



**THE YEAR OF REFUGEES,  
RETURNEES AND INTERNALLY  
DISPLACED PERSONS:**  
Towards Durable Solutions to  
Forced Displacement in Africa.



**Durable Solutions for Displaced Persons:  
(Refugees, IDPs, Returnees...)**

**Gonzague Patrick H, BALAGIZI  
(AULOB-Senior Political Officer)**

# The African Union:

- ▶ The concern of the AU is to ensure the protection of refugees who are still outside their country, to reintegrate those who have returned and to rehabilitate the countries that have suffered from the presence of refugees.
- ▶ The Agenda 2063 states that the eradication of poverty will be achieved, among other things, by investing in the productive capacities (skills and assets) of our population. This population includes refugees, IDPs and stateless,
- ▶ This requires effective governance of migration that will exploit the multiple benefits of migration and counteract the negative effects that can result. The 2030 Agenda calls for effective governance of migration with the goal of sustainable development (SDG 10), which calls for countries to reduce inequalities within and between countries by facilitating orderly, safe, regular and responsible migration and the mobility of people, including the implementation of well-managed and planned migration policies.

# AU -RECs Backup

- ▶ Migration Policy Framework for Africa and Plan of Action (2018 – 2030)
- ▶ The need for regional support to displacement is rooted in the commitments made in the OAU Convention on Refugees and the Protection, Assistance of IDPs in Africa (Kampala Convention) and in the Great Lakes Pact on Peace, Security, Stability and Economic Development.
- ▶ The delivery of these commitments made in the Kampala Convention where taken forward, amongst others, by **Decision No 2011/20 of the UN Secretary-General** asking the Resident/Humanitarian Coordinators in the region to support governments to identify and implement **Durable Solutions for IDPs, refugees and returnees.**

# STATUS OF THE RATIFICATION OF AU CONVENTIONS

- ▶ 1) OAU CONVENTION GOVERNING THE SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN AFRICA (10/09/1969----20-06-1974)
- ▶ 2) AU CONVENTION FOR THE PROTECTION AND ASSISTANCE OF INTERNALLY DISPLACED PERSONS IN AFRICA (KAMPALA CONVENTION) 23/10 2009---6 /12/ 2012  
(<https://au.int/en/treaties>)- 15/06/2017

COUNTRY/PAYS	DATE OF/DE SIGNATURE	DATE OF/DE RATIFICATION/ ACCESSION	DATE DEPOSITED/ DATE DE DEPOT	1)OAU CONVENTION 2) KAMPALA CONVENTION
ANGOLA	1)----- 2)27/01/2012	30/04/1981-14/05/2013	03/12/1982-14/06/2013	
BURUNDI	1)10/09/1969- 2)23/10/2009	31/10/1975 -----	10/12/1975 -----	
DR CONGO	1)10/09/1969 2)02/02/2010	14/02/1973 --2014?-----	04/05/1973 -----	
CONGO BRAZZ	1)10/09/1969 2)23/10/2009	16/01/1971 -----	01/02/1971 -----	
RWANDA	1)10/09/1969 2)23/10/2009	19/11/1979 27/12/2012	04/02/1980 31/01/2013	OK
UGANDA	1) 10/09/1969 2)23/10/2009	24/07/1987 29/01/2010	07/08/1987 04/03/2010	OK
KENYA	1)10/09/1969 2)-----	23/06/1992— -----	04/02/1993 -----	
TANZANIA	1)10/09/1969 2)08/12/2010	10/01/1975	24/01/1975	
CAR	1)10/09/1969 2)23/10/2009	23/07/1970 20/12/2010	09/08/1970 08/03/2011	OK
SUDAN	1)10/09/1969 2)-----	24/12/1972 -----	12/01/1975 -----	
SOUTH SUDAN	1)24/01/2013 2)24/01/2013	04/12/2013 -----	19/05/2016 -----	
ZAMBIA	1) 10/09/1969 2)23/10/2009	30/07/1973 14/01/2011	15/08/1973 24/01/2011	OK

# Causes



violent conflict,  
persecution,  
serious human  
rights  
violations/abuses  
and natural  
disasters

Immediate

Root

exclusion, inequality  
among groups,  
competition for access  
to natural resources  
and discriminatory  
policies and practices..

# Opportunities and Panacea

for displacement situations can be seized through various channels, such as

- ▶ Negotiating peace agreements and amnesties;
- ▶ Promoting self-reliance and poverty reduction strategies through investing in Agriculture
- ▶ Increasing respect for human rights and the rule of law, including rights to work;
- ▶ Enhancing participation for all in the institutions and processes of governance; and
- ▶ Promoting justice, tolerance and reconciliation among divided communities.



# DURABLE SOLUTIONS Roadmap

Project 2019 activities will feature the commemoration of:

50th anniversary of the adoption of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention), 10th September 1969, Addis Ababa, Ethiopia;

10 Sep. 1969

23 Oct. 2009

10th anniversary of the adoption of the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 23rd October 2009, Kampala, Uganda.

# KEY ELEMENTS OF THE ROADMAP

- ▶ Six continental consultative meetings of AU Member States and other stakeholders, focused on refugees, returnees, IDPs or statelessness issues, as well as **cross-cutting continental consultative meetings** focused on issues affecting all these persons of concern.
- ▶ Each meeting will: be informed by **input from a multi-stakeholder working group**; be informed by authoritative background papers and notes; and produce a Chairperson's Summary of conclusions and recommendations on pledges and commitments.
- ▶ A **Humanitarian Summit on Refugees, IDPs and Returnees**,
- ▶ A multi-year law and policy **humanitarian action training**
- ▶ **National-level workshops to promote ratification and implementation of the Kampala Convention.**
- ▶ **Advocacy for domestication of the AU Convention on IDPs -Kampala Convention, centered around the AU's model law on the implementation of the Kampala Convention.**
- ▶ **climate- and disaster-related displacement**



## Priorities and Principles

Implementation of the Roadmap will be guided by the following priorities:

- ▶ **Inclusion of all persons affected by humanitarian crises (refugees, IDPs, returnees and stateless persons)**
- ▶ **Impactful actions that concretely address the root causes of forced displacement, specific needs of women, youth and children;**
- ▶ **AU Member State ownership and stakeholder inclusion;**  
and
- ▶ **A whole of society approach linked to the Global Compact on Refugees**



# Protection:

- ▶ Solutions for displaced persons may only be called **“durable”** if they receive the **full and effective protection** of the **State of nationality** (citizens) **or residence** and enjoy all basic human rights and have equal access to social services and economic opportunities.
- ▶ Basic protection standards are contained in international humanitarian law, international and regional human rights instruments, and the Refugee Convention.
- ▶ **Effective protection** depends upon resources and national institutions that aim to uphold these standards

## Protect cntd: some protection gaps to be addressed:



- ▶ Developing **national and regional legislation and administrative practices** (e.g. documentation, the granting of citizenship; freedom of movement and residence; access to the labour market, education and social services; right to own/use property/land);
- ▶ Supporting **national and local government** institutions;
- ▶ Promoting **tolerance and respect** among communities and groups in society, including through the media;
- ▶ Promoting and supporting the **role of civil society**, including **human rights organizations**; and
- ▶ Assisting specific groups to overcome their vulnerabilities.

# **STRATEGY:** Towards Durable Solutions for Forced Displacement in Africa.



▶ **Conflict Prevention/Disaster Risk Prevention/Management**

▶ **Accelerating Agriculture Transformation on the continent**

(It provides a [golden opportunity](#) to bring agriculture on the agenda of the AU Heads of State & Gov, to discuss and take actions on important issues such as climate change, **jobs for youth through agriculture**, ending hunger, **investments in agriculture trade and markets** under the framework of CAADP and the Malabo Declaration).

# Strategy Cntd

- ▶ Providing **humanitarian assistance** and international protection **are essential but not enough at all.**
- ▶ The **integration of displaced persons** and preventing forced displacement from occurring are development challenges.
- ▶ When pursuing **durable solutions, displaced persons should be treated equal to other nationals**, while taking into account the **increased vulnerability** and **specific protection concerns** that they may face. Displaced persons should not be discriminated against because they are displaced. In particular for countries emerging from conflict, **reintegrating** displaced persons is an **important step toward local and national reconciliation and preventing the renewed outbreak of violent conflict.** The return and integration of displaced persons reinforces peace processes and helps create stable and secure conditions that are essential for development objectives to be met.



# Objectives for this year 2019

Project 2019 activities have the following specific objectives:

Improved implementation of the OAU Convention and the Kampala Convention;

Reinforcement of the AU's Agenda 2063, the African Peace and Security Architecture Roadmap and the CAP; and

Reinforcement of the Sustainable Development Goals, the New York Declaration, the CRRF and the Global Compact on Refugees (including the programme of action).



## High-Level Advocacy on Theme 2019

Refugees-IDP focused regional consultative meetings covering:

- ▶ the promotion, ratification and implementation of the OAU/Kampala Convention.
- ▶ Supervision and monitoring of the OAU Refugee Convention; and promote the ratification of conventions
- ▶ Solidarity and responsibility sharing: socio-economic inclusion and solutions within the framework of the Global Compact on Refugees.
- ▶ The advocacy for the domestication of the Conventions
- ▶ Best Practices sharing



## Regional Consultative Meetings

Six regional consultative meetings will be organized covering the following topics:

- ▶ Supervision and Monitoring of the OAU Refugee Convention.
- ▶ The Role of Parliamentarians during theme of the year;
- ▶ Protection sensitive responses to mixed movements in Africa;
- ▶ Eradication of Statelessness in Africa;
- ▶ Ratification and domestication of the Kampala Convention;
- ▶ Solidarity and responsibility sharing: socio-economic inclusion and solutions within the framework of the Global Compact on Refugees.



## Activities relating to the Kampala Convention

- ▶ Organization of IDP-focused regional consultative meeting on the promotion, ratification and implementation of the Kampala Convention;
- ▶ Support ongoing national-level UNHCR activities to promote the ratification of the Kampala Convention;
- ▶ Publication and dissemination of the AU's model law on the implementation of the Kampala Convention.



## Capacity Building and Training

- ▶ Development and roll-out of a multi-year training initiative, titled 'The AU Humanitarian Architecture: Law and Policy Training' ("Livingstone Syllabus");
- ▶ The target audience of the training is middle and senior-level civil servants from AU Member State governments.



# Inter-State and Inter-Regional Cooperation

- ▶ The ever-growing number of forced displaced and complex of migratory movements, highlight the need to **develop inter-State** and **inter-regional approaches** to managing migration in the Great lakes region.
- ▶ Such co-operation can be fostered by **developing clear objectives, providing opportunities** for exchange of experiences, views and best practices, and working towards the coordinated implementation of policies and 53 programmes.
- ▶ The need to speak a 'common language' when addressing migration and forced displacement issues is a critical step, and one that is on-going and evolving. Other **actors in civil society** and the international community provide important contributions in this regard.

# Strategies Recommended



- ▶ Integrate migration and Forced displacement issues into national and regional agendas for development, security and stability.
- ▶ Engage in dialogue and development programmes on Forced displacement, migration and development in the Great Lakes with regional bodies and development actors, including, the AU, EU, ICGLR, UNHCR, World Bank, International Monetary Fund, African Development Bank, WHO, ILO, IOM, UNODC, the United Nations Development Programme, and other concerned institutions.
- ▶ Ratify and domesticate most of Protocols and Conventions of the AU-AfCFTA,

# RECOMMENDATIONS

- ▶ To jointly convene a Great Lakes Regional Refugee Forum (GLRRF)-AU-OSESG-ICGLR-UNHCR..... for shared responsibility and resource mobilization to support host countries alleviate the burden and ease the pressures on local communities.
- ▶ To develop a Great Lakes Durable Solutions Strategy Plan of Action(GLDSS-PA)
- ▶ Establish the earlier possible a ICGLR Early Warning System

- ▶ Identify and address the root causes of forced displacement and migration.
- ▶ Adopt and incorporate international protection instruments into national policies, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugees refugee problems in Africa.
- ▶ Establish treatment in the country for resettlement or **humanitarian visa programs**, allowing those facing an immediate threat to be resettled without the use of unsafe means to flee their country
- ▶ Establish **focal points in relevant ministries and develop national contingency plans to improve capacity** to cope with mass displacement situations, timely, effective and appropriate.
- ▶ Enhance **local protection capacities** through the **participation of civil society**, for example by engaging NGOs in the provision **of legal and social advice to refugees**, preliminary interviews and preparation of dossiers for national eligibility and public information campaigns to fight against xenophobia

- ▶ Provide **information and public awareness campaigns** on the fate and rights of refugees, including the **contribution that refugees can make to the development of host communities**, in order to counter growing xenophobic tendencies and promote tolerance and understanding.
- ▶ Implement measures to **support refugee-hosting communities** and **mitigate any tensions that may arise**, including the use of community resources and humanitarian needs that are less fulfilling than those of communities refugees.
- ▶ Strengthen **intra-regional cooperation** to respond rapidly and effectively to mass influx situations, including through the development of **regional contingency plans**, in collaboration with UNHCR, national refugee institutions, and other international and regional partners.
- ▶ Implement protection obligations under relevant treaties, including the principle of non-refoulement, registration and issuance **of identity documents, access to work and educational opportunities, and minimum humanitarian standards**.
- ▶ Train **law enforcement officers who have initial contact with refugees** (immigration officers, customs, police, etc.) in the obligations set out in the relevant international instruments to enable appropriate identification and the humane treatment of asylum seekers at the border by the competent authorities.

- ▶ **Support international efforts to find sustainable solutions to mass displacement** by promoting the objectives of **UNHCR's Protection Agenda** and the Comprehensive Implementation Plan for Protection Activities in Africa (IPC), including through capacity-building and more equitable sharing of the international burden, including the review of bilateral and multilateral cooperation frameworks in line with the UNHCR Convention initiative and opportunities for **targeted development assistance and debt relief for key host country of refugees**.
- ▶ Provide **durable solutions to refugees who offer opportunities for voluntary return, local integration and relocation**.
- ▶ Strengthen **bilateral cooperation among States** in the treatment and status of refugees.
- ▶ Encourage countries to **prioritize family monitoring and reunification** for separated and unaccompanied refugee children. When tracing fails, mechanisms should be devised to allow the adoption of refugee children as much as possible. When **children are allowed to be adopted by citizens**, they should **be given the opportunity to choose their nationality by majority in accordance with national legislation**.
- ▶ African refugees and IDPs should be accorded the same treatment as other persons from other parts of the world in accordance with the norms and principles of international law.



ASANTE SANA  
MERCI Beaucoup  
THANK YOU

**Gonzague Patrick H, BALAGIZI**

**African Union Mission in Burundi  
Senior Political Officer**

e-mail: [BalagiziG@africa-union.org](mailto:BalagiziG@africa-union.org)

**+257 75513930**