

African Union Kampala Convention on IDPs

*Lessons learned from its implementation
in Somalia and the DRC
A humanitarian diplomacy perspective*

Arnaud Meffre
Humanitarian & Operations Manager, ICRC

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EXECUTIVE SUMMARY:

Internal displacement, whether manmade during times of conflicts and other forms of violence, or when induced by climate change and natural disasters, was a plague for 55 million people in 2020 (IDMC 2021). Since the establishment of the guiding principles on the protection of the internally displaced and until the present time, a multiplication of humanitarian diplomacy efforts has taken place to transform the soft law into hard law. The most advanced of these attempts was the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa (Kampala Convention) signed in 2009 in Kampala, Uganda. The Convention remains the most comprehensive instrument aiming at protecting internally displaced persons. While the African Union has been at the forefront of this legal progress, only 31 countries (out of 55) in the continent have deposited the instrument of ratification so far.

This paper examines the situation in two countries, namely Somalia and the Democratic Republic of the Congo (DRC), and the humanitarian diplomacy efforts taken to have the Kampala Convention ratified and domesticated.

Of the two countries, Somalia is well ahead in the process, having adopted a policy, a law, and a strategy that addresses internal displacement. Projects have also been implemented locally to adjust infrastructures (access to basic services, roads etc.) to the needs of the displaced people. This was achieved through the efforts of the United Nations community and the appointment of several special advisers on IDPs to assist the Federal government of Somalia in setting up the mechanisms. The Federal government of Somalia, on its part, has demonstrated the necessary commitment and pushed ahead with efforts for the formal ratification and the domestication of the Kampala Convention. Moreover, the government also created ad hoc organs such as the Durable and Sustainable Initiatives secretariat and facilitated the inclusion of local authorities and internally displaced representative in designing the best response for IDPs on the ground. The proposals have received funding from donors.

The DRC has not fared as well as Somalia on the same front. The Congolese government has not implemented any significant measures in favor of internally displaced persons since 2014, when the DRC parliament formally ratified the Kampala convention which was then promulgated by the DRC president. So far, the ratification instrument has not been deposited at the African Union by the DRC Ministry of Foreign Affairs. Continuing their efforts and aiming at marking the 10th anniversary of the Kampala Convention, the international community, including the UNHCR, the ICRC, Human Rights Research League, the African Union, and others, have set up an international conference in 2019 to remind the DRC government of its obligations towards IDPs. While the conference was regarded as a positive step, no concrete outcome has been realized since.

Examining these two case studies, the present research concludes that there are opportunities for humanitarian diplomacy behind the scenes. The research also underlines a number of trends that should be implemented to successfully achieve such goals. Somalia and the DRC display contrasting examples that demonstrate the conditions necessary to attain the objectives of the Convention. The main recommendation of the present report is that States must commit and actively engage in the ratification and domestication of the Convention, while taking care to include the internally displaced persons in the process. Furthermore, the international community wishing to support the two States in their efforts to ratify and domesticate the Convention should coordinate their actions to be effective and coherent.

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ACRONYMS

AU - African Union

CEDESURK - Centre de Documentation de l'Enseignement supérieur, universitaire et de la recherche à Kinshasa.

DFID - Department for International Development (United Kingdom)

DRC NGO - Danish Refugees Council

DRC - Democratic Republic of the Congo

DSI - Durable and Sustainable Initiatives

GP - Guiding Principles on Internal Displacement

HRRL - Human Rights Research League

HRCO - Humanitarian and Resident Coordinator

ICGLR - International Conference of the Great Lakes Region

ICRC - International Committee of the red Cross

IDMC - Internally Displacement Monitoring Centre

IDPs: Internally Displaced Persons

IGAD - Intergovernmental Authority on Development

IOM - International Organization for Migration

JIPS - Joint Internal Displacement Profiling Service

KC - African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa (Kampala Convention)

NCRI - National Commission on Refugees and Internally Displaced Persons

NGOs – Non-Governmental Organizations

NSAG - Non-State Armed Groups

UN - United Nations

UNDP – United Nations Development Program

UN / SGSR - UN Secretary General Special Representative

UNHCR - United Nations High Commissioner for the Refugees

A few individuals with commitment and enthusiasm for a cause, if they are in a position to do so, can achieve success despite the hard challenges they face. (DSI Report 2020)

I. INTRODUCTION

Since the first UNSGSR on IDPs Francis Deng established the Guiding Principles in 1998, a « sea of change » (Abebe interview 2021) occurred in terms of protection of internally displaced persons (Nicolau & Pagot, 2018). At the forefront, Africa has adopted the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention 2009). When the Organization of African Unity became the African Union in 2003, the AU Executive Council asked experts to revise the AU legal framework in place since the birth of the OAU. Among other steps (Abebe 2010), the AU decided in 2004 to have a distinct treaty on IDPs elaborated by an expert on IDPs (Beyani C 2006). From 2006 to 2008, all components of the AU - Executive Council, Ministries Conference, an advisory group of experts, NGOs, State members – contributed to discussions of what the legal framework protecting IDPs in Africa should be like (Birganie A.B 2010). ‘State’ in this paper refers to governments, parliaments, commission on IDPs, and any State related mechanisms. The Kampala Convention adopted in 2009 integrated international humanitarian & human rights laws provisions, and was innovative by acknowledging the role of NSAGs, the existence of resource exploitation induced displacement, and the need for natural disaster preparedness to avoid displacement (Meffre A 2012).

Still, with 55 million IDPs worldwide (IDMC 2021), analysts have noted (Bilak 2020) that a lot more work is necessary to bring about the implementation and domestication of the Convention (GP 20th anniversary 2018). Only Niger seemed to have a comprehensive domestication of the Kampala Convention, thus, efforts have been pushed to have more States already parties to the KC to actually incorporate it. Hence, in 2019, the African Union launched a campaign to celebrate both the 50th anniversary of the African Organization treaty (1969) and the 10th anniversary of the Kampala Convention. Moreover, in several African countries, the UNSGSR on IDPs, the AU, the UNHCR, the ICRC and OCHA, have jointly launched workshops, conferences, and provided technical support to governments with the objective to have African States commit to completing the ratification of the Kampala Convention and/or, transposing it into their national legislation.

The African Union campaign required an intensive humanitarian diplomacy effort. The UNHCR for instance, launched a multifaceted public campaign to persuade African decision makers to ratify the Kampala Convention. Such efforts persuaded five countries, including Somalia, to ratify the convention. Countries with no IDPs had to be convinced that the convention is not only about conflict, but also about prevention and other causes of displacement.

While several countries presented worthy case-studies, (Bilak 2020), Somalia and the DRC specifically offered two interesting examples of what this research tried to demonstrate. That is, how humanitarian diplomacy can succeed or fail to achieve its objectives, and how good (or bad) practices could help other States navigate through the process of ratification and domestication of the Kampala Convention.

The methodology relied on secondary sources (academic publications, reports, workshops and conferences) and primary sources through three interviews with a UN expert, Professor Walter Kälin, a UNHCR protection expert, Allehone Abebe (biographical details in the reference list), and a humanitarian diplomat involved in the discussion in DRC, who required to remain anonymous.

Overall, the research aimed at drawing recommendations stemming from the following questions:

- Who were the opinion leaders/coalitions in the DRC & Somalia who supported the adoption of IDPs initiatives?
- Who were the decision makers who made possible the adoption of IDPs initiatives and eventually the Kampala Convention?
- What types of campaigns were chosen to advocate for the Kampala Convention and national initiatives?
- What examples and best practices do the DRC & Somalia offer to other African States and beyond?

II. CASE STUDY ON SOMALIA

A. A BRIEF OVERVIEW:

Somalia has also established a National Commission on Refugees and Internally Displaced persons (NCRI), and shown willingness to elaborate an IDP policy since 2012. However, the path to successfully enforce it was not easy and humanitarian diplomacy played a big role in concluding the effort. Somalia ratified the Kampala Convention in October 2019 and deposited it at the African Union in March 2020. This achievement was the culmination of years of efforts carried out by the UN representatives to have the country address issues raised by massive displacements. Finding solutions for internally displaced persons, however, remains key to the further stabilization of the country (Kälin interview 2021). Indeed, 2,97 million Somali citizens (UNHCR 2021), one quarter of the country's population, was living in camps or host communities.

B. THE ROLE OF THE INTERNATIONAL COMMUNITY:

The international community supported the efforts aimed at assisting Somalia to ratify and implement the Convention. Most of these efforts were to provide a normative framework to the country in line with the Guiding Principles and the Kampala Convention. From 2012-2013, the UNHCR asked Professor Kälin, former UNSGSR on IDPs to visit Mogadishu to explore possibilities to develop a policy on IDPs. The UNHCR representative in Somalia facilitated contacts, travels and meetings with stakeholders (government officials, IDPs, local authorities) that led to the submission of a first IDP policy draft to the national parliament of Somalia. Although it was difficult to determine the reasons why, the draft was not adopted by parliament as there were outstanding debates on which governmental structure should have the core responsibility for implementing the IDP policy in the country and whether it should be the Ministries in charge of Interior, Planning, or the NCRI.

Fast forward to 2015, Peter de Clercq, Deputy SRSG, asked Professor Kälin to return to Somalia and to look into the possibilities to start moving away from humanitarian assistance towards more durable and sustainable solutions. This new step was encouraged by positive discussions with high level interlocutors of the Somali government (prime minister, advisers to the president) in December 2015. Kälin was then able to visit different sites and meet with IDPs and local authorities where he found that all concerned stakeholders were cognizant of the argument that as long as sustainable solutions were not afforded for IDPs, the poor living conditions and insecurity could only hinder the consolidation of peace and the development of the country.

Moreover, Kälin drew one clear message from his discussions: local stakeholders were growing tired of seeing no change despite the huge amount of money, time and energy

spent on assisting internally displaced persons from a purely humanitarian/emergency perspective. Conclusions, therefore, underlined the need to work towards activities and solutions that would have to be part of an inclusive development approach.

Further discussions with JIPS (a partnership between DRC NGO, UNHCR and IOM) and the government led to developing the first national development strategy/plan. Peter de Clercq encouraged the Federal Minister of Planning (MoP) to integrate the solutions for IDPs into the strategy. In turn, the MoP understood that massive displacement in Somalia (1/4 of the population) was an obstacle to development. JIPS, therefore, provided data and statistics on IDPs for Mogadishu and Hargeisa. With this information, the MoP integrated the internal displacement issue into the national development plan. Professor Kälin considered this development as a breakthrough in the nexus because it fostered a change in the government discourse (Refugees International Report 2019 and Osofisan W & Keen S 2019) on Somalia's needs shifting the focus from pure assistance to sustainable development. It also called on bigger actors like the World Bank, the UNDP, and the UN Trust Fund to support and fund some of the projects benefitting the new discourse (Kälin interview 2021, UNDP 2017 and Trust Fund 2020).

In 2016, Somalia adopted an IDP policy (FGoS 2016). However, it was an empty shell since Somalia still lacked an institutional framework to implement solutions mainly focused on improving infrastructures. Such framework required a budget and capacities that the NCRI could not undertake concretely. When Somalia created a secretariat on Durable & Sustainable Initiatives (DSI) - coordinating 14 ministries and relevant entities at federal and member States level (UNS 2019) -, it was finally possible to encompass poverty alleviation and urbanization perspectives within the strategy. The DSI Secretariat eventually went on to develop a durable solution strategy (SFMoP 2020), which was adopted in 2020.

As of 2018, Somalia was equipped with a normative framework, a solution-oriented strategy and an IDP policy. Consequently, Somalia formally ratified the Kampala Convention in October 2019, and deposited the instrument of ratification at the African Union in March 2020. Among the actors who pushed for the ratification, one can stress the role of IGAD, which used its 2019 annual seminar to secure a strong commitment of its member States, including Somalia, to strengthen the IDP protection through normative and legal frameworks (Obila & Pop, 2020). Since then, the UNHCR hired Professor Beyani to advise the Somalia Federal Government in drafting an IDP law (UNHCRa 2020). It appears, however, that despite fruitful discussions with the government, UN community and NGOs, the same debates that slowed down the efforts on the IDP policy in 2013 are taking place once again. If no one challenges the lead of the NCRI when it comes to the humanitarian response to displacement, discussion are ongoing on the lead to implement durable solutions (development).

Concretely, the normative framework paved the way for implementing durable solutions as of 2017. Through the UN, especially its HRCO, humanitarian diplomacy efforts advocating on behalf of the Federal Government, it was possible to mobilize different actors and start community-based projects in Kismayo and Mogadishu (UNDP Project 2017). IDPs, host communities, traditional leaders and local authorities sat together to develop an action plan to agree on their priorities. Once established, the UN and the Federal government identified donors. For example, in Mogadishu, the EU funded a joint project by UNDP & UNHCR to facilitate IDPs reintegration while the World Bank funded urban infrastructures projects and coordinated projects to benefit IDPs. Moreover, donor States such as Denmark, the Netherlands and Switzerland expressed interest in supporting similar projects. One project was successfully completed (MID NIMO Phase 1) in Baidoa with the international community funding local authorities (City Mayor and State authorities) to provide and equip (water, road,

health post) public land (former military land) to settle IDPs and allow them to build a more permanent home for their improved integration.

C. HUMANITARIAN DIPLOMACY PERSPECTIVE ON THE SOMALIA CASE STUDY:

The Resident and humanitarian coordinator Peter de Clercq played a major role as a humanitarian diplomat in helping Somalia through its ratification process. He advocated and negotiated with the government, the UN, and the donors. He lobbied for a shift towards a development-oriented approach to find more durable solutions for IDPs. Moreover, Professor Kälin's regular visits to Somalia played a very important role from 2016 to 2018 and during which he also met with and discussed with key stake holders. All the efforts were supported through Switzerland's offering of a forum for donors and DFID prominently favoring durable solutions. Furthermore, the East Africa DSI Secretariat in Nairobi mobilized the Somali civil society. In essence, the international community spoke with one voice, though with one exception, when the UNHCR at one point thought the lead should be under the NCRI. This partially explains the debates on who in Somalia should have the leadership on durable solutions for IDPs (NCRI or DSI secretariat). Sometimes, it was a matter of one person making a big difference in either stalling or facilitating progress. Identifying the resident coordinator Peter de Clercq as the main leader of the international community efforts made a tremendous difference as he enjoyed direct access to decision makers in Somalia, whereas traditional agencies did not. De Clercq as the main UN representative had direct contact with the president and prime minister offices whereas humanitarian agencies answered to ministries level.

One can wonder why humanitarian actors were not that involved in the negotiations. The fact is, the UN efforts to build an IDP framework in Somalia were mainly focused on State building and long-term planning to attain State ownership whereas humanitarians were still mainly short-term actors as their action target emergencies, especially in Somalia. Humanitarian organizations were, of course, consulted, but they did not play an active role in the UN efforts. However, the ICRC e.g. is involved at a broader level, mobilizing and advocating on behalf of IDPs, advising the AU on drafting the Kampala Convention, and other States with their national IDP laws.

III. CASE STUDY ON THE DRC

A. A BRIEF OVERVIEW:

The DRC is among the countries that signed the Kampala convention early on and even ratified it in 2014. The ratification law was adopted by the Parliament as of June 2014 (DRC 2014). The DRC, however, failed to deposit the ratification instrument at the African Union. One may suggest two reasons for this failure.

- The DRC and other countries were already part of the Pact on Security, Stability and Development of the Great Lake Region that was adopted and ratified after the Great Lake Region Conference held in 2006 to end the Congo war. The Pact included specific provisions that provided protection to IDPs in both its protocols (with one protocol addressing protection and assistance to IDPs, while the other underlined land property rights). Therefore, several States considered they did not need to also adopt the Kampala Convention.

- A more political reason is to be found in the text of the Kampala Convention, which names non-state armed groups as also having a responsibility to avoid provoking internal displacement and, consequently, affording them some legitimacy in front of States. The DRC being confronted by dozens of NSAG (50 to 100), the government would, arguably, be reluctant to grant in a treaty an official role to groups considered as terrorists, rebels or simply criminals. This specific topic was in fact a taboo while negotiating the Pact back in 2006. No diplomats back then could even propose the idea to include NSAG in the protection of IDPs.

B. THE ROLE OF THE INTERNATIONAL COMMUNITY:

Although the DRC counts numerous local NGOs working for IDPs that have an interest in advocating and lobbying in favor of domesticating the Kampala Convention, none have the size, capacity, and the means to actually influence the government. Since 2018, the [Human Rights Research League \(HRRL\)](#) advocated for a Conference on IDPs in the DRC. In March 2019, HRRL organized with CEDESURK and the UNHCR a first [conference focused on the integration of IDPs and refugees in host communities](#) (HRRL 2019). Following this first conference, HRRL had been the key initiator for a follow-up conference on the implementation of the KC, which resulted in the ensuing three-day [international conference on IDP protection, held in Kinshasa, DRC, in October 2019](#). The ICRC, on its part, having a traditional role to remind the DRC government of its responsibilities towards IDPs, joined HRRL and the UNHCR in this initiative.

On the one hand, the ICRC, being present for many years in the DRC, always played an advisory role to support the government legislative work and to remind officials to uphold the law. Despite many discussions since 2009, the ICRC did not manage to persuade the government to adopt a specific IDP law. Some parliamentarians were at times interested, however, the COVID crisis prevented any further momentum on the IDPs agenda. The ICRC kept repeatedly pointing out that IDPs are citizens in their own country and are therefore entitled to the same rights as those who are not displaced. They also face specific challenges that require specific protection and legal frameworks. Moreover, the ICRC twice conducted (2016 & 2019) an extensive overview of the progress made since 2009 in implementing the Kampala Convention in Africa to share best practices and progress among African States and beyond (ICRC 2019 & ICRC 2016). The ICRC has shared these reports with the DRC authorities and has, apparently, raised the interest of some ministers and parliamentarians (Interview HD 2021).

On the other hand, the UNHCR, had a different approach (UNHCRb 2020). First, it developed a UNHCR Protection Strategy for internally displaced persons response in the DRC 2017-2021 (UNHCR 2018). It is worth noting that the strategy's three main orientations did not include efforts to influence and mobilize the government. Second, as it does not have a specific mandate on IDPs, the UNHCR campaigned on topics that fall under its mission. For example, while fighting against statelessness, the UNHCR mobilized the authorities for extra attention to be provided to IDPs via the distribution of identity papers. The UNHCR also campaigns to sanctuarize IDPs camps, to protect them.

Seizing the 2019 theme of the year launched by the African Union, the HRRL, UNHCR and the ICRC jointly organized an International Conference on the Kampala Convention implementation in the DRC. While HRRL wrote the concept note including the draft program for the Kinshasa Conference that formed the basis of UNHCR's funding request to its HQ, the

UNHCR and the ICRC targeted different ministries which should normally be at the driving seat of the protection of the IDPs. The Ministry of the Interior was nominally in charge of the security of the people, including IDPs, and was heading the National Commission on Refugees. However, unlike in Somalia, this Commission held no mandate on IDPs, and undertook limited actions for their benefit that were mostly under the UNHCR's suggestion, funding and technical support. Moreover, the Ministry for Social Affairs, Humanitarian Assistance and Solidarity seemed to focus mostly on an assistance approach and had yet to integrate the concept of durable and sustainable initiatives.

Based on these findings, the HRRL, the ICRC, and the UNHCR agreed to organize the [International Conference on Durable Solution to Forced Displacement in the Democratic Republic of the Congo](#), held in Kinshasa, DRC, in October 2019. With the concerned ministries (Interior and Social Affairs), the three organizers invited the African Union and the ICRGL, as well as government, humanitarian and development actors, national and international multidisciplinary expertise, academics and civil society, including representatives of refugee, IDP and host communities, with an objective to focus on sustainable solutions for the IDPs in the DRC and its neighbors (HRRL 2020).

More than 150 participants, representing dozens of entities, from IDPs and NGOs to embassies, via ministries, international organizations, and universities, participated in discussions for three days to identify sustainable solutions to the issue of internal displacement in the DRC. The conference included testimonies of IDPs and focused on finding common ground between humanitarian and development action to produce sustainable solutions for IDPs.

The conclusion of the conference acknowledged the existing humanitarian mechanism gathering concerned actors. Suggesting a road map, the [Final Communique of the Conference](#) further called for depositing the ratification instrument of the Kampala Convention to the AU, adopting a specific legislation protecting IDPs in the DRC, creating an efficient coordination mechanism including all relevant ministers and actors in the DRC focused on IDPs, and giving more means and capacities to provincial authorities to foster sustainable solutions.

C. HUMANITARIAN DIPLOMACY PERSPECTIVE ON THE DRC CASE STUDY:

Since 2019, the COVID crisis and the only recently completed change of government in the DRC put certain constraints on a consistent implementation of the Road Map. DRC President Tshisekedi, from 2021-2022 also being the Chairperson of the African Union, ratified a few AU treaties. However, he still did not conclude the DRC ratification process concerning the Kampala Convention. The same actors (ICRC, UNHCR, HRRL) that convened at the international conference in October 2019, kept a strong commitment to have the Kampala Convention implemented in the DRC. For instance, the HRRL continues to work on the ratification of the Kampala Convention and the incorporation of the road map in line with its final communique by engaging with the DRC government and lobbying and engaging with various UN and AU mechanisms, including the UN Special Rapporteur on the Human Rights of IDPs, the AU Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons, etc. The ICRC, on its part, maintains a regular dialogue with parliamentarians and remains ready to provide its expertise, should the DRC parliament decide to adopt a law on IDPs. As Chairperson of the AU in 2021, Tshisekedi appointed an advisory board to support him. The ICRC is in regular contact with its members to follow up

on the IDPs agenda. The ICRC further aims at developing a dialogue with the recently appointed government based on the Conference report (HRRL 2020) to brief its members on the road map.

Also the ICGLR and the AU representatives continue lobbying the DRC authorities. The ICGLR has a forum of its member State parliaments that have discussed the domestication of the Kampala Convention. Despite having a number of IDP NGOs part of the forum, the Congolese Civil Society representatives have not yet joined a campaign for the IDPs as they focus more on human rights for the general population and development of the country.

On the budgetary front, the European Union is interested in supporting short-term initiatives, such as the 2019 conference, but does not currently fund infrastructure projects (as done by others in Somalia) to integrate or relocate IDPs inside the DRC, which would require a long-term commitment.

IV. LESSONS LEARNED FROM THE CASE STUDIES ON SOMALIA & THE DRC

A. REINFORCING THE ROLE OF STATE INSTITUTIONS:

Both Somalia and the DRC have demonstrated the obvious: if the State is actively committed to act upon ratifying and incorporating the Kampala Convention, financial means, often provided by donors; capacity building, offered by the international community to the States; and negotiations to distribute roles and responsibilities to State authorities are necessary to goal achievement. The Somalia case is clearly a success story, while the DRC lags behind on its international commitments.

Moreover, an organization like the ICRC has worked at AU and State level to obtain results. One example is the ICRC and the UNHCR both helping the Central African Republic to draft their IDPs law (Interview HD 2021). Based on its experience, the ICRC has also generally monitored efforts made in Africa to implement the Kampala Convention. It has drawn lessons learned in the ICRC key recommendations (ICRCb 2019) that suggest « three effective ways to trigger progress » for the States' role as follows:

- « 1. the crucial importance of State authorities being in the driving seat, as they have primary responsibility for ensuring the protection and assistance of IDPs
2. the value of States engaging in peer-to-peer exchange on best practices and lessons learned, at the subregional and regional level, to deal with internal displacement-related challenges
3. the need to capitalize on the cumulative effect of a well-coordinated multiplicity of actors supporting authorities' implementation plans ».

Further to this, all analysts, humanitarian diplomats, and parties interested in enhancing the protection of IDPs agree that the KC is the better tool to have States start complying with their obligation to protect their own citizens. With regards to Somalia and the DRC, a number of initiatives were presented in this research, however more tools exist to pursue the known goals. All together, they provide a humanitarian diplomacy strategy to advocate on behalf of IDPs' protection. Among these tools, three are presented here below.

First, technical expertise is made available to States: the international community (African Union, Regional organizations, African Parliamentary Union, OCHA, UNHCR, ICRC) have

long ago elaborated drafts of IDP laws, guidelines on how to implement the Kampala convention dedicated to Civil Society (2010), and offered handbooks for Parliamentarians published in collaboration with the African Parliamentary Union. States have as well a set of tools they can use to base their own establishment of an IDPs protection framework, focused on solutions.

Second, if the said States do not have the capacities or the means, the case studies show the international community can also lend support. Beyond the DRC and Somalia, State officials can be invited to trainings and workshops, such as the one taught at the San Remo Institute in Italy or the Law and Policy training on African Humanitarian Architecture in Livingstone, Zambia. Many seminars and conferences on IDPs are organized throughout Africa, giving States looking for guidance opportunities to learn from other States' practice and experience.

Third, the States must follow through their commitments. In 2017, the first and only ministerial conference of the States party to the Kampala Convention was held in Harare, Zimbabwe. A plan of action was adopted, so far not available online, that is summarized in the April 6th, 2017 press release (Harare PoA, 2017).

Lastly, States must put in place the necessary mechanisms to follow up on the domestication of the Kampala Convention, not only as a normative and legislative framework, but also in building coordinating mechanisms that will lead to creative, inclusive and concrete solutions on the ground for the IDPs.

B. INCLUDING THE IDPs:

Again, it may sound as stating the obvious, and most recommendations made by other actors make the same argument: no IDPs policy, law or solutions should be decided without first listening to them. Not only does this allow citizens to be heard by their government, it also appeals to the emotional effect of hearing direct testimony and it ensures a better ownership of an IDPs project, if the beneficiaries are involved from the outset. The Somali case study demonstrated that including IDPs in the decision process, led to sustainable solutions. The DRC case study on the contrary showed that given the little space afforded to IDP representatives in the State approach, not much progress is being made. All reports shared by humanitarian actors will provide a lengthy section on IDPs' testimonies. IDP representatives are usually invited to seminars organized on their behalf. Including the IDPs in the data gathering and solution making is now a clear objective in most seriously established strategies. Professor Kälin also insisted that any interviews with IDPs should include questions on a resilience marker, to assess what would be the best long-term solution in developing an IDP strategy in a given country.

The ICRC key recommendations (ICRCb 2019, p.28) regret that despite notable progress, authorities often mistake returns for durable solutions and therefore do not provide long-term support for reintegration, lack a political vision/strategy, and do not follow through to support returns. Specifically, returns to the place of origin without any support to reintegrate, must take place in line with the IDPs' consent or primary wish. If not, it could among other pitfalls foster the conditions for further conflicts, if questions such as land property and reintegration are not addressed thoroughly (Interview HD 2021).

The Somalia case study, and Professor Kälin (Interview 2021), proved otherwise. When IDPs' wishes were taken into account, a successful sustainable solution can be achieved as

it was done in Baidoa with the installation of IDPs on public land, equipped with basic needs and access.

The Durable Solutions Initiatives in Somalia secretariat recently released its self-evaluation report on its achievements. Its main recommendations pointed out the relevance, coherence and efficiency of the approach. They underlined however that to further gain acceptance of the Kampala domestication in Somalia, it should be more linked to local customs and traditions. For Somalia, the DSI needs to further explore how Islam religious notions and the IDPs related norms can be supportive of each other (compassion and brotherhood for instance). Such recommendation is very pertinent to all contexts with strong customs and religious or philosophical traditions and would surely be beneficial to a better ownership by the IDPs themselves (DSI Report 2020).

C. COORDINATING THE SUPPORT TO STATES AND IDPS:

It is apparent from this research: to have good coordination is more effective, as shown in Somalia, or at least to have a better outreach, as seen in the DRC. In the case of Somalia, a constant dialogue with all stakeholders, from government to IDPs via local authorities and development and humanitarian actors, allowed the adoption of several frameworks and policies as shown in section 1. In the DRC, the collaboration of several actors, if yet to yield results, has underlined a strong commitment of the international community and kept the topic of IDPs high on the agenda. The DRC may still be at the beginning of the path to fully adopt the KC, but feels the influence and lobby that is put on her shoulder to act as reported in the Congolese newspapers (Mfundu T 2019).

IDP representatives have yet to be well informed of their rights, of the existing framework and be able to have their voices heard. It is again a combined effort from the States and the humanitarian/development actors to make sure that all relevant information is disseminated to the population. As in many contexts, local antagonisms may be so strong that without an external intervention from States or mediators, sustainable solutions will not be possible. Humanitarian diplomacy at this level would require peace building and consolidation experts, State infrastructures and services development and clear laws and regulations to ensure the right to return or integrate locally, the right to retrieve lost properties, identity papers, and basic human rights, as defined by the IASC in 2010 and reminded by the ICRC in its stocktaking exercise (IASC 2010, p.5):

« Ultimately, achieving a durable solution means that IDPs would no longer have any specific assistance and protection needs that are directly linked to their displacement and can enjoy their human rights without discrimination on account of their displacement ».

V. CONCLUSION

In brief, this research has shown the process that led Somalia to attain tremendous progress, while the DRC seems to have lagged behind for strategic reasons and owing to competing political priorities that do not advance the domestication of the Kampala Convention. If we review the original questions this research posed initially, here is a summary of the answers found during its elaboration:

- In both Somalia and the DRC, humanitarian diplomats, mostly the UN and the ICRC, led initiatives to collaborate with other stakeholders to influence the countries

regarding the adoption of IDPs initiatives. It is interesting to note that the number of actors participating in the efforts was larger in the DRC (with NGOs, the AU, the Great Lakes Conference), but their efforts have largely been in vain. In Somalia, the UN successfully focused their campaign on reinforcing the State capacities.

- Both coalitions targeted the State authorities (presidencies, prime minister, ministers, parliamentarians, local authorities), the civil society (NGOs, IDPs) and the international community (donors, international organizations).
- In Somalia, the UN chose a quiet campaign, influencing and supporting the Federal government, while in the DRC, the humanitarian diplomats conducted a public campaign.
- One main recommendation drawn from the humanitarian diplomacy efforts displayed in both the DRC and Somalia is that relentless initiatives paved the way forward to more acceptance, understanding and eventually implementation of the Kampala Convention. Humanitarian diplomacy - State commitment, international community support and coordination, and inclusion of the beneficiaries are all part of a long haul to secure essential principles and hereby human rights for the beneficiaries.

If countries in and outside Africa can learn something from the Somalia and DRC experiment, it is that they can rely on coordinated support and expertise from their peers and from the international community. With regards to the Kampala Convention, one must remain cautious to always balance the need to push for ratification with the elaboration of an effective domestic law and development policy to tackle internal displacement in the longer term.

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