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### Abstract

*The issue of internal displacement has become a significant humanitarian crisis worldwide. As at 2015, 40.8 million people had been internally displaced. Next to the Middle East, Africa hosts the highest population of internally displaced persons. With incidences of on-going conflicts in various parts of the continent, IDP figures are expected to significantly increase. Unlike refugees, the plight of IDPs is heightened by the fact that IDPs remain within the borders of states and do not cross international borders. In response to the normative gap in responding to the needs of these persons, African leaders adopted the Convention for the Protection and Assistance of Internally Displaced Persons. At the heart of the narrative on safeguarding the interest of these persons are two elements, namely, ‘protection’ and ‘assistance’. Though contained in the title and utilised several times in the Kampala Convention, the content of these elements with respect to the different categories of displaced persons is not explicit in the Kampala Convention. This chapter engages this discourse in the context of the African regional human rights system.*

## 1 Introduction

As early as 1963, Kwame Nkrumah echoed the fact that Africa’s common challenges needed to be resolved through the united acts of African states. This rhetoric has significantly cultured the regional response to many challenges including the issue of internal displacement, which has emerged as a pressing human rights challenge in Africa. As of 2017, more than 12 million people had been internally displaced on the continent.<sup>1</sup> With rising conflicts and protracted ones, more people are bound to be displaced. However, the internal displacement problem on the continent is not solely a result of conflict.<sup>2</sup> Natural disasters particularly the problem of

1 Internal Displacement Monitoring Centre & Norwegian Refugee Council *Global report on internal displacement* (2017) 24.

2 R Adeola ‘The right not to be arbitrarily displaced under the United Nations Guiding Principles on Internal Displacement’ (2016) 16 *African Human Rights Law Journal* 83 85.

climate change has also been a pertinent displacement challenge on the continent.<sup>3</sup>

Yearly, it is estimated that 26 million people are displaced by climate-related conditions.<sup>4</sup> With heavy rainfalls in various parts of Africa and droughts in countries such as Somalia and Ethiopia, the risk of displacement due to climate change has surfaced in recent times with estimates that millions are bound to be displaced.<sup>5</sup> Moreover, development projects have also become a pertinent root cause of internal displacement on the continent.<sup>6</sup> Yearly, it is estimated that around 15 million people are displaced globally due to development projects.<sup>7</sup> In Africa, the wave of development sweeping across several states have resulted in the displacement of millions of people in the last decade. With the pervading ideology that development projects are essential panaceas for economic growth, more people are bound to be displaced.<sup>8</sup> A pertinent concern which the displacement reality has, in the last decade, raised in the regional sphere of humanitarian action is: How should the plight of those internally displaced be resolved? This question derives from the fact that internally displaced persons remain within the borders of states that are supposed to protect them. As these populations do not cross international borders, they are not refugees and as such do not fall within the thematic protection of the OAU 1969 Convention.<sup>9</sup>

In response to the need to protect persons internally displaced within the borders of a state, African leaders adopted the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention).<sup>10</sup> A central thesis of the Kampala Convention is the 'protection of' and 'assistance to' IDPs. While these two elements are at the heart of safeguarding the interests of IDPs, the

3 AO Jegede *The climate change regulatory framework and indigenous peoples' lands in Africa: Human rights implications* (2016) 2-3.

4 B Kamel 'Africa: Climate victims – every second, one person is displaced by disaster' *Inter Press Service* 27 July 2016.

5 J Ginnetti & T Franck 'Displacement risk for Kenyan, Ethiopian and Somali pastoralists' (Technical Paper, Norwegian Refugee Council and Internal Displacement Monitoring Centre 26 April 2014); '60m people in Africa will be displaced as a result of climate change, warns Moroccan king' *Middle East Monitor* 17 November 2016 <https://www.middleeastmonitor.com/20161117-60-million-people-in-africa-will-be-displaced-as-a-result-of-climate-change-warns-moroccan-king/> (accessed 24 November 2016).

6 Adeola (n 2 above).

7 R Adeola 'What does development-induced displacement look like in Africa?' *Internal Displacement Monitoring Centre* 7 December 2016.

8 See R Adeola 'The legal protection of development-induced displaced persons in Africa' (2017) 10 *African Journal of Legal Studies* 1-13.

9 See 1951 United Nations Convention Relating to the Status of Refugees, 189 UNTS 150; Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) (OAU Refugee Convention); C D'Orsi *Asylum-seeker and refugee protection in sub-Saharan Africa: The peregrination of a persecuted human being in search of a safe haven* (2016).

10 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted at the Special Summit of the African Union Heads of States and Government in Kampala, Uganda (Kampala Convention) (19-23 October 2009).

Kampala Convention does not explicitly define them, hence, the relevance of this discourse. The chapter discusses the development of the regional internal displacement framework in setting the stage on the relevance of the twin elements of protection and assistance. Afterwards, these elements central to safeguarding the interest of IDPs are discussed.

## 2 Regional norm on internal displacement

With more than half of the world's 25 million internally displaced persons (IDPs) recorded in Africa in 2003,<sup>11</sup> African leaders realised that there was a need to address the plight of the millions of IDPs on the continent. As individual state mechanisms were inadequate to cope with the situation due, in part, to the normative gaps in the protection of these persons,<sup>12</sup> there were calls for a regional approach to addressing the challenge. While the Great Lakes region adopted a Protocol in 2006<sup>13</sup> which heavily mirrorst he Guiding Principles on Internal Displacement (Guiding Principles),<sup>14</sup> at the regional level, there was a normative gap that African states resolved to address.<sup>15</sup>

In 2004, the African Union Executive Council (AUEC) requested the African Union Commission (AUC) to develop a framework for the protection and assistance of IDPs.<sup>16</sup> The Division of Humanitarian Affairs, Refugees and Displaced Persons within the Department of Political Affairs commenced the legal drafting of the framework.<sup>17</sup> An Annotated Draft Outline on the Kampala Convention was prepared and presented to the Second African Union Conference on Refugees, Returnees and Internally Displaced Persons (Second AU Ministerial

11 'African Union addressing the challenge of forced displacement in Africa' Conference Background Paper, Special Summit on Refugees, Returnees and Displaced Persons in Africa held in Addis Ababa, Ethiopia (5-11 November 2008).

12 Other reasons for these include the challenge of addressing the root causes of displacement and absence of institutional coordination.

13 Protocol on the Protection and Assistance of Internally Displaced Persons in S Ebobrah & A Tanoh (eds) *Compendium of sub-regional human rights documents* (2010) 127.

14 UN Commission on Human Rights, Addendum, 'Guiding Principles on Internal Displacement' *Report of the Representative of the Secretary-General, Mr Francis M Deng, submitted pursuant to the Commission on Human Rights Resolution 1997/39*, UN Doc E/CN.4/1998/53/Add.2 (11 February 1998) (the Guiding Principles).

15 C Beyani 'The elaboration of a legal framework for the protection of internally displaced persons in Africa' (206) *Journal of African Law* 187 190-191.

16 The need for a regional instrument derived from the fact that lasting solutions to the concern required collaborative efforts. As a regional instrument would serve as a platform on which to advance such effort, states resolved to create a binding instrument. For the African Union Executive Council decision see AU Executive Council, fifth ordinary session 25 June - 3 July 2004, Addis Ababa, Ethiopia, Decision on the meeting of experts on the review of OAU/AU treaties, Doc EX/CL/95 (V) para 4(i).

17 African Union Economic, Social and Cultural Council *Making the Kampala Convention work for IDPs: Guide for civil society on supporting the ratification and implementation of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (2010) 20.

Conference).<sup>18</sup> At the meeting, Ministers expressed a collective resolve to address the issue of internal displacement and the refugee crisis on the continent.<sup>19</sup> In June 2006, the AUEC endorsed the outcome of the meeting<sup>20</sup> and requested the AU Commission to commence preparation for the Special Summit of Heads of States and Government on Refugees, Returnees and Internally Displaced Persons<sup>21</sup> as proposed at the Second AU Ministerial Summit. Between 2007 and 2008, progressive draft documents of the Kampala Convention were debated and discussed by legal experts of Member states.<sup>22</sup> During the AUEC meeting in Sharm El-Sheikh in June 2008, the AUEC noted with satisfaction the progress made in the completion of the draft Kampala Convention towards its adoption at a Special Summit of African leaders.<sup>23</sup> In the build-up to the Special Summit, government experts on forced displacement welcomed the draft Kampala Convention and emphasised a commitment to adopt, sign and realise the obligations in the Kampala Convention upon entry into force.<sup>24</sup> In October 2009, the Special Summit was held in Uganda and on 23 October, the Kampala Convention was adopted.<sup>25</sup> Following 15 required ratifications, the Kampala Convention entered into force on 6 December 2012.<sup>26</sup> As a paradigm shift in the global landscape of internal displacement, the Kampala Convention holds high hopes for lasting solutions to the plight of IDPs in Africa.<sup>27</sup> Its emphasis on state obligations and specific requirement for collective action by states validates its normative efficacy as a framework for addressing internal displacement on the continent.

- 18 African Union Explanatory note on the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) <http://www.internal-displacement.org/assets/publications/Tools-and-Frameworks/200910-training-KC-Explanatory-Note-Eng.pdf> (accessed 24 November 2016); 'Implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) 2009 (The Kampala Convention)' Speech delivered by Chaloka Beyani at the first ministerial meeting of the Economic Community of West African States (ECOWAS) on internally displaced Persons in Abuja, Nigeria (7 July 2011).
- 19 Beyani (n 15 above) 195.
- 20 AU Executive Council, ninth ordinary session, 25-29 June 2006, Banjul, the Gambia, Decision on the ministerial conference on refugees, returnees and internally displaced persons, Doc EX.CL/259 (IX), para 4.
- 21 As above, para 7.
- 22 African Union Explanatory note (n 18 above).
- 23 AU Executive Council, thirteenth ordinary session, 24-28 June 2008, Sharm El-Sheikh, Egypt, Decision on the situation of refugees, returnees and internally displaced persons, Doc EX.CL/413 (XIII), para 7.
- 24 Recommendations of Experts in charge of Forced Displacement Matters, African Union, Addis Ababa (5-7 November 2008).
- 25 Kampala Convention (n 10 above).
- 26 African Union 'List of countries which have signed, ratified/acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)' (2017) [https://au.int/web/sites/default/files/treaties/7796-sl-african\\_union\\_convention\\_for\\_the\\_protection\\_and\\_assistance\\_of\\_internally.pdf](https://au.int/web/sites/default/files/treaties/7796-sl-african_union_convention_for_the_protection_and_assistance_of_internally.pdf) (accessed 1 July 2017).
- 27 See AM Abebe 'The African Union convention on internally displaced persons: Its codification background, scope and enforcement challenges' (2010) 29 *Refugee Survey Quarterly* 28; S Ojeda 'The Kampala Convention on Internally Displaced Persons: Some international humanitarian aspects' (2010) 29 *Refugee Survey Quarterly* 58.

The Kampala Convention comprises of 23 articles,<sup>28</sup> eleven of which sets out state obligations. The first set of obligations is contained in article 3 on ‘general obligations relating to state parties’.<sup>29</sup> These obligations include preventing arbitrary displacement and marginalization of a ‘political, social, cultural and economic’ nature that may result in displacement;<sup>30</sup> respecting international human rights and humanitarian law principles relevant to the protection of IDPs; ensuring individual criminal responsibility and accountability of non-state actors for arbitrary displacement acts; meeting the needs of IDPs and promoting durable livelihood standards. States are further obligated to adopt laws and strategies on IDPs as well as make funds available for safeguarding IDPs. The second set of obligations relates to safeguards prior to internal displacement situations.<sup>31</sup> States are required to respect international law, develop early warning mechanisms and cooperate with international actors, civil society organisations and humanitarian agencies. The third set of obligations emphasise the primary duty on states to protect and assist IDPs.<sup>32</sup> States are enjoined states to cooperate with one another upon request, organise humanitarian actions, promote humanitarian personnel and ensure compliance by armed groups with the duty to safeguard IDPs in situations of armed conflict. The fourth set of obligations require international organisations and humanitarian groups to carry out their obligations in line with international standards and in conformity with the laws of the states in which operations are conducted.<sup>33</sup> International organisations and humanitarian groups are also mandated to respect the rights of IDPs and operate within the bounds of ‘humanity, neutrality, impartiality and independence’.<sup>34</sup>

The fifth set of obligation relates to armed conflicts.<sup>35</sup> This set of obligation begins with a saving clause that the obligations shall not be construed as legitimising armed groups. While states are mandated to respect international law principles, specific duties that armed groups must ensure are also emphasised. These include – refraining from arbitrarily displacing populations; preventing humanitarian provisions to these persons; forcibly recruiting these persons, attacking humanitarian personnel and violating the civilian character of IDP settlements. The sixth set of obligations relate to the role of the African Union.<sup>36</sup> Significantly, the African Union is mandated to support efforts of states in the protection and assistance of IDPs. The right of the African Union to intervene in

28 The Kampala Convention (n 10 above); MT Maru ‘The Kampala Convention and its contribution in filling the protection gap in international law’ (2011) 1 *Journal of Internal Displacement* 91.

29 Kampala Convention (n 10 above), art 3.

30 Kampala Convention (n 10 above) art 3(1)(a) & (b).

31 As above, art 4.

32 As above, art 5.

33 As above, art 6.

34 As above, art 6(3).

35 As above, art 7.

36 As above, art 8.

situation of ‘grave circumstances’<sup>37</sup> is also emphasised as with the right of states to request African Union intervention in the furtherance of peace and security. The seventh set of obligations require states to respect the rights of IDPs and sets out general standards states should take in catering for IDPs during internal displacement.<sup>38</sup> In carrying out these set of obligations, states are enjoined to cooperate with international organisations, civil society and humanitarian groups.<sup>39</sup> While the eighth set of obligations relate to development-induced displacement,<sup>40</sup> the ninth obligation relates to durable solutions.<sup>41</sup> States are required to provide conditions for return, integration or relocation.

The tenth set of obligation relates to the provision of effective remedies.<sup>42</sup> States are mandated to create ‘effective legal frameworks to provide just and fair compensation and other forms of reparations ... for damages incurred’.<sup>43</sup> In the establishment of effective frameworks, international standards are emphasised. The eleventh set of obligations requires states to ensure registration and documentation of IDPs.<sup>44</sup> States are mandated to establish and maintain a database of IDPs. In this regard, they may cooperate with international organisations and humanitarian groups. States are also mandated to ensure that IDPs get adequate documentations and are to facilitate the issuance of new documentations, which has been lost or destroyed due to displacement.

There are five main objectives of the Kampala Convention outlined in article 2. These objectives are, supporting national and regional mechanisms in addressing internal displacement and proffering lasting solutions; creating a legal structure for avoiding internal displacement and advancing protection and assistance to IDPs on the continent; creating a legal structure for mutual partnership among states in addressing internal displacement; providing for the obligations of states in avoiding internal displacement and advancing protection and assistance to IDPs; providing for the obligations of non-state actors including civil society groups in avoiding internal displacement and advancing the protection and assistance to IDPs.

The Kampala Convention outlines an introductory premise to its essence within the African regional human rights framework. Not only were African leaders conscious about the severity of the issue, they also

37 As above, art 8(1).

38 As above, art 9.

39 As above, art 9(3).

40 As above, art 10.

41 As above, art 11.

42 As above, art 12(1)

43 As above, art 12(2).

44 As above, art 13.

sought to affirm the obligation to realise human rights including the rights of IDPs.<sup>45</sup> Recalling a plethora of human rights frameworks, African leaders, however, recognised that there was a ‘lack of a binding African and international legal and institutional framework specifically, for the prevention of internal displacement and the protection of and assistance to internally displaced persons’.<sup>46</sup> Motivated by these reasons, African leaders understood the need for a regional framework as a normative essential for combating internal displacement in Africa.

Aside from normative protection, the Kampala Convention provide for institutional directions in addressing internal displacement.<sup>47</sup> It establishes a collective union of state parties, emphasises the role of the African Commission on Human and Peoples’ Rights (African Commission) and the African Peer Review Mechanism and require states to report to these organs on progress made in addressing internal displacement concerns. The Kampala Convention further recognises the right of IDPs to approach the African Commission, the African Court or other relevant institutional mechanism. While states may not be precluded from making reservations to the Kampala Convention, article 22 prohibit states from making or entering into reservations ‘that are incompatible with the object and purpose of’ the Kampala Convention. As at May 2017, 27 states had the ratified with no known reservations.<sup>48</sup>

The next section engages the meaning of the ‘protection of’ and ‘assistance to’ IDPs, which is severally emphasised by the Kampala Convention.

### **3 ‘Protection’ and ‘assistance’ of internally displaced persons**

Central to a contextual understanding of the narrative on the protection and assistance of IDPs is the need to emphasise the distinctive nature of this category of persons. Article 1 of the Kampala Convention defines IDPs as persons ‘forced or obliged to flee or to leave their homes’ and ‘who have not crossed an internationally recognised State border’.<sup>49</sup> While the first element places this category in the forced migration group, the second element distinguishes as a specific sub-set of the group. For refugees, the crossing of internationally recognised borders is a central theme in the

45 As above, para 2& 12 of preamble.

46 As above, para 13 of preamble.

47 As above, art 14.

48 African Union 2017 (n 26 above).

49 Kampala Convention (n 10 above) art 1(k).

narrative on their protection, including the principle of *non-refoulement*, which forbids states from engaging in a return exercise.<sup>50</sup> For IDPs, the act of remaining within the border of states invokes a different regime of safeguard, which is encased in the protection and assistance narrative.

The duty to protect requires states to take necessary steps in avoiding an infringement of the right not to be arbitrarily displaced. Protecting this right require states to take 'positive action'.<sup>51</sup> One key action is the establishment of domestic legal regimes on internal displacement. However, laws alone are not sufficient. There must be in place effective institutional arrangements to monitor the implementation of these laws. In 2008, state legal experts on forced displacement emphasised the pertinence of these two steps affirming that states undertake 'review and, where necessary, amend or strengthen national legislation and adopt national policies and establish explicit institutional frameworks for the treatment of Internally Displaced Persons'.<sup>52</sup> Aside from law and institutions, effective remedies must exist in order for IDPs to have recourse to justice in event of violations. Article 12 of the Kampala Convention lends credence to this requirement in obligating states to establish a compensation regime 'for damage incurred [by IDPs] as a result of displacement'.<sup>53</sup>

The duty to assist in the field of internal displacement is fairly established. While the Kampala Convention speaks of this obligation in connection with humanitarian assistance, it does not clarify the nature of this obligation nor does it define the concept humanitarian assistance. However, the Kampala Convention gives an indication of what humanitarian assistance entails. In article 9(2)(b) of the Kampala Convention, basic necessities are listed – 'food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services'.<sup>54</sup> From this list, an evident point is that humanitarian assistance entails vital supplies for an adequate standard of living.<sup>55</sup> The duty to 'assist', therefore, envisages the provision of these vital necessities determinable within the context of the displacement.

<sup>50</sup> See OAU Refugee convention (n 9 above) art 2(3); E Lauterpacht & D Bethlehem 'The scope and content of the principle of *non-refoulement*: Opinion' <http://www.unhcr.org/publications/legal/419c75ce4/refugee-protection-international-law-scope-content-principle-non-refoulement.html> (accessed 29 November 2016).

<sup>51</sup> *Social and Economic Rights Action Centre (SERAC) and Another v Nigeria* (2001) AHRLR 60 (ACHPR 2001), para 57.

<sup>52</sup> Recommendations of Experts in charge of Forced Displacement Matters (n 24 above).

<sup>53</sup> The Kampala Convention (n 10 above), art 12(2).

<sup>54</sup> As above, art 9(2(b)).

<sup>55</sup> See H Spieker 'The right to give and receive humanitarian assistance' in H-J Heintze & A Zwitser (eds) *International law and humanitarian assistance* (2011) 7; see also MG Pietropaolo 'Humanitarian assistance from the standpoint of the human rights of the disaster-affected individuals: Present and future perspectives' (2013) <http://www.prix-henry-dunant.org/sites/prixhd/doc/2013Recherche.pdf> (accessed 29 November 2016).

Two levels of obligations to protect and assist IDPs resonate from the Kampala Convention. The first is the primary obligation of states, while the second relates to the secondary duty of states to act in mutual cooperation to support IDPs.<sup>56</sup> Notably, the second level of obligation places a restriction on the strict application of the doctrine of non-interference.<sup>57</sup>

In international law, the second level of obligation in the Kampala Convention is justified in view of the global recognition of a collective responsibility on states to protect civilian populations.<sup>58</sup> On the basis of this responsibility, interventions have been proposed and upheld. For instance, in Libya, the United Nations Security Council in its Resolution 1973 applied this responsibility in imposing a no-fly zone in 2011 and authorizing member states of the UN 'to take all necessary measures' in protecting the Libyan civilian population.<sup>59</sup> Over the last decade, there has been a growing political wave of support for collective action by states in protecting humanitarian populations in circumstances where a state is either unwilling or unable to do so.<sup>60</sup> It is within this context, that the second level of obligation emphasised in the Kampala Convention is indeed significant.

In line with the Kampala Convention, this second level of obligation may only be triggered in two ways.<sup>61</sup> First, upon request of a member state and second, where the African Union utilises its prerogative under the article 4(h) of the Constitutive Act.<sup>62</sup> A seeming instance of the application of the first aspect resonates in interventions from Chad and Cameroon to the Boko Haram insurgency.<sup>63</sup> While the emphasis of the support from these states relates more to fighting the armed group, the protection of

56 The Kampala Convention (n 10 above), art 5(1).

57 As above, art 8.

58 This collective responsibility has been invoked in the context of grave circumstances triggering humanitarian actions and which affects international peace and security. See generally International Commission on Intervention and State Sovereignty *The responsibility to protect* (2001); J Genser & I Cotler (eds) *The responsibility to protect: The promise of stopping mass atrocities in our time* (2012); D Kuwali & F Viljoen (eds) *Africa and the responsibility to protect: Article 4(h) of the African Union Constitutive Act* (2014); AJ Bellamy *The responsibility to protect: A defense* (2015); P Hilpold (eds) *The responsibility to protect (R2P): A new paradigm of international law* (2015) 2-3; S Breau *The responsibility to protect and international law: An emerging paradigm shift* (2016).

59 Resolution 1973 (2011), adopted by the UN Security Council UN Doc S/RES/1973(2011).

60 See World summit outcome, adopted by the UN General Assembly, Resolution 60/1, UN Doc A/RES/60/1 (24 October 2005) Implementing the responsibility to protect, report of the UN Secretary-General, UN Doc A/63/677 (12 January 2009).

61 The Kampala Convention (n 10 above) art 5(2) & 8(1).

62 For a discourse on art 4(h), see also D Kuwali *The responsibility to protect: Implementation of article 4(h) intervention* (2011); D Kuwali & F Viljoen (eds) *By all means necessary: Protecting civilians and preventing mass atrocities in Africa* (2017).

63 O Ismail 'The Boko Haram insurgency and the changing patterns of regional security arrangements in Africa' in KT Hanson *Contemporary regional development in Africa* (2016) 201, 210.

displaced Nigerians has also been part of the interventions.<sup>64</sup> In recent times, a test of the article 4(h) prerogative of the African Union was with the decision of the Peace and Security Council (PSC) to deploy an African mission to Burundi for the purpose of protecting the civilian population and restoring peace.<sup>65</sup> In its communiqué, the Peace and Security Council called for the ‘mobilization of necessary assistance to alleviate the suffering of the internally displaced persons and Burundian refugees in neighbouring countries’.<sup>66</sup> Although the AU Assembly declined to send troops,<sup>67</sup> the PSC’s decision validates the likelihood of such intervention in safeguarding the rights of IDPs. Such intervention is important if protection and assistance of IDPs will be more than a lofty aspiration in situations where national institutions are unwilling or unable to protect IDPs.

## 4 Conclusion

The protection and assistance of internally displaced persons are integral principles in safeguarding IDPs. The duty to protect requires states to take positive action, including legal and institutional arrangements necessary for realising the right of IDPs. The duty to assist primarily requires states to provide basic amenities for livelihood sustenance. In realising these duties, there is both a primary obligation on individual states and a collective obligation on state parties to the Kampala Convention.

While time will tell whether this obligation will be met, the creation of the regional framework is a right step. On a practical note, it is essential for states to plan ahead of displacement; provide necessary funds in meeting protection and assistance needs; partner with regional and international organisations in advancing these duties; position staff with adequate skill and competence to effectively respond and put in place measures for measuring and evaluating implementation.

<sup>64</sup> On 8 June 2016, the governments of Nigeria, Cameroon, Chad and Niger developed an action plan for the protection of IDPs and refugees displaced by the Boko Haram insurgency. Regional Protection Dialogue on the Lake Chad Basin: Abuja Action Statement (2016).

<sup>65</sup> Communiqué, adopted at the 565th meeting of the AU Peace and Security Council, Addis Ababa, Ethiopia (17 December 2015).

<sup>66</sup> As above, para 16.

<sup>67</sup> TY McCormick ‘The Burundi intervention that wasn’t’ *Foreign Policy* 2 February 2016 <http://foreignpolicy.com/2016/02/02/the-burundi-intervention-that-wasnt/> (accessed 29 November 2016).