

**Breakout session 3**  
**‘Enacting legal instruments and policies for IDPs: Experiences and lessons’**  
**Law and policymaking on internal displacement: A selection of relevant documents**

**Global level**

- **1998 UN Guiding Principles on Internal Displacement**

The Guiding Principles on Internal Displacement are a soft law instrument. While they are not legally binding as such, they reflect, are consistent with and restate rules of international human rights and humanitarian law tailored to the situation of internal displacement. At the World Summit of Heads of State in 2005, the Guiding Principles were internationally recognized as an important framework on the assistance for and protection of internally displaced people (IDPs).

**Africa: African Union and sub-regional organisations**

- **2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (entered into force: 2012)**

The Kampala Convention reflects a continent-wide consensus on the need to assist, protect and find durable solutions for IDPs. The growing number of State parties are obliged to incorporate the Convention’s content into domestic law and adopt strategies and policies as appropriate. The Convention seeks to provide a regional legal framework on the assistance and protection of IDPs, and to achieve the common vision for durable solutions as expressed by Heads of African States.

- **2009 Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa**

- **2006 International Conference of the Great Lakes Region Pact on Security, Stability and Development in the Great Lakes Region (entered into force: 2008)**

- **2006 Protocol to the Great Lakes Pact on the Protection and Assistance to Internally Displaced Persons (entered into force: 2008)**
- **2006 Protocol on the Property Rights of Returning Persons (entered into force: 2008)**

Member States of the Great Lakes Conference and therefore States parties are eleven states: Angola, Burundi, Central African Republic, Democratic Republic of Congo, Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda, and Zambia. The Great Lakes Pact’s Protocol on IDPs was the first legally binding instrument on internal displacement. The Protocol’s primary obligation is the domestication of the UN Guiding Principles on Internal Displacement.

The Property Protocol is particularly relevant in the context of durable solutions for IDPs, given the structural embedment of the Protocols under the umbrella of the Pact on Security, Stability and Development.

- **Khartoum Declaration adopted by the Ministerial Conference on Internally Displaced Persons in the IGAD Region, 2 September 2003, at Conference on Internal Displacement in the IGAD Sub-Region, Report of the Experts Meeting, Khartoum, 30 August–2 September 2003, Appendix E.**

**Europe: Council of Europe**

- **Council of Europe, Parliamentary Assembly Recommendation 1631 (2003) ‘Internal displacement in Europe’, paragraphs 11–12 and 14–15.** Available at: <https://wcd.coe.int/ViewDoc.jsp?id=142611&Site=CM>

- **Council of Europe, Committee of Ministers Recommendation 6 (2006) 'Internally Displaced Persons'**. Available at: <https://wcd.coe.int/ViewDoc.jsp?id=987573&Site=CM>  
Recommendation 6 by the Committee of Ministers further stresses its commitment to the spirit and provisions of the Guiding Principles, and its willingness to implement them in the member states' national legislation and policy. The Recommendation also seeks to further promote and develop the Guiding Principles in the European context, on the basis of the standards of the Council of Europe. It sets out 13 principles for Council of Europe Member States to guide them in developing their national laws and policies on internal displacement.
- **Parliamentary Assembly Recommendation 1862 (2009) 'Environmentally induced migration and displacement: a 21st century challenge', paragraph 6.4**. Available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/EREC1862.htm>  
Paragraph 6.4 refers to Recommendation 6 and echoes its call for the incorporation of the Guiding Principles and the use of the 13 principles set out in the Recommendation.

#### **Americas: Organization of American States**

- **Organization of American States, General Assembly Resolution AG/RES 2417 (XXXVIII-O/08), 2008, Internally Displaced Persons, preamble and operative paragraphs 1-3**. Available at: [http://www.internal-displacement.org/8025747B0037BAC5/\(httpResources\)/E7656658E0C95144C12574A600341F8A/\\$file/AGRES\\_2417.pdf](http://www.internal-displacement.org/8025747B0037BAC5/(httpResources)/E7656658E0C95144C12574A600341F8A/$file/AGRES_2417.pdf)  
This Resolution urges Organization of American States Member States to use the Guiding Principles as a basis for plans, policies and programs, and their implementation into laws and policies.
- **Organization of American States, General Assembly Resolution AG/RES 2508 (XXXIX-O/09), 2009, Internally Displaced Persons, preamble and operative paragraphs 1-2**. Available at: <http://reliefweb.int/report/world/internally-displaced-persons-agres-2508-xxxix-o09>

*UNHCR, 9 September 2013*