



WORKSHOP REPORT

Domesticating the Kampala Convention: Law and Policy Making

30 June - 2 July 2014 in Monrovia, Liberia

Domesticating the Kampala Convention: Law and Policy Making

Monrovia, Liberia

30 June - 2 July 2014

1 Internal displacement in Liberia

Liberia's civil war forced some 500,000 people to flee their homes between 1989 and 2003. Many fled to the capital, Monrovia, where they sought refuge in makeshift settlements on public land, in camps or with host families. Most of those able to return had done so by 2011. The government now considers the country's displacement situation resolved. With no tracking system in place, however, it is unclear how many are still to achieve a durable solution.

Liberia signed the *Kampala Convention*¹ at the African Union (AU) summit which adopted it on 23 October 2009, but ratification is still needed. In a workshop co-sponsored by the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) and the Liberia Refugee, Resettlement and Repatriation Commission (LRRRC) in November 2010, representatives of Liberian civil society organisations pledged support for the Convention and identified what they could do to support its ratification and dissemination. A further meeting was held in November 2010 with parliamentarians and Superintendents (county level government officials).

Liberia has indicated commitment to ratifying and implementing the *Kampala Convention* by forming a KC Task Force) chaired by LRRRC and including representatives of NGOs involved in the promotion of the Convention. In 2014, the KC Task Force validated a study undertaken by the UN Refugee Agency (UNHCR) and the Economic Community Of West African States (ECOWAS) to assist Liberia develop a domestic legal framework on internal displacement².

1 See: <http://www.internal-displacement.org/sub-saharan-africa/kampala-convention/>

2 ECOWAS/UNHCR Study on Responsibility to Respond to Internal Displacement in the ECOWAS Region : Case Studies of Cote d'Ivoire, Liberia and Nigeria, 2014.

2 Framework for internal displacement response in Liberia

2.1 National legislation

In November 2004, the National Transitional Government of Liberia

determined to foster a legal and institutional framework in Liberia that can make use of the guidance provided by the Guiding Principles on Internal Displacement [in order to] serve as a source of ongoing guidance and reference for the protection, dignity and rights of internally displaced persons.

Prior to adopting the *Guiding Principles*, in January 2002, the Liberian Government issued a *Declaration of the Rights and Protection of Liberian Internally Displaced Persons (2002)*³ which sought to protect displaced persons in places of return or elsewhere in the country. It also affirmed that the Ministry of Justice, working in partnership and in collaboration with relevant UN agencies, as committed to fulfilling its constitutional duty of guaranteeing basic human rights.

2.2 Institutional architecture

In 1993, the Interim Government established an agency responsible for refugee and displaced persons. LRRRC's mandate is to:

1. formulate policies on matters relating to refugees in the country
2. perform any other duties assigned to it by its executive director
3. solicit local and international assistance for refugee related activities in the country.

Initially set up to cater to the issues and needs of refugees, the agency has traditionally been also responsible by extension also for internal displacement. The Ministry of Interior, coordinating the activities of chiefs, and County Superintendents, is in charge of designating public land for temporary use (i.e. camp construction) and addressing disputes arising from the use of land and identification of housing in resettlement exercises. The National Disaster Relief Management Agency was created through the National Disaster Risk Management Policy. A draft Act, currently under consideration is scheduled to be passed

3 See: <http://www.brookings.edu/about/projects/idp/laws-and-policies/liberia>

by the end of 2014., should provide a permanent *mandate* to this institution which usually intervenes to provide relief to persons affected by disasters in the early stages of a response.

Other state institutions engaged with internal displacement responses include the Ministry of Justice and the Ministry of Gender and Development. The Independent Human Rights Commission, mandated to hear complaints and investigate alleged human rights violations suffered by Liberians, collects information on displacement and challenges related to the protection of IDPs' rights.

Thus Liberia now has several actors with mandates relevant to internal displacement, but lacks a national legal or policy framework clearly designating an agency in charge of coordinating relief activities. There is therefore a risk of a fragmented response to displacement. What is now needed are amendments to the current framework or the adoption of a new law and/or policy incorporating the provisions of the *Kampala Convention*.

3 The workshop

An increasing number of states have developed national laws and policies on internal displacement in line with international standards. Such normative developments at the national level need to be further encouraged and supported. While national law and policy making is an inherently sovereign task and part of states' primary responsibility towards its displaced citizens, technical or training support is often requested. To this end, IDMC, with the support of the Office of the Special Rapporteur on the Human Rights of IDPs, UNHCR and other partners, developed a training module focusing on the drafting and the adoption of national instruments on internal displacement. The training package reflects the contents of different tools designed since 2008 by the international community to assist national stakeholders approaching a law or policy making exercise: *Protecting IDPs. A Manual for law and policymakers*, Brookings-Bern (2008)⁴; *National Instruments on Internal Displacement*, A

4 <http://www.brookings.edu/research/papers/2008/10/16-internal-displacement>





Guide to their Development, IDMC NRC – Brookings LSE (2013)⁵ and *Internal Displacement: Responsibility and Action*, Handbook for Parliamentarians, UNHCR-IPU (2013)⁶.

Based on a request from the Liberian authorities – and following the publication in 2014 of the mentioned joint UNHCR-ECOWAS study on the responsibility to respond to internal displacement in West Africa – IDMC-NRC organised with LRRRC and with the support of UNHCR a pilot training workshop to support a national process of ratification and domestication of the *Kampala Convention*. The workshop attempted to raise awareness on IDP protection standards in international law, particularly the *Kampala Convention*, and to build national capacity to prevent displacement, protect IDPs and others affected by displacement and support the search for durable solutions. Recommendations on practical actions to be undertaken by the relevant institutions in Liberia were presented in a final communiqué signed by the participants. The document, which constitutes the main outcome document of the workshop, is attached to this report.

Substantial assistance was provided by the Joint IDP Profiling Service (JIPS) – which developed and facilitated a session on Data Gathering and Law and Policy Making – and RhemaCare International, whose representative co-facilitated sessions on lessons learned from IDP policy-making in Nigeria.

5 <http://www.internal-displacement.org/publications/2013/national-instruments-on-internal-displacement-a-guide-to-their-development/>
 6 <http://www.ipu.org/PDF/publications/Displacement-e.pdf>

3.1 Objectives

The workshop sought to:

- strengthen dialogue on the ratification and the domestication of the *Kampala Convention* by emphasising the need for a consultative process in support of law and policy making exercises
- identify an appropriate type of instrument on internal displacement and formulate suggestions on its possible contents, taking into account the specificities of Liberia
- revise, validate and amend, where needed, the action-plan developed by the KC Task Force and agree on a road-map for its implementation.

3.2 Participants

In all its training activities, IDMC encourages the participation of the widest possible range of national and local actors involved in preventing or responding to internal displacement, particularly national institutions, UN agencies and civil society organisations (CSOs). Training provides opportunities for those involved in developing, adopting or implementing legal or policy frameworks around internal displacement. Participants typically range from civil servants, parliamentarians, government drafters of legislation and staff drawn from CSOs and international humanitarian and development agencies.

All these actors have a potential role in aligning Liberian law and practice with the *Kampala Convention*. Key Liberian state institutions include

- The Ministry of Foreign Affairs: it plays a crucial role in

the ratification process and in subsequent submission of reports to relevant bodies such as the AU.

- The Ministry of Interior – provides framework for response.
- The Ministry of Justice has the duty to ensure that the rights of IDPs find concrete implementation and that IDPs are given the possibility of redress against potential breaches.
- The Ministry of Gender and Development has potential to ensure the needs of women, children and other vulnerable groups are safeguarded in a national instrument.
- Parliamentarians, especially members of the House of Assembly's Standing Committee on Refugees, Repatriation and Resettlement, have a crucial role in ensuring the speedy ratification of the Convention and adopting legislative measures required for effective implementation.

CSOs and international humanitarian agencies may offer expertise in analysing the current framework and proposing amendments.

The participatory approach promoted by IDMC in law and policy making exercises places these actors at the centre of the normative process, drawing on their experience in assisting IDPs and host communities so that they can ensure that their needs and concerns are duly represented in a national instrument addressing displacement.

The full list of participants of the workshop is included in Annex 1.

3.3 Activities

Introduction

The workshop started with a welcome statement from Hon. Cllr. Abla Gadegbeku Williams, Executive Director of the Liberia Refugee Repatriation and Resettlement Commission (LRRRC). This was followed by opening remarks from Hon. Elvin Frank, Assistant Minister of the Ministry of Internal Affairs (MIA). He reiterated MIA's commitment to protecting and assistance IDPs but lamented the lack of needed resources to consolidate gains. He stressed that a draft IDP policy document is underway by the MIA to remedy the situation of IDPs in Liberia and encouraged participants to contribute to the workshop's goal of assessing the *Kampala Convention* and its application to Liberia with a view to ensuring the proper protection of the rights of IDPs.

Following a general presentation of the workshop goal and objectives and an overview of the proposed agenda, the participants had the chance to flag their expectations around:

1. understanding the process of developing an IDP legal or policy framework
2. developing an action plan towards the domestication of the *Kampala Convention*
3. clarifying roles and responsibility assigned to different stakeholders in *the Kampala Convention*;
4. gaining better knowledge and understanding of the convention
5. testing the level of commitment of national stakeholders to its ratification.

Structure and agenda

The training workshop was structured into two parts:

Part 1 of the Workshop (set the stage for the discussion on the process of developing a national instrument. Sessions aimed to familiarise participants with basic notions required to prepare an instrument on internal displacement.



A session entitled *Response and responsibility* aimed to initiate reflection on the issue of national sovereignty and its implications in terms of responsibility to protect and assist IDPs. Its starting point was the identification of the challenges to an adequate response to internal displacement. This was followed by the identification of the political, legal and institutional actions required to improve internal displacement response in Liberia. Participants were given the chance to depart from the semi-fictitious scenario used earlier and to specifically look at the reality of Liberia while answering a series of focus question. The answers provided by the participants are shown below:

Lack of political will	Weak population/ data management systems	Ineffective reintegration and reconciliation programme	Weak disaster early warning and response mechanism	Inadequate resource mobilisation	Inadequate legal and institutional framework
a. Government to demonstrate a high degree of commitment not only to allocate adequate resources to deal with internal displacement (ID) but also to designate an institution as ID focal point	a. Establishment of an institutional framework for IDPs (incorporating IDP data gathering) b. Create a credible IDP database	a. Government to set up a commission or institution solely responsible for reintegration and reconciliation of IDPs.	a. Empowering the NDRC with adequate funding and technical capacity to put into place an early warning and response mechanism b. To extend LRRRC's mandate to all forms of ID (including disaster-related)	a. Executive to make request for budgetary allocations (two per cent of national budget) to address IDP challenges. b. Legislators to consider and approve budgetary allotment c. Government to seek partnership and support for IDP projects and programs d. Ministries, Departments and Agencies (MDA) to mobilise resources towards capacity building and establishment of an ID institution. e. Specific fund mobilisation toward early warning and response mechanism	a. Stakeholders to conduct effective public awareness in support of the ratification of the KC b. Enactment of enabling ID policies, laws and regulations; c. Legal and institutional measures foreseeing the establishment of a government institution responsible for the enforcement of the national IDP policy / Act

Part 2 of the workshop revolved around a hypothetical potential law/policy making process largely following the different phases set out in *National Instruments on Internal Displacement. A Guide to their Development*⁷ (hereafter, the *Guide*). The rationale of the second part of the workshop was to demonstrate the advantages of a consultative modus operandi in developing a law or a policy on internal displacement. The process, set out in the *Guide* shaped the second day and the first half of the third, constituted the backbone of Day 2 and of the first

⁷ See: <http://www.brookings.edu/research/reports/2013/09/03-national-instruments-on-internal-displacement>

half of Day 3. Through a blend of role-plays and group discussions the participants became active parties of a simulated consultative process which attempted to address crucial questions:

How should a process of development of a national instrument on ID be organised?

Part 2 of the workshop replicated the structure of the *Guide*. It was noted that the seven phases it sets out are merely recommendations, not mandatory steps. It was equally stressed that the underlying principle of participation should not be neglected. Participants were then walked through an exercise aimed to map out the relevant

actors in a potential internal displacement law or policy making process, to identify their roles and to find the right avenues to facilitate their consultation. Participants noted how the existence of the Kampala Convention Task Force may provide a starting point for the suggested consultation in Liberia. A range of other government and non-government institutions were also identified as potential participants in policy development.

What type of internal displacement instrument should Liberia develop?

The majority of the participants seemed to indicate that Liberia should try to develop legislation on internal displacement and that displacement-specific concerns should be integrated in ongoing legislative processes such as constitutional and land reform. A legally binding document, they agreed, would provide a clear framework, setting out precise obligations and more likely to have a concrete impact. The need to develop a policy was also emphasised by some participants as a way of demonstrating the political will of national institutions to develop an effective displacement response.

What should be the scope of the suggested instrument?

During the focus-group discussion on the contents of a national instrument informants suggested that Liberia adopts a comprehensive framework for internal displacement focusing on all phases of a response and addressing the widest possible variety of causes of displacement. It was underscored that, while displacement is commonly perceived to happen exclusively in conflict situations it can also result from disasters especially in the context of climate change and development projects. This was illustrated by reference to the situations of Monrovia communities regularly displaced in the area of West Point as a result of torrential rains and the shelter needs of illegal settlers evicted from private buildings.

What should be the minimum recommendable contents of such an instrument?

Discussion on this topic generated consensus on the need to set out definitions in line with the *Kampala Convention* and other international standards. Any instrument

should define IDPs, host communities and vulnerable individuals and groups. Discussion around definitions prompted suggestions to make data gathering a legal requirement (based on periodic re-counting of IDPs and recognition of residual case loads of conflict-induced IDPs, especially in urban areas. Participants acknowledged that Liberia is not currently faced with major displacement crises. However, given the recent past witnessed events that displaced the overwhelming majority of Liberians within or across the country's borders it is imperative to prevent or mitigate displacement. Specific provisions are needed to reinforce and build the capacity of disaster risk reduction mechanisms. Adoption of a law or policy should be matched by defining the institutional architecture and appointing an institution as the responsible focal point for coordinating interventions on internal displacement. LRRRC was indicated as the ideal actor, given its past engagement during the civil war and its capacity and expertise.

Action planning

The final sessions of the workshop were dedicated to implementation and action-planning. In order to build consensus around different areas of potential engagement, participants were asked:

What kind of steps should different actors, including government agencies, law makers, CSOs and INGOs present in the country take to ensure the development, adoption and implementation of a national instrument on internal displacement compliant with international standards?

In order to gather specific and realistic suggestions participants were encouraged to ask

1. What activities should be carried out?
2. Where and by when should they be conducted?
3. Who should be considered responsible?
4. Which partnerships should be sought?

A series of cluster areas where action will be needed were identified and the national institutions and other actors expected to take the lead in ensuring that the suggested plans are duly accomplished were mentioned.

Ratification of the Kampala Convention	ID Law/policy making	Awareness Raising on IDP rights	Capacity Building	Fund-raising
Law makers from relevant parliamentary Committees	LRRRC / Ministry of Interior (in partnership with law makers)	LRRRC in partnership with CSOs (including CBOs and DPs)	LRRRC in partnership with UNHCR), the International Committee of the Red Cross (ICRC), INGOs and CSOs	Ministry of Interior and Office of the President

Challenges and recommendations

The closing ceremony of the three day workshop was attended by the Liberian Vice-President who personally committed to ensure that Liberia puts in place sustainable mechanisms for preventing and responding to internal displacement. The fact that all members of the Standing Committee on Refugees, Repatriation and Resettlement accepted the invitation to attend and that they actively contributed to discussions is an additional mark of the political momentum apparent throughout the workshop.

The draft bill leading to endorsement of the *Kampala Convention* has reached the House of Representatives, the lower chamber of the Liberian parliament. The ratification debate may conflict with other parliamentary business. Whenever the bill passes, further advocacy will be required once it reaches the Senate. Senate elections due in late 2014 which could result in further delay.

The workshop indicated significant and broad support for ratification with keen and informed focus on legal procedures and political dynamics shaping the ratification process. It became apparent that there is a risk of solely focusing on ratification with potential to neglect necessary complementary work to develop domestic policy and law.

It is recommended that:

- policymakers recognise that the two steps of ratifying the Kampala Convention and legislating for its domestication need to run in parallel;
- LRRC, with UNHCR and other international organisations, should organise a follow-up event to review progress since the workshop and take stock of lessons learned national institutions, with the support of relevant international actors, work to broaden awareness of the Kampala Convention through capacity building programmes and training on the challenges of responding to internal displacement.

Excerpt from the Final Communiqué

At the end of the workshop, we the participants:

- Appreciate the level of responsibility the Liberian Government has taken towards the return or resettlement and reintegration of persons displaced by a variety of causes in Liberia
- Appreciate the challenges and gaps existing in the Government's efforts towards preventing, protecting, assisting and providing durable solutions to IDPs including among others:
 - Lack of population data and weak data management systems with respect to IDPs;
 - the inadequate allocation of resources for IDP-related interventions;
 - weak legal and institutional framework for the assistance and protection of IDPs in Liberia including prevention of displacement and provision of durable solutions after displacement;
 - Lack of disaster early warning and response mechanisms for preventing disaster and conflict-induced displacements;
 - Ineffective reintegration and reconciliation programmes for returnees; and
 - Inadequate involvement and participation of IDPs, persons/ communities affected by displacement and civil society in programmes and policy making processes on IDPs.

In view of the above challenges and limitations to effective response to internal displacement by the Government of Liberia, we therefore resolve and call on all relevant authorities and Actors to commit as follows:

1. That the Government of Liberia, through the National Legislature, accelerate the ratification of the AU Convention on Internal Displacement (Kampala Convention) that went into force on December 6, 2012;
2. That the Government of Liberia allocate at least 2% of the National budget for the prevention of displacement, assistance and protection of IDPs and the provision of durable solutions after displacement;
3. That the Government of Liberia, through its National Legislature, develops a law or a policy for the prevention of displacement and the provision of assistance, protection and durable solutions to IDPs;
4. That the Government of Liberia, through the presidency, puts in place a legal and institutional framework for strengthening national response to displacement,

in consultation with partners and CSOs;

5. That the government of Liberia, through the relevant agencies under the leadership of LRRRC, strengthen its capacity and commit more resources to the reintegration and reconciliation programme for returnees who still remain displaced long after the war, including a sustainable low-cost housing program to enable their return to their places of origin and habitual residence prior to the war;
6. That the civil society, including the media, becomes more actively involved in raising awareness on IDP Issues including the Kampala Convention, and championing advocacy for development of policies and laws that protect the rights of IDPs at all phases of displacement;
7. That donor partners continue to support and increase financial commitments for the national response to internal displacement including building of local capacity for gender-sensitive and rights-based responses;
8. That LRRRC take a strong lead in the implementation of the plan of action developed during this workshop within the stipulated timeframes; and
9. That all stakeholders commit to building a stable and strong network bringing together relevant government agencies and departments, legislators, international partners and civil society organisations to ensure the activities for the ratification and domestication of the Kampala Convention are duly implemented.

In conclusion, we wish to express our sincere appreciation to H.E. Madam Ellen Johnson Sirleaf (the President of the Republic of Liberia) for her support and H.E. Joseph Boakai (the Vice president of the Republic of Liberia) who personally committed during the closing ceremony of the workshop to ensuring that the country puts in place sustainable mechanisms for responding to internal displacement. We are also grateful to the Legislators who participated all through the Workshop and committed to ensuring the speedy ratification of the Kampala Convention by the Legislature, LRRRC for taking a lead in this policy and law making process for domesticating the Kampala Convention and the donor partners especially UNHCR, AU and NRC, IDMC and JIPs who provided both the human and material resources for making this workshop a success.

Annexes :

1. List of participants

Name	Institution	Title	E-mail
Hon. Alex Grant	HOR	Representative	grantalex68@yahoo.com
Hon. William V. Dakel	HOR	Representative	wvdakel@yahoo.com
Atty. Pela B. Wilson	MOFA	Assistant Legal Officer	pelaboker@gmail.com
Supt. Florence Brandy	MIA	Superintendent	florencebrandy13@yahoo.com
Andrea Sartee	MIA	Special Assistant	andrea_sartee@yahoo.com
Doeki Nah	UNHCR	Protection Assistant	nahd@unhcr.org
Prosper Addo	AU	Snr. Protocol Officer	prosper.addo@gmail.com
Jimmie T. Toe	LRRRC	Snr. Program Officer	taliaferrotoe@yahoo.com
Nester B. Urey	ICRC	Legal Advisor	nurey@icrc.org
Rev. David F. Jallah	Liberian House of prayer	Chairperson	djallah140@yahoo.com
Varney Jarsey	LINSU	President	varneyjarsey@yahoo.com
Nicholas A. Perkins	LRRRC	Snr. Protection Officer	anicholasperkins@yahoo.com
Mike H. Sheriff	BIN	Liaison Officer	
Whama Morris	MOGD	Research Officer	whamamorris@yahoo.com
Stanley Makor	UNHCR	Assoc. Prot. Officer	makor@unhcr.org
Daniel K.D Kossigbo	LNRC	EPR Officer	danielkossigba@yahoo.co.uk
Thompson Adebayo	RWHR	Research Director	adebayor@yahoo.com
Roosevelt Woods	FIND	Executive Director	woodsroosevelt@yahoo.com
Augustine Fahnbulleh	FLY	President	tambasmgmail.com
Lydia B. Kollie	LRRRC	Protection Officer	lydiabk30@yahoo.com
Micheal M. Jarbo	HOR	Staff	isaac3853@yahoo.com

2. Workshop Agenda

Day 1	
8:00-8:30	Registration
8:30- 10:00	Introductory session Goal and objectives Expectations Agenda Presentation of participants and training team Speakers' corner: "do we need an IDP framework?"
10:00-10:30	Coffee Break
10:30-11:30	Definition of internal displacement: who are IDPs and what are their concerns? Internal displacement in an evolving context IDPs and other persons affected by displacement Issues affecting IDPs
11:30-13:00	International and regional frameworks International and regional legal instruments The Kampala Convention and the Guiding Principles How do international instruments address IDP issues?
13:00-14:00	Lunch Break
14:00-16:15	Challenges to preventing and responding to internal displacement Group discussions on existing challenges and priorities to be addressed Response and national responsibility towards IDPs Recommendations on selected priority areas
16:15-16:45	Coffee Break
16:45-17:30	Introducing law and policy making for internal displacement
17:30	Closure

Day 2	
8:30 -9:30	Preparatory phase (I) Increasing knowledge and understanding Legal review
9:30-11:00	Data gathering Data gathering and law-making
11:00-11:30	Coffee Break
11:30-13:00	Preparatory phase (II) Crucial choices Defining the scope and the type of an instrument
13:00-14:00	Lunch break
14:00-14:45	Organising the development of an IDP instrument Getting the process right: who's who in the process?
14.45-16:15	Drafting phase (I) Definition, General principles, identification of a responsible authority, financial aspects Prevention and prohibition of arbitrary displacement IDPs' rights Durable solutions
16:15-16:45	Coffee Break

16:45-17:30	Drafting phase (II) Domesticating and implementing IDPs' rights (continued) Exercise: contents' definition: <i>protective measures</i>
17:30	Closure

Day 3	
8:30-9:30	Drafting phase (Part 3) Domesticating and implementing IDPs' rights (continued) Exercise: contents' definition: <i>provisions</i>
9:30-10:30	Validation and adoption Purpose of validation National adoption procedure
10:30-11:00	Coffee break
11:00-12:30	Implementation Allocating responsibility Selecting priorities Monitoring and evaluation (process and tools)
12:30-13:30	Lunch Break
13:30-15:00	Action planning Brainstorming on focus questions Consensus building: identifying and categorizing activities "Seal the deal": outcome statements
15:00-15:30	Evaluation of the training
15:30-16:00	Coffee break
16:00-17:00	Closure: Participants communiqué Certificates Concluding remarks

About IDMC

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. For the millions worldwide forced to flee within their own country as a consequence of conflict, generalised violence, human rights violations, and natural hazards, IDMC advocates for better responses to internally displaced people, while promoting respect for their human rights.

IDMC is part of the Norwegian Refugee Council (NRC).

Internal Displacement Monitoring Centre
Norwegian Refugee Council
Chemin de Balexert 7-9
(CH-1219 Châtelaine (Geneva)
Tel: +41 22 799 0700, Fax: +41 22 799 0701

www.internal-displacement.org



facebook.com/InternalDisplacement



twitter.com/idmc_geneva