

INTERNALLY DISPLACED PERSONS AND AFFECTED COMMUNITIES

BILL, 2016

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A BILL

FOR

AN ACT TO PROVIDE FOR PREVENTION OF, PROTECTION FOR AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS AND AFFECTED COMMUNITIES BASED ON THE UNITED NATIONS GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Kannike Amuda-G

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 1. Subject to the Constitution of the Federal Republic of Nigeria
2 1999 (as amended), (in this Bill referred to as "the Constitution"), the
3 provisions of this Bill shall apply to all internally displaced persons and
4 affected communities Nigeria.

Application of
the Bill

5 2. Government and any other organization, entities or individuals
6 when responding to a situation of internal displacement and the needs of
7 internally displaced persons under this Bill, shall take into account their
8 rights and freedoms as set out in Chapter IV of the Constitution.

Response to
situation of internal
displacement to
be in consonance
with Chapter 4 of
the Constitution

9 3.-(1) The Government and any other organization, entity or
10 individual shall-

Preventing
Displacement

11 (a) guard against factors and prevent and avoid conditions that are
12 conducive to or have the potential to result in the displacement of persons;
13 and

14 (b) prevent internal displacement in situations of armed conflict,
15 escalated violence, human rights violations, natural or human-made
16 disasters and development projects.

17 (2) The Government shall-

18 (a) raise public awareness, undertake sensitization, training and
19 education on the causes, impact and consequences of internal displacement

1 and means of prevention as provided for in sections 15 - 17 of this Bill;

2 (b) establish a prevention mechanism to-

3 (i) monitor areas domiciled with persons at risk of displacement,

4 (ii) report periodically, the situation in such designated areas, and

5 (iii) ensure early warning signals are issued to the relevant ministry,

6 department of agency and the Chairman of the Committee for further action to

7 prevent internal displacement.

Protection from
displacement

8 4.-(1) The Government shall protect every person against arbitrary
9 displacement.

10 (2) Arbitrary displacement in the manner specified under Principle
11 6(2) of the United Nations Guiding Principles (in this Bill referred to as "the
12 Guiding Principles", and set out in the First Schedule), is prohibited and shall
13 constitute an offence punishable under this Bill as specified in section 20.

14 (3) Displacement and relocation caused by development projects
15 shall only be lawful if justified by compelling and overriding public interests
16 and in accordance with the conditions and procedures provided under
17 Principles 7-9 of the Guiding Principles as well as the provisions of sections
18 18-19 of this Bill.

Preparedness
and mitigation

19 5. The National Emergency Management Agency, the Committee and
20 relevant agencies shall put in place, measures and structures to prepare for
21 emergency disaster and ensuing internal displacement in order to mitigate its
22 consequences.

Assistance and
protection

23 6.-(1) The Government shall put in place, measures for assistance and
24 the protection of needs of internally displaced persons, having regards to
25 displaced communities and community leaders, with particular emphasis on
26 the protection of needs of women, children, persons with disabilities, the
27 elderly and other persons with special needs.

28 (2) Assistance and protection of the needs of communities in rural and
29 urban areas where displaced persons find refuge shall also be addressed
30 depending on such needs.

1 (3) In formulating programmes for assistance and protection under
2 this section, the Government shall ensure that consultation is made with the
3 internally displaced persons.

4 7.-(1) The Government shall provide sustainable solutions for the
5 safety and dignity of internally displaced persons and shall respect and
6 ensure respect for the rights of internally displaced persons to make
7 informed and voluntary decisions on whether to return, locally integrate or
8 resettle elsewhere in the country.

Providing
sustainable
solutions

9 (2) Without limiting the generality of subsection (1), the following
10 conditions for sustainable solutions shall apply:

- 11 (a) long-term safety and security;
12 (b) full restoration and right to freedom of movement;
13 (c) right to adequate standard of living without discrimination;
14 (d) right to employment and livelihood;
15 (e) right to effective mechanisms that restore housing, land and
16 property;
17 (f) access to documentation;
18 (g) family re-unification and the establishment of the fate and
19 whereabouts of missing relatives;
20 (h) equal participation in public affairs; and
21 (i) access to justice without discrimination.

22 (3) The procedure for resettlement of internally displaced persons
23 and the standards applicable to such resettlement shall be as prescribed.

24 (4) In formulating sustainable solutions under this section, the
25 Government shall ensure that internally displaced persons are consulted.

26 8. Registration of Internally Displaced Persons

27 9. Every person, public institution, state government or public
28 officer and private entity or individual involved in providing protection and
29 assistance to internally displaced persons in Nigeria shall act in accordance
30 with this Bill and the Guiding Principles.

Duty to act in
accordance with
this Bill

1 PART II -ADMINISTRATION

Responsibilities
of Government

2 10.-(1) The Federal Government shall take full responsibility for the
3 administrative implementation of this Bill.

4 (2) For the purposes of any provision of this Bill or related applicable
5 international law that confers or imposes a power, duty or function on a State,
6 that power, duty or function may be exercised or carried out on behalf of the
7 Government of Nigeria by the Minister, if this Bill makes no other provision in
8 that regard.

9 (3) State Governments shall take responsibility for the administrative
10 implementation of the provisions of this Bill in accordance with their functions
11 and powers.

12 (4) Without prejudice to the generality of the foregoing, the
13 Government shall, in accordance with Principles 2(1) and 28 (1) of the Guiding
14 Principles, have the primary duty and responsibility for-

15 (a) preventing and protecting against internal displacement,
16 preparing for it and mitigating its consequences;

17 (b) protecting and assisting internally displaced persons throughout
18 the country; and

19 (c) creating conditions conducive to and providing sustainable
20 solutions for internally displaced persons.

21 (5) Particularly, the Government shall have the primary duty and
22 responsibility to-

23 (a) designate, where necessary, official areas for the settlement of
24 internally displaced persons in the country;

25 (b) facilitate the administration of settlement areas for internally
26 displaced persons;

27 (c) ensure adequate provision of basic social and health services in
28 areas inhabited by internally displaced persons;

29 (d) ensure, where necessary, the maintenance of public order, public
30 security, and public health in areas domiciled by internally displaced persons:

1 (e) safeguard and maintain the civilian and humanitarian character
2 of settlements; and

3 (f) ensure adequate provision of the social economic objectives
4 specified in Chapter II of the Constitution.

5 (6) In particular, Government shall in accordance with Principles
6 24-27 of the Guiding Principles-

7 (a) request international assistance if its capacity to provide such
8 protection and assistance is insufficient, inadequate or lacking;

9 (b) ensure rapid and unhindered access of humanitarian personnel
10 to all internally displaced persons;

11 (c) ensure that humanitarian assistance is not diverted; and

12 (d) ensure the protection of humanitarian personnel, transports and
13 goods.

14 (7) The Government, through the Minister may delegate to the
15 Committee the exercise of any of the responsibilities under subsections (4),
16 (5) and (6).

17 **11.-(1)** There is established the National Consultative Committee
18 on the Rehabilitation of Internally Displaced Persons (in this Bill referred to
19 as "the Committee").

Establishment of
the National
Consultative
Committee on the
Rehabilitation of
Internally Displaced
Persons

20 (2) The Committee shall consist of-

21 (a) a chairperson, who shall be appointed by the President and be a
22 Nigerian who-

23 (i) holds a degree from a recognized university,

24 (ii) is of unquestionable character, and

25 (iii) has distinguished himself in the area of public and
26 humanitarian service;

27 (b) a representative not below the rank of a Director of-

28 (i) the Ministry charged with the responsibility for matters relating
29 to internal displacement;

- 1 (ii) the Ministry charged with the responsibility for internal security;
- 2 (iii) the Ministry charged with the responsibility for matters relating
- 3 to works, housing and power;
- 4 (iv) the Ministry charged with the responsibility for finance;
- 5 (c) the Attorney General of the Federation or his representative;
- 6 (d) the Chairman, National Human Rights Commission or his
- 7 representative;
- 8 (e) The Chief Executive Officer of National Emergency Management
- 9 Agency or his representative;
- 10 (f) one representative each of-
- 11 (i) non-governmental organizations,
- 12 (ii) the organized private sector, and
- 13 (iii) internally displaced persons to be nominated by them in such
- 14 manner as may be prescribed;
- 15 (g) a representative of the Central Bank of Nigeria not below the rank
- 16 of a Deputy Governor;
- 17 (h) six other persons from the six geo-political zones in the country
- 18 who have distinguished themselves in humanitarian and public service; and
- 19 (i) a secretary who shall-
- 20 (i) be a Nigerian who has distinguished himself as an administrator in
- 21 the public service;
- 22 (ii) be the accounting officer of the Committee; and
- 23 (iii) head the Secretariat of the Committee.
- 24 (3) The conduct of business and affairs of the Committee shall be as
- 25 set out in the Third Schedule.
- 26 **12. The functions of the Committee are to-**
- 27 (a) serve as the official impartial and humanitarian focal institution
- 28 liaising between Government Departments, the United Nations, the African
- 29 Union and non-governmental organizations, where appropriate;
- 30 (b) determine and establish procedures and channels of engagement

1 and cooperation between Government Departments, the United Nations, the
2 African Union and non-governmental organizations, where appropriate, in
3 order to enhance the effectiveness of the response to internal displacement;

4 (c) coordinate prevention and preparedness efforts, protection and
5 assistance to internally displaced persons throughout their displacement
6 until a durable and sustainable solutions is found, and to host communities
7 as needed, among relevant Government Departments, the United Nations,
8 and non-governmental organizations;

9 (d) ensure the registration of all internally displaced persons in
10 order to maintain a national data-base of such persons which registration
11 shall-

12 (i) subject to review, commence and conclude within thirty days of
13 the occurrence of internal displacement, and

14 (ii) only be for reasons of identification, profile, conditions, and
15 numbers of internally displaced persons for the purpose of protection and
16 assistance;

17 (e) raise national awareness for the sensitization, facilitation and
18 coordination of training and education on the causes, impact and
19 consequences of internal displacement and means of prevention, protection
20 and assistance as provided for in sections 17-20 of this Bill;

21 (f) oversee the management and use of the Fund provided for in
22 section 12 of this Bill;

23 (g) develop mechanism for raising funds for the sole purpose of
24 administering this Bill;

25 (h) prepare an Annual Report relating to the fulfillment of its
26 functions, for presentation to the National Assembly on the situation of
27 internally displaced persons;

28 (i) monitor and supervise the operation and implementation of the
29 provisions of this Bill; and

30 (j) advise the Minister on the exercise of the Minister's powers and

1 functions under this Bill.

Internally
Displaced Persons'
Fund

2 **13.** There is established the Internally Displaced Persons' Fund (in
3 this Bill referred to as "the Fund"), for the prevention, protection and assistance
4 of internally displaced persons into which shall be paid-

5 (a) donations by bilateral and multilateral donors, without prejudice
6 to their possibility to directly fund activities to assist and protect internally
7 displaced persons in Nigeria;

8 (b) sums received, including grants, donations, contributions or gifts
9 from any person or institution;

10 (c) monies earned from any investment of the Fund; and

11 (d) such sums as may be provided for that purpose by the Federal Government.

Utilization of
the Fund

12 **14.**-(1) The Fund shall be used to meet the capital and recurrent
13 expenditure relating to-

14 (a) the protection and assistance to internally displaced persons and
15 the provision of a sustainable solution to them as provided for in sections 9 and
16 10 of this Bill including-

17 (i) their former homes or alternative settlement sites,

18 (ii) the replacement of their basic household effects,

19 (iii) enabling them to rejuvenate their basic livelihood, and

20 (iv) the reconstruction of destroyed basic housing and rehabilitation
21 of community utilities and institutions;

22 (b) the prevention of internal displacement through preventive
23 measures, including-

24 (i) the establishment of the preventive mechanism as provided for in
25 section 3 (4) of this Bill; and

26 (ii) public awareness campaigns, sensitization, training and education
27 on the causes, impact and consequences of internal displacement as provided
28 for in sections 6 (3) and 18-21 of this Bill;

29 (c) assisting in the operations of the Committee and non-

1 governmental organizations' programmes in accordance with subsection
2 (3); and

3 (d) any other matter incidental to the matters stated in paragraphs
4 (a)(b) and (c).

5 (2) Any capital and recurrent expenditures made by state
6 governments that exceed the resources available, in accordance with their
7 responsibility for the administrative implementation of the provisions of
8 this Bill in accordance with their functions.

9 (3) An amount of not less than three per cent of the Fund shall be
10 used to equitably finance the Committee's. The funding mechanism, the
11 programmes to be funded and the amount will be determined by the National
12 Consultative Co-ordination Committee.

13 (4) Unless the Central Bank of Nigeria otherwise directs, the
14 receipts, earnings or accruals of the Fund and its balances at the close of each
15 financial year shall not be paid into the Consolidated Revenue Fund, but
16 shall be retained for the purposes of the Fund.

17 **15.-(1)** The Fund shall be administered by the Secretary under the
18 direction of the Committee.

Administration of
the Fund

19 (3) The Secretary shall-

20 (a) supervise and control the administration and use of the Fund as
21 provided for in this section under the direction of the Committee;

22 (b) with the approval of the Chairman of the Committee, impose
23 conditions on the use of any expenditure personally authorized and may
24 impose any restriction or other requirement concerning use of expenditure;

25 (c) cause to be kept proper books of account and other books and
26 records in relation to the Fund as well as to all the various activities and
27 undertakings of the Fund;

28 (d) prepare, sign and transmit to the Auditor-General of the
29 Federation in respect of each financial year and within three (3) months after
30 the end thereof, a statement of accounts relating to the Fund in accordance

1 with the Public Accounts Committee Act;

2 (e) furnish such additional information as may be required for
3 examination and audit by the Auditor-General or under any law; and

4 (f) designate such staff as may be necessary to assist in the
5 management of the Fund.

6 PART III - PUBLIC AWARENESS, SENSITIZATION, TRAINING

7 AND EDUCATION

Public awareness,
education and
information
campaign

8 16.-(1) The Federal Government, in order to prevent future
9 occurrences of internal displacement in Nigeria, shall promote public
10 awareness about the causes, impact, and consequences of internal
11 displacement including the means of prevention, protection and assistance to
12 internally displaced persons through a comprehensive nation-wide education
13 and awareness campaign.

14 (2) The public awareness, education and information campaign
15 referred to in subsection (1) shall be carried out on the various media platforms
16 as well as in schools and other institutions of learning, prisons, remand homes
17 and other places of confinement, amongst the disciplined forces, at places of
18 work and in all communities throughout Nigeria.

19 (3) The Federal Government in collaboration with the Committee
20 shall provide the training, sensitization and awareness referred to in subsection
21 (1) for-

22 (a) employees of all Federal Government Ministries, Departments
23 and Agencies;

24 (b) employees of private and informal sectors;

25 (c) community and social workers; and

26 (d) media professionals, educators, and other stakeholders involved
27 in the dissemination of information to the public on the causes, effects, means
28 of prevention, protection and assistance to internally displaced persons.

29 (4) In carrying out the education and information campaign referred
30 to in this section, the Federal Government shall ensure the involvement and

1 participation of individuals and groups affected by internal displacement
2 without endangering their safety.

3 17.-(1) The Committee shall liaise with and in collaboration with
4 the government departments responsible for education, to-

5 (a) integrate instruction on the causes, impact and consequences of
6 internal displacement including the means of prevention, protection and
7 assistance to internally displaced persons in subjects taught in public and
8 private schools at all levels starting from early childhood education
9 development centers to primary, secondary, and tertiary levels, including
10 informal, non-formal and indigenous learning systems; and

11 (b) develop and implement a training curriculum to be integrated
12 into syllabuses on the causes, impact and consequences of internal
13 displacement as well as on means of prevention, protection and assistance to
14 internally displaced persons to be taught at all levels starting from early
15 childhood education development centers.

16 18. Every state government effort, in collaboration with the
17 Committee, shall aim towards conducting public awareness, educational
18 and information campaign on the causes, impact and consequences of
19 internal displacement including the means of prevention, protection and
20 assistance to internally displaced persons within its area of jurisdiction in the
21 manner contemplated under sections 15 and 16 of this Bill.

22 PART IV - PROVISIONS RELATING TO DEVELOPMENT

23 AND DISPLACEMENT

24 19.-(1) In accordance with the Constitution and this Bill,
25 Government shall refrain from displacement and relocation of its citizens
26 due to development projects or projects to preserve the environment and
27 protect persons from displacement by human activities.

28 (2) In inevitable cases, displacement and relocation as a result of
29 development projects or projects to preserve the environment may be-

Information
on internal
displacement as
part of education
syllabus

Public awareness,
education and
information
campaign by state
government

Conditions and
standards for
displacement
caused by
development
projects

1 (a) authorized and carried out in accordance with provisions of this
2 Bill;

3 (b) justified by compelling and overriding public interests in the
4 particular case; and

5 (c) carried out when no realistic alternatives exist.

6 (3) Where displacement and relocation becomes inevitable,
7 Government shall minimize it, mitigate its consequences and assist and protect
8 the affected persons as provided for in sections 7 and 8 of this bill.

9 (4) Where the displacement is permanent, Government shall provide
10 the affected persons with a sustainable solution as provided for in section 7 of
11 this Bill.

Procedures for
displacement due
to inevitable
development
projects

12 **20.-(1)** Subject to the Constitution and section 18 (2) of this Bill and
13 prior to the decision to give effect to the displacement of persons due to
14 development projects or projects to preserve the environment, Government
15 shall-

16 (a) seek the consent of the affected persons; and

17 (b) hold public hearings on such project during the planning stages.

18 (2) The decision to give effect to the displacement of persons shall
19 give the justification for the displacement and demonstrate that the
20 displacement is inevitable and no realistic alternatives exist. Such decision
21 shall contain detailed justification on the alternatives explored.

22 (3) Government shall ensure that the displacement is not carried out
23 unless-

24 (a) a reasonable period is given to the affected persons to review the
25 decision and challenge it before an independent body on the grounds that the
26 conditions in section 21 (2) are not adhered to; and

27 (b) a realistic remedy is available for those affected.

28 (4) Government shall ensure that the displacement is carried out in a
29 manner that is respectful of the human rights of those affected, taking in
30 particular into account the protection of community land and the special needs

1 of women, children and persons with other special needs. This requires in
2 particular-

3 (a) comprehensive information of those affected and their effective
4 participation, including women, in the planning, management of the
5 displacement, and in defining suitable and sustainable solutions;

6 (b) provision of safe, adequate and habitable sites and to the
7 greatest practicable extent, of proper accommodation; and

8 (c) creation of satisfactory conditions of safety, nutrition, health
9 and hygiene and the preservation of the family unity.

10 (5) Government shall ensure the presence of a public officer when
11 the displacement and relocation is effected and monitoring by an
12 independent body.

13 PART V - MISCELLANEOUS PROVISIONS

14 21.-(1) No person shall cause, aid or abet arbitrary displacement
15 through acts that amount to genocide, a crime against humanity or a war
16 crime in accordance with international law.

Offences relating
to internal
displacement

17 (2) No person shall intentionally-

18 (a) cause the arbitrary displacement of other persons as provided
19 for in section 6 of this Bill;

20 (b) obstruct access to internally displaced persons;

21 (c) cause harm to internally displaced persons;

22 (d) cause harm to humanitarian personnel;

23 (e) obstruct the work of humanitarian personnel;

24 (f) obstruct the provision of humanitarian assistance to internally
25 displaced persons;

26 (g) steal, loot, divert or destroy humanitarian supplies for
27 internally displaced persons;

28 (h) misuse or abuse the use of humanitarian assistance for
29 internally displaced persons; and

30 (i) aid or abet the commission of any of the acts or omissions

1 • specified in paragraphs (a) to (h).

2 (3) Any person who contravenes the provisions of subsection (2)
3 commits an offence and is liable upon conviction to a fine not exceeding
4 N5,000,000 or to a term of imprisonment not exceeding ten years or to both.

False information

5 22. Any person who-

6 (a) pretends to be an internally displaced person or presents himself in
7 a manner likely to suggest that he is an internally displaced person whilst he is
8 not such person;

9 (b) provides false information during the verification or profiling of
10 internally displaced persons; or

11 (c) establishes an institution or camp which consists of persons
12 pretending to be internally displaced persons as contemplated in paragraph (a),
13 commits an offence and is liable upon conviction to a fine not exceeding
14 N5,000,000 or to imprisonment for a term not exceeding ten years or to both.

Regulations

15 23.-(1) The Minister may, in consultation with the Committee, make
16 rules for giving effect to this Bill.

17 (2) Without limiting the generality of subsection (1) the rules may -.

18 (a) prescribe what is required under this Bill;

19 (b) prescribe the process and criteria for vetting of internally
20 displaced persons to establish their authenticity;

21 (c) provide for the prior administrative steps to be taken under this
22 Bill;

23 (d) provide for the management of the Fund subject to the provisions
24 of this Bill; and

25 (e) provide for the dissemination of information under this bill.

Interpretation

26 24.-(1) In this Bill-

27 "Minister" means the Minister in charge of the government department for the
28 time being responsible for matters relating to internally displaced persons;

29 "Committee" means the Committee on Internally Displaced Persons set up by
30 government under section 10;

1 "Constitution" means the 1999 Constitution of the Federal republic of
2 Nigeria (as amended);

3 "sustainable solution" means the achievement of a sustainable solution to
4 the displacement of persons through a voluntary and informed choice of
5 sustainable reintegration at the place of origin, sustainable local integration
6 in areas of refuge, or sustainable integration in another part of Nigeria;

7 "Internally Displaced Persons' Fund" means the Fund created under section
8 12 for the prevention, protection and assistance of internally displaced
9 persons;

10 "Guiding Principles" means the 1998 United Nations Guiding Principles on
11 Internal Displacement as set out in the First Schedule;

12 "internally displaced person" means a person who has been forced or
13 obliged to flee from his or her home or places of habitual residence, as a
14 result of or in order to avoid the effects of armed conflict, large scale
15 development projects, situations of generalized violence, violations of
16 human rights or natural or human-made disasters, and who has not crossed
17 an internationally recognized State border;

18 "non-governmental organizations" means persons or organizations who are
19 not attributable to the State and whose actions are generally not attributable
20 to the State;

21 "Secretary" means the Secretary of the Committee established under section
22 10;

23 (2) In this Bill-

24 (a) a reference to "public interest" shall be construed, in reference
25 to large-scale development projects, the development interests of, and for
26 the benefit of, the people of the Republic as whole, including persons
27 displaced by such project;

28 (b) a reference to "United Nations" shall be construed to be a
29 reference to the United Nations Country Team in Nigeria;

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Section I - General Principles

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against- humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other

1 opinion, national, ethnic or social origin, legal or social status, age, disability,
2 property, birth, or on any other similar criteria.

3 2. Certain internally displaced persons, such as children, especially
4 unaccompanied minors, expectant mothers, mothers with young children,
5 female heads of household, persons with disabilities and elderly persons, shall
6 be entitled to protection and assistance required by their condition and to
7 treatment which takes into account their special needs.

8 *Section II - Principles relating to Protection from Displacement*

9 *Principle 5*

10 All authorities and international actors shall respect and ensure respect for their
11 obligations under international law, including human rights and humanitarian
12 law, in all circumstances, so as to prevent and avoid conditions that might lead
13 to displacement of persons.

14 *Principle 6*

15 1. Every human being shall have the right to be protected against
16 being arbitrarily displaced from his or her home or place of habitual residence.

17 2. The prohibition of arbitrary displacement includes displacement:

18 (a) When it is based on policies of apartheid, "ethnic cleansing" or
19 similar practices aimed at/or resulting in altering the ethnic, religious or racial
20 composition of the affected population;

21 (b) In situations of armed conflict, unless the security of the civilians
22 involved or imperative military reasons so demand;

23 (c) In cases of large-scale development projects, which are not
24 justified by compelling and overriding public interests;

25 (d) In cases of disasters, unless the safety and health of those affected
26 requires their evacuation; and

27 (e) When it is used as a collective punishment.

28 3. Displacement shall last no longer than required by the
29 circumstances.

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Principle 7

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1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent that proper accommodation is provided to the displaced persons that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

(a) A specific decision shall be taken by a State authority empowered by law to order such measures;

(b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;

(c) The free and informed consent of those to be displaced shall be sought;

(d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;

(e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and

(f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

1 *Principle 9*

2 States are under a particular obligation to protect against the displacement of
3 indigenous peoples, minorities, peasants, pastoralists and other groups with a
4 special dependency on and attachment to their lands.

5 *Section III - Principles Relating to Protection during Displacement*

6 *Principle 10*

7 1. Every human being has the inherent right to life which shall be
8 protected by law. No one shall be arbitrarily deprived of his or her life.
9 Internally displaced persons shall be protected in particular against:

10 (a) Genocide;

11 (b) Murder;

12 (c) Summary or arbitrary executions; and

13 (d) Enforced disappearances, including abduction or
14 unacknowledged detention, threatening or resulting in death.

15 Threats and incitement to commit any of the foregoing acts shall be prohibited

16 2. Attacks or other acts of violence against internally displaced
17 persons who do not or no longer participate in hostilities are prohibited in all
18 circumstances. Internally displaced persons shall be protected, in particular,
19 against:

20 (a) Direct or indiscriminate attacks or other acts of violence,
21 including the creation of areas wherein attacks on civilians are permitted;

22 (b) Starvation as a method of combat;

23 (c) Their use to shield military objectives from attack or to shield,
24 favour or impede military operations;

25 (d) Attacks against their camps or settlements; and

26 (e) The use of anti-personnel landmines.

27 *Principle 11*

28 1. Every human being has the right to dignity and physical, mental
29 and moral integrity.

30 2. Internally displaced persons, whether or not their liberty has been

1 restricted, shall be protected in particular against:

2 (a) Rape, mutilation, torture, cruel, inhuman or degrading
3 treatment or punishment, and other outrages upon personal dignity, such as
4 acts of gender-specific violence, forced prostitution and any form of
5 indecent assault;

6 (b) Slavery or any contemporary form of slavery, such as sale into
7 marriage, sexual exploitation, or forced labour of children: and

8 (c) Acts of violence intended to spread terror among internally
9 displaced persons.

10 Threats and incitement to commit any of the foregoing acts shall be
11 prohibited.

12 *Principle 12*

13 1. Every human being has the right to liberty and security of
14 person. No one shall be subjected to arbitrary arrest or detention.

15 2. To give effect to this right for internally displaced persons, they
16 shall not be interned in or confined to a camp. If in exceptional
17 circumstances such internment or confinement is absolutely necessary, it
18 shall not last longer than required by the circumstances.

19 3. Internally displaced persons shall be protected from
20 discriminatory arrest and detention as a result of their displacement.

21 4. In no case shall internally displaced persons be taken hostage.

22 *Principle 13*

23 1. In no circumstances shall displaced children be recruited nor be
24 required or permitted to take part in hostilities.

25 2. Internally displaced persons shall be protected against
26 discriminatory practices of recruitment into any armed forces or groups as a
27 result of their displacement. In particular any cruel, inhuman or degrading
28 practices that compel compliance or punish non-compliance with
29 recruitment are prohibited in all circumstances.

1 *Principle 14*

2 I. Every internally displaced person has the right to liberty of
3 movement and freedom to choose his or her residence.

4 2. In particular, internally displaced persons have the right to move
5 freely in and out of camps or other settlements.

6 *Principle 15*

7 Internally displaced persons have:

8 (a) The right to seek safety in another part of the country;

9 (b) The right to leave their country;

10 (c) The right to seek asylum in another country; and

11 (d) The right to be protected against forcible return to or resettlement
12 in any place where their life, safety, liberty and/or health would be at risk.

13 *Principle 16*

14 1. All internally displaced persons have the right to know the fate and
15 whereabouts of missing relatives.

16 2. The authorities concerned shall endeavour to establish the fate and
17 whereabouts of internally displaced persons reported missing, and cooperate
18 with relevant international organizations engaged in this task. They shall
19 inform the next of kin on the progress of the investigation and notify them of
20 any result.

21 3. The authorities concerned shall endeavour to collect and identify
22 the mortal remains of those deceased, prevent their despoliation or mutilation,
23 and facilitate the return of those remains to the next of kin or dispose of them
24 respectfully.

25 4. Grave sites of internally displaced persons should be protected and
26 respected in all circumstances. Internally displaced persons should have the
27 right of access to the grave sites of their deceased relatives.

28 *Principle 17*

29 Every human being has the right to respect of his or her family life.

30 2. To give effect to this right for internally displaced persons, family

1 members who wish to remain together shall be allowed to do so.

2 3. Families which are separated by displacement should be
3 reunited as quickly as possible. All appropriate steps shall be taken to
4 expedite the reunion of such families, particularly when children are
5 involved. The responsible authorities shall facilitate inquiries made by
6 family members and encourage and cooperate with the work of
7 humanitarian organizations engaged in the task of family reunification.

8 4. Members of internally displaced families whose personal
9 liberty has been restricted by internment or confinement in camps shall have
10 the right to remain together.

11 *Principle 18*

12 1. All internally displaced persons have the right to an adequate
13 standard of living.

14 2. At the minimum, regardless of the circumstances, and without
15 discrimination, competent authorities shall provide internally displaced
16 persons with and ensure safe access to:

17 (a) Essential food and potable water;

18 (b) Basic shelter and housing

19 (c) Appropriate clothing; and

20 (d) Essential medical services and sanitation.

21 3. Special efforts should be made to ensure the full participation of
22 women in the planning and distribution of these basic supplies.

23 *Principle 19*

24 1. All wounded and sick internally displaced persons as well as
25 those with disabilities shall receive to the fullest extent practicable and with
26 the least possible delay, the medical care and attention they require, without
27 distinction on any grounds other than medical ones. When necessary,
28 internally displaced persons shall have access to psychological and social
29 services.

30 2. Special attention should be paid to the health needs of women,

1 including access to female health care providers and services, such as
2 reproductive health care, as well as appropriate counselling for victims of
3 sexual and other abuses.

4 3. Special attention should also be given to the prevention of
5 contagious and infectious diseases, including AIDS, among internally
6 displaced persons.

7 *Principle 20*

8 1. Every human being has the right to recognition everywhere as a
9 person before the law.

10 2. To give effect to this right for internally displaced persons, the
11 authorities concerned shall issue to them all documents necessary for the
12 enjoyment and exercise of their legal rights, such as passports, personal
13 identification documents, birth certificates and marriage certificates. In
14 particular, the authorities shall facilitate the issuance of new documents or the
15 replacement of documents lost in the course of displacement, without
16 imposing unreasonable conditions, such as requiring the return to one's area of
17 habitual residence in order to obtain these or other required documents.

18 3. Women and men shall have equal rights to obtain such necessary
19 documents and shall have the right to have such documentation issued in their
20 own names.

21 *Principle 21*

22 1. No one shall be arbitrarily deprived of property and possessions.

23 2. The property and possessions of internally displaced persons shall
24 in all circumstances be protected, in particular, against the following acts:

25 (a) Pillage;

26 (b) Direct or indiscriminate attacks or other acts of violence;

27 (c) Being used to shield military operations or objectives

28 (d) Being made the object of reprisal; and

29 (e) Being destroyed or appropriated as a form of collective
30 punishment.

1 *Section IV - Principles Relating to Humanitarian Assistance*

2 *Principle 24*

3 1. All humanitarian assistance shall be carried out in accordance with
4 the principles of humanity and impartiality and without discrimination.

5 2. Humanitarian assistance to internally displaced persons shall not
6 be diverted, in particular for political or military reasons.

7 *Principle 25*

8 1. The primary duty and responsibility for providing humanitarian
9 assistance to internally displaced persons lies with national authorities.

10 2. International humanitarian organizations and other appropriate
11 actors have the right to offer their services M support of the internally
12 displaced. Such an offer shall not be regarded as an unfriendly act or
13 interference in a State's internal affairs and shall be considered in good faith.
14 Consent thereto shall not be arbitrarily withheld, particularly when authorities
15 concerned are unable or unwilling to provide the required humanitarian
16 assistance

17 3. All authorities concerned shall grant and facilitate the free passage
18 of humanitarian assistance and grant persons engaged in the provision of such
19 assistance rapid and unimpeded access to the internally displaced.

20 *Principle 26*

21 Persons engaged in humanitarian assistance, their transport and supplies shall
22 be respected and protected. They shall not be the object of attack or other acts of
23 violence.

24 *Principle 27*

25 International humanitarian organizations and other appropriate actors when
26 providing assistance should give due regard to the protection needs and human
27 rights of internally displaced persons and take appropriate measures in this
28 regard. In so doing, these organizations and actors should respect relevant
29 international standards and codes of conduct.

30 2. The preceding paragraph is without prejudice to the protection

1 responsibilities of international organizations mandated for this purpose,
2 whose services may be offered or requested by States.

3 *Section V - Principles Relating to Return, Resettlement and Reintegration*

4 *Principle 28*

5 1. Competent authorities have the primary duty and responsibility
6 to establish conditions, as well as provide the means, which allow internally
7 displaced persons to return voluntarily, in safety and with dignity, to their
8 homes or places of habitual residence, or to resettle voluntarily in another
9 part of the country. Such authorities shall endeavour to facilitate the
10 reintegration of returned or resettled internally displaced persons.

11 2. Special efforts should be made to ensure the full participation of
12 internally displaced persons in the planning and management of their return
13 or resettlement and reintegration.

14 *Principle 29*

15 1. Internally displaced persons who have returned to their homes
16 or places of habitual residence or who have resettled in another part of the
17 country shall not be discriminated against as a result of their having been
18 displaced. They shall have the right to participate fully and equally in public
19 affairs at all levels and have equal access to public services.

20 2. Competent authorities have the duty and responsibility to assist
21 returned and/or resettled internally displaced persons to recover, to the
22 extent possible, their property and possessions which they left behind or
23 were dispossessed of upon their displacement. When recovery of such
24 property and possessions is not possible, competent authorities shall
25 provide or assist these persons in obtaining appropriate compensation or
26 another form of just reparation.

27 *Principle 30*

28 All authorities concerned shall grant and facilitate for international
29 humanitarian organizations and other appropriate actors, in the exercise of
30 their respective mandates, rapid and unimpeded access to internally

1 displaced persons to assist in their return or resettlement and reintegration

2 SECOND SCHEDULE

3 (Section 10)

4 CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE

5 *Tenure of Office, etc.*

6 (1) Subject to the provisions of this schedule, a member of the
7 Committee shall hold office for a period of five years and shall be eligible for
8 re-appointment for such further periods, as the body appointing him or the
9 President may determine.

10 (2) A member of the Committee, including the Chairman, may be
11 removed from office by the Minister, by adopting the methods set out in any
12 standing order which it may adopt, pursuant to this Bill, on the ground of ill
13 health or misconduct or if it is in the interest of the Minister or of the public that
14 the member or the chairman should be removed from office.

15 (3) A member of the Committee, including the chairman, may in
16 writing under his hand, resign his appointment by communicating notice of his
17 intention to the Minister and on receipt and approval of the notice by the
18 Committee, the resignation shall be deemed to have taken effect, and in the
19 case of a representative, the body shall then nominate another representative to
20 complete the tenure of the resigning member on the Committee.

21 (4) A body mentioned in section 10 (2) (b) - (g) of this Bill may
22 withdraw its representative on the Committee at any time, by giving notice of
23 its intention to do so to the Committee; and on receipt of the notice by the
24 Committee the withdrawal shall be deemed to have taken effect, and the body
25 may then appoint another representative who-

26 (a) shall complete the tenure of the withdrawn member; and

27 (b) may thereafter be eligible for reappointment for one further term
28 only.

29 *Allowances*

30 2. (2) The members of the Committee shall be paid such allowances as

1 the National Salaries and Wages Commission may, from time to time,
2 determine

3 *Proceedings of the Committee*

4 3. Subject to this Act and Section 27 of the Interpretation Act
5 (which provides for decisions of a statutory body to be taken by a majority of
6 its members and for the chairman to have a second or casting vote), the
7 Committee may make standing orders regulating the proceedings of the
8 Committee and any of its ad-hoc committees.

9 4. A meeting of the Committee shall be presided over by the
10 chairman or if the chairman is unable to attend a particular meeting, the
11 members present at the meeting, shall elect one of their number to preside at
12 that meeting.

13 5. The quorum at a meeting of the Committee shall consist of the
14 chairman (or, in an appropriate case, the person presiding at the meeting
15 pursuant to paragraph 2 of this Schedule), the Secretary and 4 other
16 members.

17 6. Where on a special occasion, the Committee desires to obtain
18 the advice of a person on a particular matter, the Committee may co-opt that
19 person to be a member for as many meeting as may be necessary, and that
20 person while so co-opted, shall have all the rights and privileges of a
21 member, except that he shall not be entitled to vote or count towards a
22 quorum.

23 *Ad-hoc and Special Committees*

24 7.-(1) Subject to its standing order, the Committee may appoint
25 such number of ad-hoc and special committees as it thinks fit to consider and
26 report on any matter with which the Committee is concerned.

27 (2) Every committee appointed under the provisions of sub-
28 paragraph (1) of this paragraph, shall be presided over by a member of the
29 Committee and shall be made up of such number of persons, not necessarily
30 members of the Committee, as the Committee may determine in each case.

