



# The Great Lakes Process: new opportunities for protection

by Jesse Bernstein and Olivia Bueno

**The International Conference on the Great Lakes Region (IC/GLR) has created a new regional mechanism to promote peace, security and development. Will it provide space to protect the rights of the displaced?**

The region has set out on the path to peace and development. Peace agreements have been concluded in Burundi, southern Sudan and the Democratic Republic of Congo (DRC). Negotiations to end the war in northern Uganda are ongoing. Large numbers of refugees have been able to return to their homes in Angola, Burundi, southern Sudan and, to a certain extent, northern and eastern Uganda.

The outbreak of peace has not always, however, brought with it sustainable solutions to the plight of the forcibly displaced. Even as refugees and IDPs return home, they and their families encounter considerable obstacles to reintegration, from social and property conflicts to a lack of infrastructure and opportunities to create sustainable livelihoods. Furthermore, as new and ongoing conflict in the region continues to force hundreds of thousands into flight in Darfur and eastern DRC, millions remain in precarious displacement in northern Uganda and in lesser known IDP situations in Kenya, Rwanda and the Central African Republic. The eleven states of the Great Lakes region continue to host nearly two million refugees and ten million IDPs.

The IC/GLR<sup>1</sup> brought together 11 states – Angola, Burundi, the Central African Republic, the Republic of Congo, the Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. In December 2006 in Nairobi, their leaders signed a Pact on Security, Stability and Development. The Pact acknowledges that addressing the situation of refugees and IDPs is integral to ensuring sustainable peace. It includes legal protocols, projects and programmes of action which are relevant to the protection of the forcibly displaced – including protocols on the protection of IDPs and property rights of returning populations and arrangements to promote the security of host and displaced populations.<sup>2</sup>

The Protocol on the Protection and Assistance of Internally Displaced Persons – which may become the world's first legally binding international instrument devoted to IDPs – focuses on implementing the Guiding Principles on Internal Displacement<sup>3</sup> at the national level. The Protocol adapts the Guiding Principles to the regional context by explicitly defining the responsibilities of states towards those who are displaced by large-scale development projects and by providing for the creation of a regional mechanism for monitoring the protection of IDPs.

The Protocol on the Property Rights of Returning Persons creates an innovative framework for addressing conflicts over property and land by utilising both formal and traditional mechanisms to resolve disputes. It provides for the establishment of a property registration scheme which recognises both customary and statutory land tenure systems.

The Pact was formulated through a process in which its instruments and programmes were developed with the specific challenges of the region in mind and debated at length by the region's governments and civil society. The Pact will enter into force only after eight ratifications; currently three member states have ratified or are nearing completion of the ratification process. As efforts proceed to ensure ratification, the Pact and its accompanying protocols present opportunities to engage national authorities on issues related to displacement. In nations where there is no domestic legal framework for the protection of IDPs – such as Kenya, CAR and DRC – the IDP Protocol and the model legislation which accompanies it can be used by advocates to encourage member states to acknowledge the plight of IDPs and to provide increased protection.

Recognising the potential of the Pact, in January 2007 the IDMC and the International Refugee Rights Initiative (IRRI)<sup>4</sup> initiated a project to support civil society advocacy to leverage the IC/GLR for the protection of refugees and IDPs. Civil society organisations (CSOs) have a unique role to play in ensuring that commitments undertaken by states are translated into effective national law and policy, improving the lives of the displaced.

In April 2007 the IDMC and IRRI brought together local CSOs, experts on forced migration, UN agencies and the IC/GLR Secretariat to discuss a plan of action for advocacy using the Pact. Participants expressed enthusiasm about using the IC/GLR tools. The IDMC and IRRI are in the process of preparing a guide which will assist all stakeholders, including CSOs, to productively engage with the IC/GLR to advocate for the rights of the displaced.

The efforts of civil society to promote national responsibility using the Pact must be complemented by UN agencies and donor governments. Member states of the IC/GLR should be encouraged to ratify the Pact, and all stakeholders should use the protocols in formulating protection strategies and policies. While it is states that have a primary role in implementing the Pact, the international community and civil society have a vital role to play in ensuring that its commitments are recognised and honoured.

*Jesse Bernstein (J.M.Bernstein@lse.ac.uk) was until recently IDMC's Kenya and Uganda Country Analyst. He is now studying human rights at the London School of Economics. Olivia Bueno (olivia.bueno@refugee-rights.org) is the Research and Communications Coordinator at the International Refugee Rights Initiative (www.refugee-rights.org).*

1. www.icglr.org

2. The Pact and other documents are online at www.internal-displacement.org/greatlakes and at the IC/GLR document library www.icglr.org/F\_END/docLib.asp

3. www.brookings.edu/fp/projects/idp/gp\_page.htm

4. www.refugee-rights.org