event, and a report on the experiences and lessons learned exchanged during the event will follow later. A plan for follow-up on the recommended actions will also be devised. As this meeting is intended as a preparatory meeting to the Project 2019 Continental Consultative Meeting (CCM) in Malabo, Equatorial Guinea from 1-3 April 2019, a participant of this regional exchange will be nominated as rapporteur to present lessons learned and input shared at the CCM in Malabo.

Participants

All 15 ECOWAS member states⁵ will be invited with two delegates per state. Delegates should represent the parliament and the national IDP focal point institution. Each delegation will present concrete examples from their national and/or local experience of law and policy development and/or implementation to prevent and address internal displacement. Those who have not ratified

³ Among ECOWAS member states, Guinea Conakry, Ghana and Senegal are signatories but have not ratified the Kampala Convention. Cabo Verde is the only non-signatory.

⁴ UNHCR, *Responsibility to Respond to Internal Displacement in the ECOWAS Region: Case Studies of Cote D'Ivoire, Liberia and Nigeria*, March 2015, available at: <https://www.refworld.org/docid/557e7b184.html>

⁵ These are: Benin, Burkina Faso, Cabo Verde, Cote d'Ivoire, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.



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the Kampala Convention will be invited to share examples of concrete measures taken to prevent and address internal displacement. At the end of the exchange, participants will propose recommended actions for ECOWAS institutions and relevant national bodies at the legislative and policy levels to further protection of and assistance to IDPs, in line with the Kampala Convention, UN Guiding Principles on Internal Displacement and regional standards.

ECOWAS institutions, including the Parliament and Court, African human rights mechanisms, and regional political and development actors such as the AU Commissioner for Political Affairs, AU Head of Humanitarian Affairs, Refugees and Internally Displaced Persons, and the African Development Bank will also be invited. Humanitarian organizations such as UNOWAS, UN OCHA, UNHCR, ICRC and NRC will also be invited to participate in the event, as well as assist with follow-up actions.