of improving government efficiency. The Ministry for IDPs was officially abolished in July 2018 and its tasks allocated to other ministries, including the Ministry of Infrastructure and Development which is now implementing the IDP durable housing solution scheme, and the Ministry of Health and Social Affairs which became responsible for all other IDP-related issues. Many practicalities still need to be resolved, suggesting that reforms on IDP issues will be on hold until this reshuffle is completed.

The closure of the Ministry for IDPs may suggest that IDPs are no longer a priority for the government, and there may therefore be a further reduction of support. Consequently, the role of the international community and local civil society is ever more important in upholding the rights of the displaced and making sure that the government fulfills its responsibilities. Overall, the Guiding Principles have always enjoyed support in Georgia but ensuring their full and effective implementation will remain a work in progress for a long time to come.

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The Kampala Convention and the right not to be arbitrarily displaced
Romola Adeola

The drafters of the Kampala Convention drew heavily on the Guiding Principles on Internal Displacement, while also taking account of the African context; this is particularly evident in its recognition of the right not to be arbitrarily displaced.


One way in which the Kampala Convention heavily mirrors the Guiding Principles is in its recognition of the right not to be arbitrarily displaced. This principle is at the crux of the protection of IDPs, elevating protection from internal displacement from an ethical consideration to a legal duty for which State accountability may be demanded. Four main aspects of this right are covered by the Guiding Principles and, by extension, the Kampala Convention.

First, any act of displacement must conform to international law. Drawing on the Guiding Principles, the Kampala Convention enumerates grounds on which displacement is not permitted in international law, such as for reasons of ethnic cleansing...
or religious or racial segregation. It also rejects the use of displacement as a means of collective punishment, displacement “caused by generalized violence or violations of human rights” – for example, the 2007 post-election violence in Kenya which led to mass displacement – and displacement that amounts to genocide, war crimes or crimes against humanity.

While the Guiding Principles prohibit mutilation and gender-specific violence against IDPs (Principle 11), the Kampala Convention goes further, prohibiting harmful practices as a cause of displacement. Here it owes much to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (known as the African Women’s Protocol), an instrument that goes beyond other international treaties in its support for and promotion of reproductive rights. Alongside instances of girls fleeing the threat of female genital mutilation and early, child and forced marriage, in some parts of Africa girls flee their homes to avoid breast ironing – a practice that derives, in part, from the belief that promiscuity in young girls may be curbed through flattening of the breasts. The Kampala Convention’s prohibition on harmful practices such as these as a cause of displacement clearly reflects the African context.

The Kampala Convention permits certain kinds of displacement on specific grounds, for instance in situations of armed conflict for military necessity or for the protection of civilian populations. This permissible ground inspired by the Guiding Principles derives from international humanitarian law, in particular Protocol II to the 1949 Geneva Conventions. In situations of natural disaster, displacement is permitted where required for the safety and health of affected populations. However, with respect to development-induced displacement, the Kampala Convention makes a significant departure. The initial draft of the Kampala Convention reflected the Guiding Principles’ prohibition of this form of displacement “in cases of large-scale development projects, which are not justified by compelling and overriding public interests” (Guiding Principle 6(c)) but this was subsequently modified in Article 10 of the Kampala Convention whereby States are required “as much as possible” to prevent displacement caused by projects. Only in the case of communities with special attachment to and dependency on land are States required to ensure that displacement does not occur except where “compelling and overriding public interests” exist (Kampala Convention 4(5)).

The second aspect of the right not to be arbitrarily displaced is that even if displacement in a certain instance is permissible under international law, it must still be carried out in accordance with due process of law – that is, fulfilling all minimum procedural guarantees. With respect to all forms of displacement, the Guiding Principles – echoing the Geneva Convention Relative to the Protection of Civilian Persons in Time of War – set the minimum procedural requirement in Article 7 which requires that feasible alternatives must be explored to avoid displacement altogether and that proper accommodation should be provided to displaced populations. While there are no specific minimum standards under the Guiding Principles with respect to natural disasters and specifically climate change, these are included in the Kampala Convention. With climate change gaining recognition with the passing of time, this is one of the areas in which the Kampala Convention adds to the Guiding Principles in explicitly recognising climate change (although the Guiding Principles do broadly recognise ‘disasters’ which – though not explicitly defined – may of course be linked to the impacts of climate change).

The third aspect of the right not to be arbitrarily displaced is that displacement must not be carried out in a manner that violates human rights. As with the Guiding Principles, the Kampala Convention requires States to respect their human rights obligations pertaining to the way in which displacements are carried out, for instance, in situations of development projects.

Finally, the Kampala Convention requires States to introduce measures to address
the negative impacts of displacement on IDPs. As with Principle 3(2) of the Guiding Principles, Article 5(9) of the Kampala Convention incorporates this provision as a right of IDPs to seek and receive assistance. Primarily, the essence of this provision – and indeed of the bulk of both instruments – is to ensure IDPs’ protection and assistance, as well as to safeguard IDPs from negative consequences of displacement that may not have been foreseeable prior to and during the period of internal displacement.

The emergence of the Kampala Convention as the regional norm on internal displacement heavily reflects the significance of the Guiding Principles as an initial, authoritative statement of international principles on the protection and assistance of IDPs. While adapted in some ways in order to better reflect the African context, the Kampala Convention is the clearest expression to date of the contribution of the Guiding Principles to successive binding norms on internal displacement.

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1. www.achpr.org/instruments/women-protocol/
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Language and the Guiding Principles

Ellie Kemp

There needs to be more attention paid to the languages and communication needs of those at risk of, experiencing and recovering from internal displacement. A case-study from Nigeria brings the issues to life and challenges the international community to do better.

The role of language in upholding the rights of internally displaced people (IDPs) is very often overlooked, yet attention to language and communication is central to the Guiding Principles on Internal Displacement.¹ The Guiding Principles explicitly mention IDPs’ right to communicate in a language they understand as a component of non-discrimination (Principle 22). They also recognise the right to an education that respects the cultural identity, language and religion of the people concerned (23). IDPs’ right to receive information in a language they understand is implied in several other principles. People should be fully informed on the reasons and procedures for their displacement and give their free and informed consent to displacement not triggered by an emergency (7b and c). And the rights to request and receive protection and humanitarian assistance (3), to return or resettle voluntarily and to participate in planning those processes (28) also cannot be met without considering language needs.

Some individuals face particular language challenges. For example, certain groups may have had fewer opportunities to learn to read, access digital technology or master a second or third language. For them, the language, format (written, graphic or audio) and channel of communication (word of mouth, paper or digital) are critical. Addressing their requirements is essential for the participation of women in planning and managing relocation measures (7d), aid delivery (18) and meeting the special needs of children, certain groups of women, and elderly and disabled people (4).

The humanitarian response to the needs of IDPs in north-east Nigeria provides a case-study on how great a barrier language can be without proper provision, and what practical steps the humanitarian community can take to overcome that barrier.²

Language diversity challenges in Nigeria

Imagine you are managing a programme of support to IDPs in north-east Nigeria. There are more than 500 mother tongues in the country, including 28 in Borno State alone. Most national staff are native Hausa speakers; some speak Kanuri, the dominant language