

African Union, African Regional Bodies

Recommendation on the African Union theme for the year 2019: the year of refugees, returnees and internally displaced persons

Legislation as at 17 May 2019

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Recommendation on the African Union theme for the year 2019: the year of refugees, returnees and internally displaced persons

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African Union

Recommendation on the African Union theme for the year 2019: the year of refugees, returnees and internally displaced persons

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Commenced

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THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament to ensure the full participation of the people of Africa in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

WELCOMING the theme of the African Union for the year 2019, "*The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa*", which is a clear commitment to effectively address the issue of refugees, returnees and internally displaced persons in Africa;

RECALLING the Final Communiqué from its workshops on the year of Refugees, Returnees and Internally Displaced Persons: Pan-African Parliament's Contribution towards finding durable solutions to forced displacement in Africa held during the March 2019 Committees' in Midrand, South Africa and in Tunis, Tunisia;

RECALLING ALSO all legal frameworks developed at the regional and international level to address the legal status, rights and obligations of refugees, including the 1951 Refugee Convention, the 1967 Protocol relating to the Status of Refugees, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 OAU Refugee Convention); the African Charter on Human and People's Rights, the African Charter on the Rights and Welfare of the Child; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and the Protocol relating to the Establishment of the Peace and Security Council of the African Union;

NOTING WITH CONCERN the lack of a comprehensive and overarching humanitarian policy framework in the continent to address the problems of refugees, returnees and internally displaced persons;

NOTING FURTHER that 2019 marks the 50th and 10th anniversaries of the adoption of the 1969 OAU Refugee Convention and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced in Africa (the Kampala Convention) respectively;

EXPRESSING DEEP CONCERN about large-scale and complex displacement, humanitarian crises and risks of statelessness that have affected African states for many years, owing to factors such as conflicts, discrimination, effects of climate change, human rights violations, inter-communal tensions, natural disasters, public health emergencies and socio-economic inequality and exclusion;

NOTING FURTHER WITH CONCERN that many situations of displacement have become protracted with no durable solutions in sight;

REAFFIRMING the continued importance of the 1969 OAU Refugee Convention, which, anchored in the African culture of hospitality and solidarity, constitute a pan-African solution to the crisis of refugees on the continent and plays a crucial role in contemporary refugee challenges, by supporting the implementation of the Global Compact on Refugees and Migration;

REITERATING the central and primary role and responsibility of the State in addressing root causes and finding durable solutions to forced displacement, humanitarian crises and situations of statelessness and recognized that effective responses and solutions depend on a fully capable State, ensuring that people remain at the center of development and humanitarian interventions, in line with the principle of leaving no one behind;

ACKNOWLEDGING with pride and satisfaction the solidarity shown by Member States and their citizens towards refugees, internally displaced persons and stateless persons in Africa in the spirit of pan-Africanism and humanitarian solidarity;

FULLY RECOGNIZING the importance of international and regional collaboration and cooperation towards finding permanent solutions to forced displacement as to realize the aspirations of Agenda 2063: the Africa We Want and the United Nations Sustainable Development Goals.

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, advice make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RECOMMENDS THAT:

I. In the area of preventing forced displacement by addressing its root causes:

- (i) Member States put the concerns of refugees, internally displaced persons and stateless persons on the agendas of the African Union Peace and Security Council, Regional Economic Communities and relevant organs;
- (ii) AU Member States strengthen comprehensive mediation, peace building and conflict resolution mechanisms, including the full participation of women in all peacebuilding activities and processes, to pursue national reconciliation through the African Peace and Security Architecture, to strengthen Africa's peacekeeping and enforcement capabilities and collaboration with the United Nations system;
- (iii) Member States establish and/or fully implement monitoring and early warning systems as important tools of prevention, early warning and early response to humanitarian crises, and emphasize the importance of considering gender differentiated experiences within these systems at all times;
- (iv) AU Member States promote cross-border cooperation for the resolution of disputes and to promote integrated cross-border security governance and socio-economic development;
- (v) AU Member States promote democracy and popular participation in order to address the root causes of political discontent and disaffection; and

II. In the area of the ratification, domestication and implementation of the 1969 OAU Refugee Convention and the Kampala Convention:

- (i) AU Member States sign, ratify, domesticate and or implement the 1969 OAU Refugee Convention and the Kampala Convention in 2019, in honor of the African Union's Year of Refugees, Returnees and Internally Displaced Persons;
- (ii) Host countries follow a humanitarian approach in their treatment of refugees, returnees and internally displaced persons, including by eradicating encampment policies and making allowance for education and employment of the forcedly displaced; and
- (iii) AU Member States that have already ratified the two treaties to fully incorporate them into domestic law and policy, to allow for their effective implementation at the national and local levels, taking into account relevant policy tools and frameworks such as the African Union's Model Law on the Kampala Convention.

III. In the area of strengthening assistance to, protection of, and solidarity with refugees, internally displaced persons and stateless persons:

- (i) Member States strengthen protection and assistance mechanisms at the national level in line with relevant regional instruments and policy frameworks, including the 1969 OAU Refugee Convention and the Kampala Convention for the determination of refugee status, for the registration of internally displaced persons and for the registration of births amongst other mechanisms;
- (ii) AU Member States protect and promote the human rights of refugees, internally displaced persons and stateless persons, as enshrined in regional and international legal instruments, including but not limited to the 1969 OAU Refugee Convention, the Kampala Convention, the African Charter on Human and Peoples' Rights, including its Protocol on the rights of women in Africa and the African Charter on the Rights and Welfare of the Child; and
- (iii) AU Member States employ an inclusive approach and foster the participation of women, refugees, internally displaced persons and persons at risk of statelessness in all decision-making processes affecting them.

Adopted at Midrand, Republic of South Africa on 17 May 2019