

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844
Website : www.africa-union.org

**EXECUTIVE COUNCIL
Ninth Ordinary Session
25 – 29 June, 2006
Banjul, THE GAMBIA**

EX/CL/259 (IX)

**REPORT OF THE MINISTERIAL CONFERENCE ON
REFUGEES, RETURNEES AND INTERNALLY
DISPLACED PERSONS IN AFRICA**

**REPORT OF THE MINISTERIAL CONFERENCE ON REFUGEES, RETURNEES
AND INTERNALLY DISPLACED PERSONS IN AFRICA**

Introductory note.

In accordance with the decision EX.CL/Dec. 179 (VI) of the Executive Council adopted in Abuja, Nigeria, in 2005, the African Union Commission organized a Ministerial Conference on Refugees, Returnees and Internally Displaced Persons, which took place from 1-2 June, 2006 in Ougadadougou, Burkina Faso. The Ministerial Conference was preceded by a meeting of Member States Experts which took place from 29 –30 May, 2006. The Theme of the Conference was “Protection and Assistance of Victims of Forced Displacement in Africa.

Thirty (30) Member States participated in the meeting as well as representatives of some United Nations Agencies such as UNHCR, WFP among others. Also in attendance were other international organizations such as ICRC and IOM. There were also representatives of African National Red Cross Societies and African Non-Governmental Organizations. Several African independent experts who had been involved in the elaboration of the various Concept Papers were also in attendance. Representatives of African refugees living in Burkina Faso also attended the Ministerial Conference.

The Conference reviewed the implementation of the 1998 Khartoum Ministerial Declaration, and also considered issue concerning access to assistance, the affirmation of the principle of voluntary repatriation in safety and dignity and measures to ensure its sustainability, maintenance of civilian and humanitarian character of refugee and IDP camps and settlement, promotion of inter-African resettlement as a protection and durable solution. The Conference also considered a Draft legal framework for the protection and assistance of IDPs in Africa and a policy on access to post-primary education as well as strategies for resource mobilization.

The Ministerial Conference agreed on the continuing need to address the problem of forced displacement with the objective of eliminating this phenomenon. They also called for a study on access to assistance for victims of forced displacement by the AU and also requested the development of guidelines to ensure that humanitarian concerns are incorporated in peace negotiations and agreements. The Ministers also highlighted the need for returnees and receiving local communities to be supported with opportunities for self-reliance. On voluntary repatriation in safety and dignity and ensuring its sustainability, the Ministers highlighted the need to ensure adequate funding and due consideration of cultural and environmental factors in planning appropriate projects.

Ministers also considered the issue of maintaining the civilian and humanitarian character of refugee and IDPs camps and areas populated by refugees and IDPs, and took note of the Experts' Recommendations and decided that relocation of camps far away from the border should be explored wherever possible in accordance with Article II of the 1969 OAU Convention governing the specific aspects of refugee problems in Africa. Ministers also agreed to promote inter-African resettlement, as a protection and durable solution.

Ministers also agreed on the need for a new initiative to mobilize resources in favour of African victims of forced displacement and to this end called for a special high level initiative under the leadership of the Current Chairperson of the AU and the Chairperson of the AU Commission to engage with major donors and other partners on this issue.

The Ministers took note of the Recommendations of the Experts' meeting on the draft policy on access to post-primary education and agreed that it should be further enriched in light the recommendations of the Experts' meeting and be submitted at the next Executive Council for consideration.

On the draft legal framework for the protection and assistance of IDPs, Ministers endorsed the recommendations of the Experts that it be submitted for consideration by Member States Legal Experts in time for its submission to the Executive Council at its January 2007 Session.

At the end of the Conference, the Ministers adopted the Report of the Ministers (AU/MIN/HARDP/Rpt), the Ouagadougou Declaration of the Ministerial Conference on Refugees, Returnees and Internally Displaced Persons in Africa (AU/MIN/HARDP/Decl.1) and took note of the Recommendations of the Experts' Meeting (AU/EXP/HARDP/Recomm.) and invited Member States to work out modalities to ensure implementation of same.

Annexes:

- | | | | |
|---|---|---|------------------|
| - | Report of the Ministerial Conference | - | Annex I |
| - | Ouagadougou Declaration | - | Annex II |
| - | Recommendations | - | Annex III |

EX/CL/259 (IX)
Annex I

REPORT OF THE MINISTERIAL CONFERENCE

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: +251-11-5517700 Fax: +251-11-5517844

Website: www.africa-union.org

**MINISTERS CONFERENCE
MINISTERIAL CONFERENCE ON REFUGEES,
RETURNEES AND DISPLACED PERSONS IN AFRICA
1 - 2 JUNE 2006
OUAGADOUGOU, BURKINA FASO**

AU/MIN/HARDP/Rpt

REPORT OF THE MINISTERIAL CONFERENCE

REPORT OF THE MINISTERIAL CONFERENCE

I. INTRODUCTION

1. In accordance with decision EX.CL/Dec.179(VI) by the Executive Council adopted in Abuja, Nigeria in 2005, the African Union Commission organized the Ministerial Conference on Refugees, Returnees and Internally Displaced Persons; which took place from 1 to 2 June 2006 in Ouagadougou Burkina Faso. This Conference was preceded by a meeting of Member States Experts which took place from 29 to 30 May 2006. The theme of the Conference was related to the Protection and Assistance of Victims of Forced Displacement in Africa.

2. The Conference focused on the plight of Refugees, Returnees and Internally Displaced Persons regarding the review of the outcome of the 1998 Khartoum Ministerial Declaration; Access to Assistance, Reaffirming the Principle of Voluntary Repatriation in Safety and Dignity and measures to ensure its sustainability; Maintaining the Civilian and Humanitarian character of Refugee and Internally Displaced Persons (IDPs) camps and settlement; Promoting Intra-African Resettlement; Elaboration of a Draft Legal Frame Work for the Protection and Assistance of IDPs in Africa; Policy on Post Primary Education as well as Strategies for Resource Mobilization.

3. The Ministerial Conference was attended by the following countries:

People's Democratic Republic of Algeria, Republic of Angola, Republic of Benin, Republic of Botswana, Burkina Faso, Republic of Burundi, Republic of Chad, Republic of Congo , Arab Republic of Egypt, Republic of Gabon, Republic of Ghana, Republic of Kenya, Kingdom of Lesotho, Great Socialist People's Libyan Arab Jamahiriya , Republic of Malawi, Republic of Mali, Republic of Namibia, Republic of Niger, Federal Republic of Nigeria, Sahrawi Arab Democratic Republic, Republic of Senegal, Republic of Sierra Leone, Republic of South Africa, Republic of Sudan, Kingdom of Swaziland, United Republic of Tanzania, Republic of Tunisia, Republic of Uganda, Republic of Zambia and Republic of Zimbabwe.

II. OPENING CEREMONY

4. In her welcoming remarks, the Commissioner for Political Affairs, H.E. Mrs. Julia Dolly Joiner thanked Burkina Faso for hosting the Ministerial Conference and welcomed all Ministers and Government Representatives to the AU Conference. She also thanked the AU Partners and the Independent Experts for their constructive contributions in the preparations of the different concept papers and working documents on the agenda items. She further thanked the Government Experts for their detailed deliberations and pertinent recommendations which enriched the working documents.

5. The Commissioner highlighted positive political developments on the continent and stated that they provided an opportunity for voluntary repatriation of victims of forced displacement to their area of origin. One such process is the case of the return

of Sudanese refugees to South Sudan, which the AU Commission supported with a modest contribution of USD 100,000.00 to the UNHCR in support of girls education programme for returning Sudanese. She informed that the Commission is supportive of such operations which are being undertaken in other countries where conducive conditions exist for repatriation, but noted however that such exercises are hampered by inadequate funding.

6. She urged Member States to continue taking responsibility in the search for a durable solution for the over 18 million refugees and IDPs who are still in need of protection and assistance on the continent. To this end, she reaffirmed the AU's commitment in support of the Member States obligations to achieve this goal in cooperation with its operating partners and donors. The Welcome remarks are attached as Annex 1.

7. The UNHCR Representative Ms. Marie-Christine Bocoum informed the conference on the different repatriation exercises that are taking place in Africa including the Sudan, Liberia, Angola and Burundi among others and underlined the need for international support with resources to make these exercises sustainable. She also highlighted the need to create a nexus between emergency relief assistance and development in countries coming out of conflict with the support of the Regional Economic Communities and development partners. The UNHCR Representative raised concern over the current refugee situations including the situation of Sudanese refugees and IDPs from Darfur, northern Uganda and refugees from DRC among others, some of whom are victims of abductions, abuses, and even subject to recruitment into illegal armed activities. She welcomed the different topics that will be deliberated on by the Ministerial Conference as they will result in concrete recommendations to tackle issues of forced displacement in Africa and concluded by calling upon Member States and other concerned partners to work in a harmonised manner. The statement is attached as **Annex 2**.

8. A Representative of an African Non Governmental Organization, Mr. Cecile Kpenou highlighted the important role of African Organizations in dealing with victims of forced displacement in Africa and highlighted the fact that in most cases, they are the first on the scene of humanitarian crisis and remain in the front line during and after the emergency phase operations. He urged Member States and other donors to channel financial contribution to these organizations in order to reinforce their capacity to implement protection and assistance programmes to Africa's displaced populations. The Remarks are attached as **Annex 3**.

9. The Minister of Local Government and Decentralization of Burkina Faso, Honourable Clement Sawadogo welcomed the Ministerial Conference on Refugees, Returnees and Internally Displaced Persons in Ouagadougou, Burkina Faso and highlighted the magnitude of the plight of victims of forced displacement and the lack of adequate resources to tackle their problems. In this respect, he urged the conference to focus on the search for concrete and innovative ways and means of addressing the problems of victims of forced displacement in Africa. The Minister concluded by wishing the Conference successful deliberations and declared the Ouagadougou 2006 Ministerial Conference officially opened. The Statement is attached as **Annex 4**.

III. ELECTION OF THE BUREAU

10. After consultations, the Conference elected the following members of the Bureau:

Chair	-	Burkina Faso
1 st Vice Chair	-	Zambia
2 nd Vice Chair	-	Egypt
3 rd Vice Chair	-	Congo
Rapporteur	-	Kenya

IV. ADOPTION OF THE DRAFT AGENDA

11. The agenda attached as **Annex 5** was adopted as presented

V. ORGANIZATION OF WORK

12. The Conference adopted the following working hours:

Morning	-	10:00hrs – 13:00 hrs
Afternoon	-	15:00 hrs – 19:00hrs

13. The following Member States participated in the Experts Meeting:

People's Democratic Republic of Algeria, Republic of Angola, Republic of Benin, Republic of Botswana, Burkina Faso, Republic of Burundi, Republic of Chad, Republic of Congo , Arab Republic of Egypt, Republic of Gabon, Republic of Ghana, Republic of Kenya, Kingdom of Lesotho, Great Socialist People's Libyan Arab Jamahiriya , Republic of Malawi, Republic of Mali, Republic of Namibia, Republic of Niger, Federal Republic of Nigeria, Sahrawi Arab Democratic Republic, Republic of Sierra Leone, Republic of South Africa, Republic of Sudan, Kingdom of Swaziland, United Republic of Tanzania, Republic of Uganda, Republic of Zambia and Republic of Zimbabwe.

14. The meeting, with the theme *"Protecting and Assisting victims of forced displacement in Africa"* considered the Review of the Outcome of the 1998 Khartoum Declaration; Access to Assistance; Reaffirmation of the Principle of Voluntary Repatriation in Safety and Dignity and Identification of Measures to ensure its sustainability; Strengthening Refugee Protection under the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa, in particular, Maintaining the civilian and humanitarian character of refugee camps and promoting inter-Africa resettlement - Review of the Benin and Burkina Faso Experience. The meeting also considered the annotated outline of a Draft Legal Framework for the protection and assistance of internally displaced persons in Africa and the Draft Policy on Access to Post-Primary Education for victims of forced displacement in Africa, as well as the formulation of a strategy for resource mobilization for victims of forced displacement in Africa.

Agenda Item 5 : Consideration of the Report and Recommendations of the Experts Meeting (Doc. AU/EXP/HARDP/Recomm

15. The report was introduced by the Rapporteur (Republic of Kenya) who highlighted the key elements of the Experts Meeting Report, and informed the Ministers that the deliberations had been held in a cordial and frank atmosphere. In his summary he highlighted that the meeting had been guided by the desire to find new innovative solutions to the challenges posed by forced displacement on the continent. He informed the Ministers that the meeting under the theme 'Protecting and Assisting Victims of Forced Displacement in Africa' considered the Review of the Outcome of the 1998 Khartoum Declaration; Access to Assistance; Reaffirmation of the Principle of Voluntary Repatriation in Safety and Dignity and Identification of Measures to ensure its sustainability; Strengthening Refugee Protection under the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa, in particular, Maintaining the civilian and humanitarian character of refugee camps and promoting inter-Africa resettlement - Review of the Benin and Burkina Faso Experience. The meeting also considered the annotated outline of a Draft Legal Framework for the protection and assistance of internally displaced persons in Africa and the Draft Policy on Access to Post-Primary Education for victims of forced displacement in Africa, as well as the formulation of a strategy for resource mobilization for victims of forced displacement in Africa.

Review of implementation of the 1998 Khartoum Declaration

16. Ministers were informed that the Experts Meeting had reviewed progress made in the implementation of the 1998 Khartoum Declaration, in particular in the area of addressing root causes of forced displacement, implementing regional and international refugee instruments, strengthening refugee protection in Africa, durable solutions, consolidating reintegration processes, assistance, building Africa's capacity to respond to situations of forced displacement on the continent. It was noted that Member States had continued to fulfil their obligations despite limited resources and support from the international community. The meeting noted that AU Partners had continued to provide humanitarian assistance to African victims of forced displacement despite the phenomenon of donor fatigue. The Experts also noted the urgent need to strengthen the human and financial capacity of the Division of Humanitarian Affairs, Refugees and Displaced Persons, so that the Commission could fulfil its ever expanding mandate in addressing issues of forced displacement in Africa. Experts strongly felt that Member States should address the root causes of forced displacement on the continent as a lasting solution to the problem. The Rapporteur informed the meeting that a number of important recommendations had been made by the Experts including but not limited to the call for a Special Summit of Heads of State and Government in 2008; regular Ministerial Conferences every two years; regular country reports by the AU with the cooperation of Member States in the spirit of Article VII of the 1969 OAU Refugee Convention; the need for the streamlining of forced displacement issues in the agenda of the RECs.

In the ensuing debate of the review of the implementation of the 1998 Khartoum, Ministers observed that there was a continuing need to address the problem of forced displacement with the objective of eradicating this phenomena.

Access to Assistance for Refugees, Returnees and Internally Displaced Persons

17. The Experts considered the difficulties faced by victims of forced displacement in accessing basic services including security, legal status (birth certificates, Identity cards, travel documents etc.). The Experts agreed on the need for equal and non-discriminatory access to socio-economic services essential for basic subsistence. The Experts also considered the international humanitarian law basis of the right of the victims of forced displacement to assistance and the need for Member States to adopt national policies that promote self-reliance. Following extensive deliberations, the Experts agreed on the need for a continent-wide study on access to assistance and the preparation of guidelines to ensure that humanitarian concerns are reflected in peace agreements; adequate planning prior to voluntary repatriation; programmes to enhance self-reliance through micro-finance and temporary access to land; the need for the international community to honour its pledges in support of post conflict reconstruction and development and the need for Member States and the African Union to continue to advocate for unlimited access to appropriate, timely and adequate humanitarian assistance.

Ministers observed the need to carry out a study on access to assistance and at the same time calling on the AU to develop guidelines to ensure that humanitarian concerns are reflected in peace agreements. Ministers also highlighted the need for returnees and receiving local communities to be supported with opportunities for self-reliance.

Reaffirming the principle of voluntary repatriation in safety and dignity and identifying measures to ensure its sustainability

18. During the consideration of this item, Experts highlighted the importance of ensuring that voluntary repatriation is carried out in accordance with the standards contained in regional and international instruments. Following a spirited debate, the Experts agreed that there was a link between the respect of international law, peace and security and successful voluntary repatriation and integration; need for inter-departmental cooperation to ensure successful post conflict reconstruction and development (PCRD); support for returnees and receiving local communities; liase with the UN Peace-building Commission and other relevant actors in developing appropriate projects. There was a specific call on the African Union to take necessary steps to consult with the African Development Bank and the World Bank to convene a meeting to deal with funding needs for PCRD.

After taking note of the Experts' recommendations Ministers highlighted the need to take into account cultural and environmental elements in the planning of projects for victims of forced displacement

Strengthening Refugee Protection under the 1969 OAU Refugee Convention

i) **Maintaining the civilian and humanitarian character of Refugee Camps**

19. Experts noted that this problem has affected a number of African countries in the past and at present. It has been a problem in the Republic of Angola, Republic of

Burundi, the Democratic Republic of Congo, the Republic of Cote d'Ivoire, Republic of Guinea, Republic of Sierra Leone, Republic of Liberia and the Republic of Mozambique among others. The presence of armed elements in refugee camps or refugee populated areas poses a serious threat to the security of hosting countries and in some situations endangers the physical security of victims of forced displacement. Member States Experts emphasized the responsibility of States to ensure that the civilian and humanitarian character of refugee camps is maintained. Experts were agreed on the need for comprehensive rules at the continental level to govern the separation of armed elements from refugee and IDP camps and other refugee populated areas; the need for the relocation of camps at a reasonable distance; elaboration of a regime of State responsibility; protection of children against recruitment into armed forces in accordance with the African Charter on the Rights and Welfare of the Child. The need for humanitarian agencies and the international community to assist in addressing these issues. Member States Experts also called for the adoption of national legislation or policies to ensure the civilian and humanitarian character of refugee camps.

Ministers took note of the Experts' recommendation and decided that the relocation of camps far away from the border should be explored wherever possible in accordance with Article II of the 1969 OAU Convention.

ii) **Promoting Inter-African Resettlement – Review of the Benin and Burkina Experience**

20. The Rapporteur informed the Ministers that the representatives of Benin and Burkina Faso had provided a very informative briefing on their experience in promoting resettlement within African with the assistance of UNHCR, IOM and other partners. During the discussion that ensued, Experts recognized the need for adequate planning, proper identification of beneficiaries for resettlement and in this regards, noted UNHCR and IOM's experience could be useful in informing African efforts in promoting inter-African resettlement. Based on the experience of Benin and Burkina Faso, the Experts agreed that the promotion of inter-African resettlement as a protection tool and a durable solution should be prioritised by the AU and Member States in consultation with relevant partners; need for feasibility study taking into account socio-economic aspects and legal protection considerations in potential host countries; careful determination of potential beneficiaries and the involvement of refugees in resettlement planning and the development of an appropriate follow-up mechanism to ensure that resettled refugees in Africa and elsewhere are treated with respect and dignity.

Having taken note of the Experts' recommendations, Ministers emphasised the need for a careful determination of potential beneficiaries of inter-African resettlement taking into account the experience of organizations like UNHCR and IOM, among others.

Annotated outline of a draft legal framework for the protection and assistance of Internally Displaced Persons in Africa.

21. The Experts welcomed the AU's efforts in developing this legal framework under the guidance of African independent experts and in consultation with relevant

partners. Recognizing the importance of the early conclusion of this legal framework in light of the ever-growing unmet protection and assistance needs of IDPs, they agreed to submit it for consideration by AU Member States Legal Experts in time for a draft convention to be presented to the January 2007 Summit.

Ministers took note of the Experts' recommendations and decided that the Draft Legal Framework should also be shared with AU partners for their contributions at the appropriate instance in the process of developing it.

Draft Policy on access to Post-Primary Education

22. The meeting noted the urgent need for improved access to post-primary education through the collective efforts of individual Member States, the AU, African stakeholders and international partners. A number of specific strategies were agreed upon including preferred access to public institutions of learning, non-discrimination of refugees and IDPs and the need to undertake country specific studies to access Member States practices in the provision of post-primary education to victims of forced displacement. The Experts agreed that the Draft Policy should be enriched and submitted for consideration at the next Executive Council meeting.

The Ministers took note of the recommendations of the Experts' meeting.

Strategy for resource mobilization

23. Experts recognized the funding gap in meeting humanitarian needs in Africa and that there was a need for Member States, in conjunction with the international community to develop a comprehensive and integrated approach to meet these needs. The meeting was conscious of the phenomenon of donor fatigue characterised by diminishing resources availed to Africa. It was agreed that innovative ways of resource mobilisation for victims of forced displacement and local host communities be identified; the over-arching need to tackle the root causes of displacement; empowering refugees and IDPs through micro-finance projects and enhancing their access to land where appropriate and also the need for donors to honour pledged made at various meetings.

Having taken note of the recommendations of the Experts' meeting, Ministers called for a special high level initiative under the leadership of the current Chairperson of the Assembly of Heads of State and Government and the Chairperson of the AU Commission to engage major donors on the much needed resources to maintain adequate standards of assistance for refugees, internally displaced persons as well as for sustainable return and reintegration.

VI. ADOPTION OF THE REPORT, RECOMMENDATIONS AND DECLARATION

24. Following extensive discussions, Ministers took note of the Report (AU/EXP/HARDP/Rpt) as presented by the Rapporteur made specific observations to enrich it.

25. The Ministers also considered the recommendations of the Experts Meeting and commended them for implementation by Member States.

VII. CLOSING CEREMONY

26. The Ministerial Conference Reviewed and approved its Report and the Ouagadougou Declaration on Refugees, Returnees and Internally Displaced Persons in Africa. The Ministers took note of the Recommendations of the Experts' meeting and commended them to Member States for implementation.

27. The Minister of the Republic of Burundi moved a motion of thanks on behalf of participating Member States. She noted the outstanding facilities and organization that accompanied the Ministerial Conference and stated that this was consistent with the legendary hospitality of the people of Burkina Faso. The Minister commended the African Union Commission for well prepared documentation and appreciated the efforts of Member States Experts and the input of key partners such as UNHCR, WFP and IOM among others in making the meeting a success.

28. The Minister of the Republic of Congo presented the highlights of the Ministerial Declaration and Recommendations of the Expert's meeting to the Conference. She called on the AU Commission to expeditiously implement the recommendations of the meeting.

29. The Commissioner for Political Affairs in her closing remarks also thanked Burkina Faso and its people for the outstanding hospitality extended to participants which a successful meeting. She also informed the Conference the readiness of the Commission to work vigorously in implementing the programmes and activities foreseen in the Experts' Recommendations and the Ministerial Declaration.

30. The Chairperson of the Ministerial Conference, the Minister of Local Government and Decentralization of Burkina Faso made some closing remarks in which he stated that the meeting had been testimony to African efforts at finding common solutions to common challenges. He called upon Member States in concert with the AU and partners to ensure speedy implementation of the recommendations of the Experts' meeting.

Annex II

**OUAGADOUGOU DECLARATION OF THE MINISTERIAL MEETING ON
REFUGEES, RETURNEES AND INTERNALLY DISPLACED
PERSONS IN AFRICA**

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: +251-11-5517700 Fax: +251-11-5517844

Website: www.africa-union.org

**MINISTERS CONFERENCE
MINISTERIAL CONFERENCE ON REFUGEES,
RETURNEES AND DISPLACED PERSONS IN AFRICA
29 - 30 MAY 2006
OUAGADOUGOU, BURKINA FASO**

AU/MIN/HARDP/Decl.I

**OUAGADOUGOU DECLARATION OF THE MINISTERIAL
MEETING ON REFUGEES, RETURNEES AND
INTERNALLY DISPLACED PERSONS
IN AFRICA**

**OUAGADOUGOU DECLARATION OF THE MINISTERIAL MEETING ON
REFUGEES, RETURNEES AND INTERNALLY DISPLACED
PERSONS IN AFRICA**

We, Ministers representing Member States of the African Union in a Conference in Ouagadougou, Burkina Faso from 1 to 2 June, 2006 to deliberate on the protection and assistance of victims of forced displacement, namely refugees, returnees and internally displaced persons in our continent;

Recalling Decision EX.CL/Dec.179 (VI) adopted by the Executive Council in Abuja Nigeria in January 2005, requesting the African Union Commission to convene a Ministerial Conference on Refugees, Returnees and Internally Displaced Persons in 2006;

Noting that since the last Ministerial meeting held in Khartoum, the Sudan in 1998, there has been continuing efforts by African Union Member States in providing for victims of forced displacement in Africa with the necessary protection and assistance;

Concerned about the persisting root causes of forced displacement, including natural and man made disasters, which African Countries are confronted with.

Acknowledging the great steps taken towards finding durable solutions to some long standing conflict situations on the continent which had generated millions of refugees and internally displaced persons as evidenced in the signing of peace agreements in some countries, which have raised hopes of the return of refugees and internally displaced persons;

Aware of the legal vacuum gap in the protection and assistance of internally displaced persons in Africa as a result of the absence of a binding legal regime make provision for the same;

Recognising the need to promote inter-African resettlement in the search for durable solutions to refugee problems in Africa, as an expression of African solidarity and responsibility sharing;

Noting with concern the trend of refugees and IDPs returning home without much assistance and to places without adequate facilities or infrastructure due to lack of adequate funding;

Considering that the majority of the victims of forced displacement in Africa are women and children who bear the burden and the consequences of conflicts without much support and assistance;

Recognising the need for appropriate prevention and response strategies to protect women and children against sexual and gender-based violence;

Deeply concerned about the dangers that confront refugees and IDPs, in particular the threats to their physical security, security of camps and areas populated

by victims of forced displacement where the civilian and humanitarian character of such camps or areas is not respected;

Noting with deep concern that victims of forced displacement in Africa continue to suffer from inadequate assistance including unmet basic needs and access to post primary education due to diminishing commitment to providing humanitarian assistance;

Recalling further Executive Council decision EX/CL/Dec.127(V) adopted in July 2004 in Addis Ababa, Ethiopia requesting the Commission to ensure that Internally Displaced Persons are Provided with an appropriate legal framework to ensure their adequate protection and assistance;

Re-affirming the responsibility of States to provide protection and assistance to victims of forced displacement;

WE HEREBY;

Express gratitude to Member States that in the spirit of solidarity and burden sharing have steadfastly offered asylum to protracted cases of victims of forced displacement in their territories;

Note with satisfaction of the work of the PRC Sub-Committee on Refugees and the AU Commission in assessing, monitoring, facilitating and advocating for the protection and assistance of victims of forced displacement in Africa;

Express appreciation for the efforts made by the international community to support concerned Member States with their obligations towards meeting the basic needs of victims of forced displacement, while noting however that despite the generous contributions, such assistance falls short of the needs of victims of forced displacement in Africa;

Applaud Member States that have offered inter-African resettlement to refugees and request those in a position to do to consider receiving eligible African refugees for resettlement;

Urged Member States to maintain the civilian and humanitarian character of refugees and IDPs camps and settlement, while ensuring the security of the victims of forced displacement and the humanitarian workers that provide protection and assistance services to them;

Commends the work done by humanitarian organizations and the humanitarian workers some of whom operate in the most remote and insecure areas providing assistance to victims of forced displacement in Africa, in particular AU partners UNHCR, WFP, IOM and ICRC, African and other international non-governmental organisations;

Calls upon the AU Commission, in consultation with other organs of the AU and African Civil Society and Non-governmental Organizations to formulate appropriate strategies to ensure the dissemination and implementation of the

Ouagadougou Declaration on Refugees, Returnees and Internally Displaced Persons;

Commend the African Union Commission for well prepared documentation and appreciate the efforts of Member States Experts whose deliberations have greatly enriched the deliberations of this Conference;

Invite Member States to work out modalities to ensure implementation of the recommendations adopted by the Ouagadougou Conference, and

Call for a Special Summit of Heads of States and Government to be convened mid 2008 to address forced displacement issues on the continent and allow an opportunity for consideration for Member States to tackle the root causes of the problem of forced displacement in order to eradicate this phenomenon;

Request the AU Commission in consultation with UNHCR, WFP, and members of the Coordinating Committee on Assistance and Protection for Refugees, Returnees and Internally Displaced Persons, where appropriate, to assist Member States in the implementation of these recommendations and to report to the Special Summit on Refugees, Returnees and Internally Displaced Persons scheduled for 2008.

OUAGADOUGOU, BURKINA FASO, 2 JUNE 2006

Annex III

RECOMMENDATIONS

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: +251-11-5517700 Fax: +251-11-5517844

Website: www.africa-union.org

**EXPERTS' MEETING
MINISTERIAL CONFERENCE ON REFUGEES,
RETURNEES AND DISPLACED PERSONS IN AFRICA
29 - 30 MAY 2006
OUAGADOUGOU, BURKINA FASO**

AU/EXP/HARDP/Recomm.

RECOMMENDATIONS

RECOMMENDATIONS

During the detailed and rich deliberations by the Member States Experts, the following recommendations were made:

I. On the Review of the outcome of the 1998 Khartoum Ministerial Declaration on Refugees, Returnees and Displaced Persons, the meeting recommended that :

- a) A Special Summit of Heads of States and Government be convened mid in 2008 to address forced displacement issues on the continent. This will allow an opportunity for consideration for Member States to tackle the root causes of the problem of forced displacement in order to eradicate this phenomenon, of these very important matters at the highest level since Africa hosts the largest number of victims of forced displacement in the world;
- b) Ministerial Conferences be held every two years to ensure close monitoring of the implementation of the recommendations, declarations and resolutions adopted;
- c) The AU Commission should conduct regular country specific assessments to and of all Member States and report to the Executive Council on a country by country basis on the situation of victims of forced displacement;
- d) The RECs be encouraged to work closely with other partners involved in humanitarian issues within their region as well as incorporate issues of forced displacement in their annual agenda and reports;
- e) The capacity of the Division of Humanitarian Affairs, Refugees, Returnees and Displaced Persons be increased to adequately engage with concerned Member States and other humanitarian actors on issues of forced displacement in Africa.

II. On the question of Access to Assistance for Refugees, Returnees and Internally Displaced Persons (IDPs) in Africa, the meeting recommended that:

- a) The AU conducts a study within two years, on access to assistance and develop standard guidelines for the protection and assistance of victims of forced displacement.
- b) The AU based on best practices also conducts a study in order to develop standard guidelines on humanitarian requirements of victims of forced displacement that should be incorporated in peace negotiations and peace agreements;
- c) Adequate planning be made before repatriation exercises begin to ensure adequate conditions are established in areas/countries of origin for successful return;

- d) Returnees and receiving local communities be supported with opportunities for self-reliance;
- e) Appropriate and adequate programmes be implemented to encourage and provide opportunities for self-reliance and restoration of dignity for the displaced such as micro-finances, temporary access to land for food productivity;
- f) The international community should meet its obligations in full regarding pledges and commitments made to support post-conflict/disaster recovery;
- g) Member States and the African Union to continue advocating for unlimited access to appropriate, timely and adequate humanitarian assistance.

III. On reaffirming the principle of voluntary repatriation in safety and dignity and identifying measures to ensure its sustainability, the meeting recommended that:

- a) The nexus between the respect of international law, peace and security on one hand and repatriation and reintegration on the other in the promotion of peace, security and stability on the continent should be highlighted including in the joint programming between the Departments of Political Affairs and Peace and Security;
- b) Areas of return should not only be restored to their previous status quo, prior to the flight, but rather, be completely improved, to increase their absorptive capacity;
- c) Delivery of humanitarian assistance be in a development-oriented manner rather than following a continuum from relief, rehabilitation, reconstruction and development;
- d) Adequate planning be made before repatriation exercises begin to ensure adequate conditions are established in areas/countries of origin for successful return;
- e) Returnees and receiving local communities be supported with opportunities for self-reliance;
- f) To include peace building, cultural and environmental elements in the various projects for victims of forced displacement;
- g) The African Union takes the necessary steps to consult with, the African Development Bank and the World Bank to convene a meeting as early as in 2007 with a view to look at how the international community could support their funding mechanisms so as to address post conflict reconstruction and development issues in all African Countries that are recovering from conflict.

IV. On the principle of maintaining the civilian and humanitarian character of camps and settlements for victims of forced displacement, the meeting recommended that:

- a) comprehensive rules at the continental level with regards to the separation of armed elements from refugee and IDP camps and refugee populated areas be developed by the African Union as soon as possible;
- a) Refugees be relocated wherever possible, far away from the border for security reasons by AU Member States in accordance with Article 2 of the OAU 1969 Convention governing the specific aspects of refugee problems in Africa;
- b) Member States be responsible and accountable to take necessary measures to separate armed elements upon arrival at the border and in the refugee and IDP camps, reorient them and eventually integrate them into the community and undertake to prohibit illegal cross border armed activities in particular prevent refugees and IDPs residing in their respective territories from attacking any Member State of the AU by any activity likely to cause tension between Member States in accordance with the spirit of Article 3 of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- c) Member States take necessary measures to protect children and youth from military recruitment in accordance with the African Charter on the Rights and Welfare of the Child and other relevant international legal instruments;
- d) International community to provide necessary resources to affected countries in order to find lasting solutions for disarmed elements. To this end, appropriate modalities should be established by AU and its donor partners allowing African Member States confronted with this situation to be considered for possible support under the AU Peace Fund in order to capacitate them in the fulfilment of their obligations
- e) Humanitarian agencies to assist affected countries with relevant expertise to address issues relating to separation of armed elements from refugee camps;
- f) Member States to adopt national legislation and take necessary measures to ensure the civilian and humanitarian character of refugee camps.

V. On Promoting Intra er-African Resettlement – review of the Benin and Burkina Faso Experience, the meeting recommended that:

- a) intra-African resettlement, as a protection tool and durable solution, should be actively promoted in Africa, as a matter of priority, in consultation with UNHCR, IOM and other relevant partners;
- b) In-depth feasibility study taking into account socio-economic aspects and legal protection considerations be conducted in potential hosting countries to ensure a successful resettlement;
- c) Special attention be paid to employment prospects and socio-economic activities aimed at self-sufficiency;
- d) Careful determination identification of deserved refugees in need of to be resettlement d as a durable solution due to lack of possibility for repatriation or integration in the country of asylum. In this respect, in-depth cases assessment should be made in accordance with the International standard and case profiling be made, particularly their profile should be considered to facilitate integration of refugees in the resettlement countries;
- e) refugees be involved in the planning of resettlement process and be informed on the situation of the resettlement countries prior to their departure to avoid expectation that African countries can only be considered as transit territories pending relocation to developed regions;
- f) Hosting governments and concerned stakeholders need to be provided with necessary resources to assist resettled refugees;
- g) Inter-African resettlement should focus on the protection needs of among others, groups of African refugees that have hitherto not been a priority in resettlement processing to 'traditional resettlement countries' outside the continent.
- h) Develop a follow-up mechanism to ensure that resettled refugees living in African Countries and outside the continent are treated with respect and dignity and earn a just living.

VI. On the Annotated out line of the Draft Legal Framework for the Protection and Assistance of Internally Displaced Persons in Africa, the meeting recommended that:

- a) Member States commit themselves to ensure protection and assistance of Internally Displaced Persons given their precarious situation;
- b) The annotated draft be sent to Member States Legal Experts for their detailed and expert consideration as soon as possible and in time to be tabled at the January 2007 Ordinary Summit. The Draft should also be shared with AU partners for their contributions;;

- c) Member States consider adopting National policies and/or legislations aimed at addressing the various aspects of internal displacement, in particular, taking into account the experiences of other African States which have adopted such National Policies and/or legislations;
- d) International community should provide necessary resources to the affected countries to ensure effective protection and assistance to Internally Displaced Persons in the spirit of solidarity and burden sharing.

VII. On the Draft Policy on Access to Post Primary Education for Victims of Forced Displacement in Africa, the meeting recommended that:

- a) Member States commitments be supported with an innovative elaborate creative and practical strategy for resource mobilization. including the following possibilities;
 - The private sector,
 - A percentage from the taxes paid by the tax paying institutions,
 - Debt swap,
 - International Companies to earn points based on the level of financial assistance provided,
- b) More resources be committed to the AU's humanitarian budget so as to cater for scholarships for Education at the post primary level for victims of forced displacement in Africa;
- c) Advocacy with Member States be made to get them to offer space for free education to at least one displaced person per course in the public institutions;
- d) Member States should ensure equal opportunity for all children including victims of forced displacement and in particular girls to access post primary education in Africa;
- e) Members States commit themselves to treat refugees as nationals, including standardization of school fees for refugees to that of nationals;
- f) The AU Commission should undertake country specific case studies especially those with victims of forced displacement, to find out what is in place and how it can be enhanced so as to facilitate access to post primary education;
- g) That the draft policy paper be strengthened by highlighting the social, economic and development rights as articulated in the African Charter on Human and People's Rights, and also taking into account the input of Experts;
- h). The Draft Policy be enriched and submitted for consideration and adoption at the next Executive Council Meeting.

VIII. On the Strategy for Resource Mobilization for Victims of Forced Displacement, in Africa, the meeting recommended that:

- a) Member State find innovative ways and means of mobilizing resources strategizing resource mobilization for victims of forced displacement including local host communities;
- b) Member States need to tackle the root causes of the problem of forced displacement in order to eradicate this phenomenon;
- c) Member states in cooperation with the humanitarian agencies, development partners and private sectors embark on micro-finance schemes, as a key strategy in empowering victims of forced displacement;
- d) International community including Member States to support post conflict reconstruction and development by increasing resources to ensure successful and sustainable voluntary repatriation and reintegration;
- e) Member States to call upon donors to honour pledges made at various meetings and fora;
- f) A special high level initiative under the leadership of the current Chairperson of the Assembly of Heads of State and Government and the Chairperson of the AU Commission engage major donors on the much needed resources to maintain adequate standard of assistance to refugees, internally displaced as well as sustainable return and the reintegration.

2006

Report of the ministerial conference on refugees, returnees and internally displaced persons in Africa

African Union

African Union

<http://archives.au.int/handle/123456789/4242>

Downloaded from African Union Common Repository