IDP protection in Angola: has momentum been lost?

by Kamia Carvalho

The most overused word to describe Angola is ‘potential’.

Blessed with petroleum, diamonds, gold and fertile land, this former Portuguese colony has the potential to be one of the richest countries in Africa. And yet, after four decades of war marked by terror tactics and scorched earth policies, the countryside is extensively mined and forced displacement has become part of ‘normal’ life for a sizeable proportion of the Angolan population. The shocking contradiction between its natural wealth and its actual poverty is highlighted by the fact that no fewer than 4.1m people – a third of the population – are officially recognised as IDPs.

The death of the UNITA leader Jonas Savimbi in February 2002 quickly led to an agreement between the Angolan government and the rebel group to end one of the world’s longest running civil wars. Far from reducing the humanitarian problems faced by IDPs in Angola, the end of the war has brought out the stark reality of their plight. Of the many challenges facing Angola none is greater than that of reintegration and resettlement of IDPs.

Angola was one of the first states to use the Guiding Principles on Internal Displacement as a basis for national IDP legislation. Examining the legal framework and the institutional structures being established for the resettlement of IDPs in Angola, this article explores whether the Principles are set to provide an effective means to improve conditions for Angola’s internally displaced.

IDP legislation

Since 2000 the Angolan government has sought to provide better legal protection for IDPs. A workshop in Luanda – jointly convened by the Global IDP Project, the Ministry of Social Assistance and Reintegration (MINARS) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) – developed a draft set of Minimum Standards for Return and Resettlement (MINOPS) as a first step towards bringing national IDP policy into compliance with the Guiding Principles.

In January 2001 a government decree clarified the state’s responsibilities towards the displaced population and established the Normas sobre o reassentamento das populações deslocadas (Norms for Resettlement of Displaced Populations). The Normas are significant in that they recognise that the Guiding Principles establish the general principles governing the treatment of IDPs, highlight that resettlement of IDPs must be voluntary and acknowledge that IDPs must be informed and involved in procedures for permanent relocation, land identification and distribution.

Angola has the potential to become the leading global exemplar of how to use the Guiding Principles as a tool for better protection of IDPs. The reality, however, has been different as lack of effective implementation and new government preoccupations have impeded progress.

There has been considerable delay in preparing draft regulations to ensure application of the Normas. These regulations set out the role and the functions of the provincial authorities in relation to IDP resettlement and rules for identifying land issues.

The 2002 UN Consolidated Inter-Agency Appeal to donors’ noted that...
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Compounding the problem of lack of resources to provide food, water and sanitation for these unexpected numbers has been the tension between the Angolan authorities and international agencies seeking access to camps. The Angolan army initially undertook the demobilisation and it is currently the responsibility of the provincial authorities to carry out the resettlement programmes with support from the international community. There has been new emphasis on establishing sustainable peace with only minimal international ‘interference’. The authorities imposed a deadline of 15 October 2002 for the end of the demobilisation process and the beginning of resettlement. Though the government has responded to concerns over the lack of assistance being provided by extending the deadline to December, the UN and NGOs are still sceptical.

As politics has become dominated by the cease-fire and the demobilisation programme, it is clear that the Angolan authorities are prioritising assistance to ex-combatants rather than adequately addressing the urgent humanitarian needs of IDPs. The establishment by presidential decree in June 2002 of ‘A National Commission for the Reintegration of Demobilised Soldiers and IDPs’ highlights this trend. The Commission’s role vis-à-vis IDPs is described as that of coordinator of the resettlement programmes and supervisor of the protection sub-groups. These groups, however, ceased meeting before the Commission’s role was clarified, thus leaving a gap in the protection mechanisms at a crucial time for IDPs.

Institutional protection
The institutional protection for IDPs set up by the national authorities and the international organisations is a complex web of teams and subgroups. Provincial and municipal authorities are at the forefront of providing assistance to IDPs. While the Commission appears to have established structures and to be adopting a comprehensive approach to meeting the needs of IDPs, in reality the implementation of programmes is hampered by limited resources. Emphasis on the primary role of the provincial authorities as the implementers of resettlement programmes and enforcers of the Normas ignores the reality of the lack of adequate governmental capacity in some provinces.

The UN in Angola, partner of the central and provincial authorities, also has a crucial role in IDP protection issues. In July 2002 a damning report on the plight of Angola’s IDPs controv-
versially stated that OCHA, designated as coordinator for humanitarian assistance and the lead agency on IDPs in Angola, did not have adequate expertise and staffing capacity to effectively respond to unfolding crises affecting IDPs.

Despite the criticisms it is important to recognise that OCHA is a crucial partner with the national authorities and NGOs in addressing the needs of IDPs. From OCHA’s field advisors in the provinces (who monitor the conditions of the displaced) to their monthly reports on the humanitarian situation in all of the 18 provinces, OCHA is providing the tools for identifying what is happening and what needs to be done. A positive development has been the collaboration between the UN agencies and the government in developing provincial action plans for IDPs. These have emerged from provincial workshops attended by the military, judiciary, the Attorney General’s office, the national police, MINARS, OCHA, UNHCR and community stakeholders. Benefiting from protection training, these groups have prepared tailored protection plans for the IDPs in their province which are then passed to the provincial governor for approval. In July 2002 thirteen of Angola’s 18 provinces had approved plans in place. This demonstrates that there has been some attempt at improving the national response to the plight of IDPs.

The establishment of the UN Mission in Angola (UNMA) by the Security Council in August 2002 has also been a positive step, particularly with its focus on the protection and promotion of human rights. The Human Rights Division in the UN should play a pivotal role in efforts to better protect IDPs and other citizens by working with the government and local authorities to build capacity and raise awareness of human rights. This approach is often criticised for not protecting individuals in a more concerted manner but it is important to aid the development of better human rights standards in Angola as a whole. This should impact, directly or indirectly, on IDPs and thus improve the authorities’ respect for the Normas.

The way ahead
The spontaneous return to their area of origin of some 750,000 IDPs has been met with both delight and concern. While this is a welcome sign that
Refugees and the African Commission on Human and Peoples’ Rights

by Monette Zard in collaboration with Chaloka Beyani and Chidi Anselm Odinkalu

On paper, African refugees benefit from one of the world’s most progressive protection regimes. In reality, however, they face endless human rights hurdles involving forced return, discrimination, arbitrary arrest and detention, restricted freedom of movement and expression, and violations of social and economic rights.

Faceed with an ongoing struggle to bridge the gap between theory and reality, advocates for refugees have the option of using Africa’s human rights mechanisms innovatively to argue the case for refugee rights.

It is not that Africa is short of norms. Far from it; in many respects the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa puts the continent ahead of other regions. In addition to introducing an expanded notion of who is a refugee, the Convention reinforces key refugee protection standards, including the closely linked principles of non-refoulement and voluntary repatriation. The Convention is an important regional complement to the 1951 Convention. Together, these instruments articulate an important set of standards regarding the treatment that refugees should expect to receive.

The crisis facing refugees on the continent reflects rather a failure of implementation. A major weakness of the current international legal framework to protect refugees - one that was recognised during the ambitious UNHCR Global Consultations process - is the absence of any meaningful system of supervision, such as a court or treaty body, to ensure that States abide by the letter and spirit of international refugee conventions. International and regional human rights mechanisms - and in particular the African human rights system - may go some way towards making up for this lacuna by providing advocates with a complementary means to help refugees and asylum seekers actually benefit from rights they have on paper.

The centrepiece of the African human rights system is the 1981 African Charter on Human and Peoples’ Rights and its principal overseer, the African Commission on Human and Peoples’ Rights (ACHPR), which was established in 1987. Apart from Morocco all 53 African States have accepted the provisions of the Charter as formally binding. The legal framework established under the Charter offers refugees and asylum seekers (as well as the NGOs that represent them) the possibility of individually petitioning the ACHPR to seek protection of violated rights. This includes specific rights by virtue of being refugees and asylum seekers as well as more general human rights guarantees set out in the Charter. In fulfilling its central oversight role, the ACHPR takes into account the UN and OAU Conventions as well as other regional arrangements in which refugees have freedom of movement and residence in regions such as Angola.