

Addressing IDP protection in Africa

by Bahame Tom Nyanduga

African states must accept responsibility for addressing the human rights abuses faced by their internally displaced populations. Implementation of the Guiding Principles and better education are essential to underpin any strategies for improving IDP protection and assistance.

Since the 1990s African conflicts have witnessed massive brutality against the civilian population. Armed combatants in Somalia, Liberia, Sierra Leone, Northern Uganda, Darfur and Eastern DRC – to mention just some – have violated the Geneva Conventions' protocol on civilian protection with impunity. Civilian populations have been subjected to torture, rape, sexual and gender-based violence, destruction of property, households, farms and crops, and other abuses. The atrocities committed by armed militias and para-military groups are in part responsible for the large-scale displacement that has become a common feature of African conflicts.

Role of the Special Rapporteur

The decision by the African Commission on Human and Peoples' Rights¹ to establish the mandate of a Special Rapporteur to address issues relating to IDPs (as well as refugees and asylum seekers) was taken in response to the increase in displacement in Africa and the grave human rights abuses faced by IDPs.

The Special Rapporteur is mandated to develop and promote effective strategies to better protect the rights of IDPs and to follow up on any recommendations he/she might make. Engaging non-state actors, bearing in mind the elusive nature of their operations, is a major challenge not only for the Special Rapporteur but also for the African Union and the international community. Meeting this challenge will require input of resources and the cooperation of state parties and non-state actors alike.

Access to areas of conflict to ensure that IDPs are protected must be guaranteed by the authorities of the relevant state. The Guiding Principles on Internal Displacement need to be incorporated into the domestic laws of African states so that the obligation to protect IDPs is backed up by legislation.

The African Commission and the Special Rapporteur recognise that the Guiding Principles are well known in African states but note, however, their inadequate implementation in reality. As a result, the Special Rapporteur has proposed an initiative to help ensure that the Guiding Principles are implemented and respected in Africa. The Special Rapporteur has recommended that the Commission convene an international conference in Africa to promote the adoption of an African instrument to incorporate the Guiding Principles into domestic legislation (and to underpin state-run emergency relief programmes for IDPs).

As well as tackling the role of non-state actors, the Special Rapporteur and the African Commission have a duty to sensitise African states and their citizens about their obligations under the African Charter. Article 25 of the African Charter on Human and Peoples' Rights² obliges state parties to promote and ensure the teaching, publication and respect of the rights and freedoms contained in the Charter, and to see that the corresponding obligations and duties are understood. Article 28 requires every individual to exercise their rights and duties towards the family and society, the state and the international community.

The scale of displacement and the atrocities committed by non-state actors in Africa reflect the failure by African states to incorporate international humanitarian law training into their education curricula. Human rights education would, in the long term, help develop a culture of respect for human life and human dignity. Armed combatants and militia groups are rarely the product of military colleges where international humanitarian law is taught.

As Special Rapporteur I hope that the challenge of preventing internal displacement can be addressed by requiring states to educate their people at all levels about the sanctity of human life and respect for human rights and international humanitarian law. Once displacement has occurred, however, states and non-state actors have the obligation and duty to facilitate access to ensure that IDPs receive all necessary assistance to guarantee their civil, political, social, economic and cultural rights, as well as their resettlement or integration in safety and dignity.

International cooperation is crucial. The cooperation of the African Union and African states in the work of the Special Rapporteur and the African Commission is vital to improve protection and assistance of IDPs in Africa. The African Commission and the Special Rapporteur will continue to appeal to state parties and non-state actors involved in African conflicts to respect their legal obligations under international humanitarian law.

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1. www.achpr.org

2. www1.umn.edu/humanrts/instree/z1afchar.htm