

Key Messages on Relocations of IDPs in Mozambique

For relocations of internally displaced persons the humanitarian community should be guided by the principles elaborated in the Guiding Principles on Internal Displacement, the Kampala Convention on Internal Displacement, to which Mozambique is a signatory, and the IASC Framework on Durable Solutions for Internally Displaced Persons. Among other principles, these require movements of populations to be safe, voluntary and dignified. While acknowledging and welcoming the strong engagement of the authorities to provide solutions for these internally displaced persons (IDPs), these key messages call upon relevant stakeholders to ensure that relocation of IDPs are always carried out in line with key protection standards and principles as well as within a wider objective of providing durable solutions to displacement in Mozambique. Importantly, according to the Kampala Convention, *relocation on a sustainable basis* is one of three durable solutions. The other two include voluntary return and local integration. The key messages have been prepared below by the Protection Cluster for easy reference and also includes corresponding articles of the Kampala Convention.

- **Durable Solutions:** In line with Kampala Convention's obligation to provide durable solutions to internally displaced persons; it is important to look at these relocation efforts from a durable solutions perspective from the onset, to avoid secondary displacement and new humanitarian needs. In order to prevent further displacement from happening, it is important to devise and/or reinforce an early warning mechanism¹.

States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity.

Kampala Convention, Article XI (1)

- **Voluntariness:** IDPs have the right to make a voluntary and informed choice on which durable solution to pursue, i.e. whether to return to their place of origin, integrate locally or relocate on a sustainable basis. Therefore, relocation should always be based on a free, fully informed and voluntary decision of IDPs and should be devoid of any form of coercion or influence. In case IDPs decide not to return or relocate and choose another **durable solution**, this should be respected, without negative consequences for these IDPs.
- **Non-discrimination:** Humanitarian action must be taken without any adverse distinction based on sex, age, disability, nationality, ethnic origin, religion, class, political opinion or other ground. IDPs should enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in Mozambique. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced². Special attention should be given to prevent discrimination against women and girls.
- **Meaningful Participation:** Displaced persons are best placed to know their own needs and preferences, as well as the obstacles and threats they face. Therefore, all IDPs (including different sex and age) should be included from the beginning in the design, planning and

¹ Kampala Convention, article IV paragraph 2

² Principle 1, Ibidem

implementation of actions and decisions directed towards them.³ Therefore, they should be included and be able to participate in the planning and management of their relocation (or any other durable solution of their choice).

- **Transparency:** In line with international standards, those being relocated should be provided with full information on the reasons and procedures for their relocation and the conditions at the relocation sites as per the IASC Framework on Durable Solutions for IDPs, which include, for example, right to adequate living, HLP, safety and dignity, among others. Information should be provided at each stage of the process to ensure that there is free and informed consent on the movement of IDPs.

States Parties shall enable internally displaced persons to make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions.

Kampala Convention, Article XI (2)

[States Parties shall] guarantee the freedom of movement and choice of residence of internally displaced persons, except where restrictions on such movement and residence are necessary, justified and proportionate to the requirements of ensuring security for internally displaced persons or maintaining public security, public order and public health;

Kampala Convention, Article IX (2 f)

- **Preservation of family unit:** relocations should respect the principle of family unity. During the relocation exercise, all efforts should be made to move families together either in the same vehicles or in the same group of vehicles. If separation becomes necessary, efforts will be made to keep children with their parents or caregivers and to establish mechanisms to ensure that family can be swiftly and efficiently reunited.⁴ Preservation of family unit should also be considered in the larger sense such as, for instance, ensuring that persons with disabilities and older persons are not separated from their caregivers.

State Parties shall [...] Take necessary measures, including the establishment of specialized mechanisms, to trace and reunify families separated during displacement and otherwise facilitate the reestablishment of family ties;

Kampala Convention, Article IX (2h)

- **Dignified transportation of IDPs:** transportation of IDPs should be conducted in dignity and safety as well as comply with basic road safety standards. The movement itself must be carried out in conditions that respect the human rights and dignity of those being relocated.

2. States Parties shall: take necessary measures to ensure that internally displaced persons are received, without discrimination of any kind and live in satisfactory conditions of safety, dignity and security;

Kampala Convention, Article IX (2a)

- **Relocation sites:** movement of IDPs into sites should be preconditioned on the basis that IDPs have access to basic services that are either in place in the IDP relocation sites or located in nearby urban settlements. These include access to basic services health, education, water
- **Protection from relocation to any place where the life, safety, liberty and/or health of IDPs would be at risk:** As part of the State's obligations to protect and assist IDPs during internal displacement (art. IX), IDPs should be protected against forcible return or relocations to areas where their life, safety, liberty and dignity would be at risk. The conditions of and protection risks in relocations sites should be assessed prior to any movement to ensure the availability of basic services and dignified conditions.

³ Participation is more than consultation. For reference, see report of the Special Rapporteur on the human rights of IDPs dedicated to the topic of participation: <https://www.ohchr.org/Documents/Issues/IDPersons/A-72-202.pdf>

⁴ Principle 17, Ibidem

e) Respect and ensure the right to seek safety in another part of the State and to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk;

Kampala Convention, Article IX (2e)

- **Due consideration for persons with specific needs:** in order to ensure safety, dignity and non-discrimination of the IDPs that are relocated. It is important to first identify any persons with specific needs that might need support during the exercise as well as to ensure their access to information, participation and that considerations on their specific needs, including preferred transportation means, have been taken into account.⁵ Important consideration for persons with disabilities include: prevention of abandonment; prevention of kidnapping and trafficking (particularly for albinism); prevention of sexual violence; accessible transportation, ensuring safety of their assistive devices or replacement in case of damage; accessible multi-media communication about relocation, including if necessary sign language translation and easy-to-read versions of printed media; provision of accessible sanitation facilities, facilitated access to food and non-food item distribution; accessible design of resettlements sites, minimal provision of basic rehabilitation and mental health services to the extent possible, inclusion in PSS and education programmes for children. Local organizations for persons with disabilities can be contacted for advice.

States Parties shall assess or facilitate the assessment of the needs and vulnerabilities of internally displaced persons and of host communities, in cooperation with international organizations or agencies.

Kampala Convention, Article V, (5)

State parties shall provide special protection for and assistance to internally displaced persons with special needs, including separated and unaccompanied children, female heads of households, expectant mothers, mothers with young children, the elderly, and persons with disabilities or with communicable diseases;

Kampala Convention, Article IX (2c)

- **Host communities:** host communities must not be forgotten during the support for internally displaced persons. Host communities must also be consulted and be provided with equitable treatment and services to those relocated. This might also require that community-based social cohesion approaches should be utilized to ensure a smooth process of community integration. Allocation of resettlement plots should not place host and displaced communities against each other and need to consider issues related to housing, land and property (HLP).
- **COVID-19 considerations:** The Protection Cluster recognizes that in order to continue providing life-saving and critical services in the current environment, adaptations are needed to ensure compliance with a *do no harm* approach in face of the spreading of COVID-19. In doing so, responses should take into consideration the consequences of outbreaks on communities and pay special attention to the needs of vulnerable groups.⁶

State Parties shall: b) Provide internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities;

Kampala Convention Article IX (2b)

- **Livelihood and self-reliance:** The promotion of durable solutions is vital from the very beginning of forced displacement influx, and improving livelihoods is a crucial component to

⁵ Principle 19, Ibidem

⁶ In March 2020, a specific guidance note on COVID-19 prevention and mitigation was issued by the Protection Cluster in Mozambique: <https://reliefweb.int/report/mozambique/mozambique-protection-cluster-s-guidance-note-prevention-and-mitigation-covid-19>

achieve this. Leveraging the provision of both humanitarian assistance and livelihood opportunities at this stage can lead to better outcomes for IDPs in later phases of displacement. This approach empowers IDPs to meet their needs in a safe, sustainable, and dignified manner; avoids aid-dependency and negative coping mechanisms; and prepares them for their future no matter the location they choose to settle or relocate to. Enabling durable solutions requires the engagement of a broad range of stakeholders, and the collaboration of humanitarian and development actors can help bridge the humanitarian-development divide in the response to displacement needs.

k) Promote self-reliance and sustainable livelihoods amongst internally displaced persons, provided that such measures shall not be used as a basis for neglecting the protection of and assistance to internally displaced persons, without prejudice to other means of assistance;

Kampala Convention Article

- **Considerations around HLP:** IDPs' choice to relocate, in the absence of the possibility to be able to return to the IDPs' location of origin, must not be considered as a renunciation of the right to return in safety and with dignity to the original place of residence, should that option later become feasible. Nor, must it be considered a renunciation of the right to have restored to them any HLP assets of which they were arbitrarily deprived during displacement. IDPs right to adequate housing and not to be subjected to forced eviction must be protected. Furthermore, special consideration should be given to ensure that women's rights to own, manage, enjoy and dispose of property are inherent in the rights to be free from discrimination, to an adequate standard of living (including adequate housing), to enjoy financial independence and to earn a livelihood. Securing women's rights to land, housing and property become essential when fulfilling the rights of all to HLP.

States Parties shall take all appropriate measures, whenever possible, to restore the lands of communities with special dependency and attachment to such lands upon the communities' return, reintegration, and reinsertion.

Kampala Convention, Article XI (5)

- **IDPs in hard to reach areas:** As there is increased focus on the IDPs that have reached areas that are accessible to humanitarians, it is important to remember that there are large numbers of IDPs in areas that are hard to reach due to security concerns. For these IDPs, humanitarian agencies should, where possible, be granted safe, unhindered access to deliver life-saving assistance and protection.
- **Visa for protection actors:** In order to respond to the increasing protection needs being currently observed within the humanitarian emergency in northern Mozambique, international organizations, including United Nations and NGOs have been scaling up their presence. Therefore, swifter visa processes are needed to ensure greater presence of protection actors in the field. In addition, humanitarian actors are committed and determined to provide technical support to local NGOs, their own national staff as well as various branches of the Mozambican authorities. Finally, access to IDPs by various humanitarian and protection actors will also ensure that IDPs can better integrate the areas in which they have been relocated to.

[In particular, States Parties shall]: Ensure assistance to internally displaced persons by meeting their basic needs as well as allowing and facilitating rapid and unimpeded access by humanitarian organizations and personnel;

Kampala Convention, Article III (1)

6. States Parties shall provide sufficient protection and assistance to internally displaced persons, and where available resources are inadequate to enable them to do so, they shall cooperate in seeking the assistance of international organizations and humanitarian agencies, civil society organizations and other relevant actors. Such organizations may offer their services to all those in need

Kampala Convention, Article V (6)