

Regional or national protection for Great Lakes IDPs?

by Zachary A Lomo

Roberta and I differ on both substantive issues and methodological approaches to the protection of IDPs. The key problem facing IDPs in Africa's Great Lakes is not lack of regional mechanisms but the absence of strong national protection systems.

Roberta believes that the distinctions between refugees and IDPs are arbitrary and argues for parity between them. I contend there are substantial legal and material differences arising from the configuration of the international system based

on states. While Roberta strongly favours international and regional mechanisms for the protection of IDPs, I advocate for strong national systems that address the root causes of forced displacement.

The key problem facing IDPs in the Great Lakes states – Rwanda, Burundi, the Democratic Republic of Congo, Uganda, Kenya and Tanzania – is the absence of strong national systems and local and international commitment to enforcing existing international standards. IDPs are the epitome of a crisis of nation-building, a failure to reform the post-colonial state. The Great Lakes is characterised by weak and poorly-led states prone to external interference. The result is bad governance and the destruction or weakening of political, social,

economic and judicial institutions to allow citizens to negotiate competing interests over natural resources. It is not surprising that different groups have resorted to war in order to either be heard, protect their interests, avert a potential threat or simply usurp political power.

*Cet Kama
IDP camp,
Gulu District,
northern
Uganda,
August 2006.*

The regional and global consequences have been catastrophic – genocides in Burundi in 1972 and Rwanda in 1994. Massacres and gross violations of human rights continue unabated

in almost all the countries of the region except Tanzania. According to the International Displacement Monitoring Centre there are over four million IDPs – around two million in northern Uganda, 1.5 million in DRC and 117,000 in Burundi. Officially, Rwanda has no IDPs but some reports suggest more than 200,000 Rwandans still live in IDP-like situations. Deceptively stable, Kenya has up to 400,000 IDPs displaced by conflict over natural resources.

These statistics do not tell the whole story. No one can know the exact number of people who have been forced to flee because many do not opt for the official camps, instead finding shelter amongst communities where there is relative stability and peace. The situation of IDPs remains precarious and deplorable with continued threats to physical security, lack of adequate food, safe drinking water, health and educational services, and prevalence of HIV/AIDS and sexual and gender-based violence.

In conflict and post-conflict situations, national systems in the region are virtually dysfunctional. It is thus tempting to call for external involvement. The International Conference on the Great Lakes Region¹ represents the most concerted external attempt – spearheaded by the UN in collaboration with the African Union – to find a lasting regional solution to the root causes of the tragic events that have engulfed the region. At

their first summit regional leaders committed themselves to comply with the Universal Declaration of Human Rights and operationalise relevant international and regional human rights instruments. They



also pledged to establish regional and national systems to identify, disarm and separate combatants from civilian refugees and displaced persons and to confine them in facilities to prevent them from manipulating refugees and IDPs for political or military purposes.

There is often a blind faith in the international system. International mechanisms are allegedly independent, impartial and free from political intrigue and manipulation. It is claimed they can mobilise the resources and expertise that are always urgently needed to address the unique needs of IDPs. However, experience shows that neither in the Great Lakes nor elsewhere is this the best approach to protection of IDPs.

- International and regional arrangements are unable to acknowledge how internal displacement crises are related to national politics and governance issues.
- External mechanisms can ignore serious violations of human rights and legitimate corrupt and dictatorial regimes.
- Many international actors do not endeavour to understand national legal systems and rules.
- External mechanisms can support institutions that are not accountable to their purported beneficiaries

- External interventions can destroy local systems and engender dependency.

Uganda is a good example. External pressure pushed Uganda to develop an IDP policy that does not conform to the requirements of the country's constitution. As a result, institutions created by the policy document have taken second place to external mechanisms. In effect, IDP issues in Uganda are not really in the hands of Ugandans.

National mechanisms need priority

We need to focus attention on developing national mechanisms for protection of IDPs. IDP advocates such as Roberta often miss the point when they spend time comparing IDPs to refugees and wish there was an international regime for IDP protection akin to that for refugees. Generalised assertions tend to suggest that IDPs face problems because they are IDPs. The reality often is that by the time IDPs come to our attention the whole country has been terrorised and no one is safe anymore.

Putting emphasis on national mechanisms allows us to address issues of bad governance that are at the root of human rights violations for all citizens, whether or not they are IDPs. It means:

- working hard to end the immediate causes of displacement
- supporting peace talks and processes
- ensuring that the interests of those forced to flee their homes are protected through progressive inclusive policies and legislation
- reform of constitutions and national laws which determine access to land and natural resources.

Regional mechanisms for protecting IDPs should not be a priority. The problem of the protection of IDPs in the region has neither been lack of a regional legal framework nor limited involvement by international actors but rather endemic leadership problems at national level. The

problem is primarily political and will require political solutions. Attempts to push for a regional protocol on IDPs – which basically adopts the Guiding Principles on Internal Displacement – are counterproductive and diversionary and risk allowing external interests to override the real issues.

The region needs good leadership that unites rather than divides; that builds rather than destroys; that

reaches out and is not introverted or locked in ethnic prejudices; that is confident and not insecure; that is transparent and not corrupt; that is humble and not aggressive and arrogant; and that is patient and not intolerant. Above all, the Great Lakes requires leadership that forges a collective vision.

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