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Addis Ababa, Ethiopia P. O. Box 3243 Telephone: 5517 700 Fax: 5517844
Website: www.au.int

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**REPORT ON THE THEME OF THE YEAR 2019: “REFUGEES,
RETURNEES AND INTERNALLY DISPLACED PERSONS: TOWARDS
DURABLE SOLUTIONS TO FORCED DISPLACEMENT IN AFRICA**

INTRODUCTION

1. The year 2019 was declared: The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa.” During the 31st Ordinary Session of the AU Assembly held on 1-2 July 2018 in Nouakchott, Mauritania, the Heads of States and Government of the African Union adopted Decision AU/Dec.707(XXXI) declaring 2019 as **“The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”** and requested him to steer the planned activities for the Theme of the Year, and report on the implementation of this Decision during the 33rd Ordinary Session of the Assembly in February 2020 and requested him to steer the planned activities for the Theme of the Year, and report on the implementation of this Decision during the 33rd Ordinary Session of the Assembly in February 2020. This was a vivid recognition, by African leaders, of the profound challenges that forced displacement poses for the achievement of the seven aspirations of Agenda 2063-the Africa We Want and the seventeen sustainable development goals of the global 2030 agenda.

2. Agenda 2063-The Africa We Want-sets out a clear vision for our continent namely “an integrated, prosperous and peaceful Africa driven by its own citizens and representing a dynamic force in the international arena”. Agenda 2063 resonates well with the 2030 global agenda on sustainable development. Evidently, the seven aspirations of Agenda 2063 and the seventeen sustainable development goals (SDGs) may not be fully realised if the African continent does not address the challenges posed by humanitarian crises and forced displacement. Aspiration 3 of Agenda 2063 envisions “An Africa of good governance, democracy, respect for human rights, justice and the rule of law”. Aspiration 4 envisages ‘A Peaceful and Secure Africa’. Both aspirations 3 & 4 dovetail neatly into the sustainable development goal (SDG) No. 16, which aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.

3. During the same Summit, the Heads of State and Government appointed H.E. Teodoro Obiang Nguema Mbasogo, the President of Equatorial Guinea, as the Champion for the Theme of the Year. Subsequently, the February 2019 Summit adopted the Declaration (Assembly/AU/Decl.8(XXXII) on the Theme of the Year 2019 identifying key priorities for the implementation of this theme throughout the year. The implementation roadmap covers a broad range of priorities including (a) the 50th anniversary of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 10th Anniversary of the Kampala Convention; (b) Addressing root causes of forced displacement; (c) Finding durable solutions to forced displacement; (d) addressing the problem of statelessness; (e) mitigating the adverse effects of Natural Disasters and Climate Change; (f) promoting Education for Forcibly displaced persons; (g) Gender mainstreaming and youth empowerment; (h) Humanitarian financing; (i) global partnership and cooperation; and (j) operationalisation of the African Humanitarian Agency.

I. THE ROLE OF THE AU LEADER FOR THE THEME OF THE YEAR

4. The roadmap for the 2019 AU theme of the year was implemented under the guidance of H.E. Teodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea, as the AU Leader for the Theme of the Year 2019. The Leader played a central role in bringing regional and international visibility to the challenges of forced displacement in the continent. The Champion also carried out field visits to Ethiopia and Uganda. The two countries are the top refugee hosting countries in Africa. These visits served to highlight the magnitude of the humanitarian situation giving it African and international visibility, while highlighting and African Union efforts to find durable solutions to the problems of forced displacement in Africa, using the example of Uganda and Ethiopia which have a progressive refugee policies.

5. Given that the issue of addressing rootcauses is not a one-time event, it will be necessary for the Champion to be invited to continue to support these efforts, particularly linking the recommendations with the AU theme of 2020 on ***Silencing Guns: Creating Conducive Conditions For Africa's Development***. A detailed programme for the continued role of the Champion will be jointly developed in close coordination with the Champion and the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons.

II. THE AU NORMATIVE FRAMEWORKS

6. The implementation of the roadmap for the theme of the year took place with the context of AU normative frameworks, which include:

- a) The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa
- b) The 1981 African Charter on Human and Peoples' Rights which obligates state parties to protect and promote the rights of all persons including refugees, asylum seekers, returnees, IDPs and stateless persons ;
- c) The 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa;
- d) The 50th Solemn Declaration on Pan-Africanism and African Renaissance (2013) which outlines the vision of African states and peoples in addressing among others the structural causes of conflicts and supporting post-conflict reconstruction and development;
- e) The 2016 Common African Position on Humanitarian Effectiveness which consolidates the aspiration of Africans in strengthening humanitarian architecture at the global and regional level in order to make it fit for purpose in effectively humanitarian crisis in the continent.

7. The AU is not short of legal and policy frameworks. What is required is their faithful domestication and implementation. These and other AU and international Instruments provide the needed framework for addressing root causes and achieving durable solutions.

III. THE 50TH ANNIVERSARY OF THE OAU CONVENTION GOVERNING THE SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN AFRICA AND THE 10TH ANNIVERSARY OF THE KAMPALA CONVENTION;

a. The 1969 OAU Refugee Convention

8. In 2019 the AU and its Member States marked the 50th anniversary of the adoption of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (The OAU Refugee Convention).

9. The 1969 OAU Refugee Convention is a pioneering legal instrument which has served as a foundational regional legal framework for protection and assistance of refugees. The Convention broadens the definition of refugee, lays out a strong foundation for regional burden-sharing and provides basis for solutions including voluntary repatriation. The Convention incorporates adequate and comprehensive provisions dealing with protection and solutions for refugees in Africa. Its contemporary resonance and relevance in supporting the implementation of the Global Compact on Refugees is notable.

10. It is worth noting that the 1969 OAU Refugee Convention has been ratified by 46 Member States. Nine (9) AU Member States are yet to ratify this Convention. During the reporting period, no Member State ratified the OAU Refugee Convention.

b. 2009 AU Kampala Convention

11. 11. The Commission in collaboration with Member States, RECs and partners also commemorated the 10th anniversary of the Kampala Convention. The Convention is a groundbreaking legal instrument dealing with the problems of internal displacement. It is the first regional legal instrument on the protection of IDPs and incorporates provisions dealing with contemporary issues such as people displaced as a result of effects of climate change and development projects. Beyond the responsibilities of Member States, the Convention also lays out principles on roles and responsibilities applicable to non-state actors and private companies.

12. The 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons has been ratified by 29 Member States. Thirty (26) Member States are yet to ratify this Convention. During the reporting period, three (3) Member States ratified the Kampala Convention namely, Equatorial Guinea, Somalia and South Sudan. Somalia is yet to officially deposit its instruments of ratification.

IV. ADDRESSING ROOT CAUSES OF FORCED DISPLACEMENT

13. The most sustainable approach to addressing humanitarian crises on the continent is through durable solutions. Such solutions should facilitate voluntary return, resettlement and local integration of displaced persons. Fundamentally such solution should also go to the root of the structural factors for forced displacement in the first place. A four-pronged strategy is recommended as a guide for policy responses to forced displacement and humanitarian crises. The first relates to governance reforms aimed at, inter alia, institutionalizing the respect, promotion and protection of human and peoples' rights in conformity with the African Charter on Human and Peoples'

Rights. The second relates to establishment and/or strengthening of the national infrastructures for peace which assist Member States to prevent, manage and resolve conflicts amicably with a view to maintain peace, security and political stability. The third relates to putting in place policies and strategies that address major development challenges such as poverty, inequality, unemployment, marginalization and exclusion in the process of nation-building. Finally, Member States have to put in place policies and strategies that mitigate against the adverse effects of environmental degradation and climate change.

14. The main achievement of the Commission on this aspect is the convening of dialogue involving key stakeholders to exchange views on these structural drivers of forced displacement and other proximate root causes.

V. FINDING DURABLE SOLUTIONS TO FORCED DISPLACEMENT

15. Durable solutions for forcibly displaced persons is achieved when the following is secured: (a) reintegration at the place of origin or return in safety and dignity, (b) sustainable local integration in areas where refugees or internally displaced persons take refuge (local integration); or (c) sustainable integration in another part of the country or resettlement in another third country.

16. Several countries in the continent continue to host large numbers of refugees. These are among the top refugee hosting countries globally. The specific statistics per country are available. What is important to note is that despite their own development challenges, these countries continue to practice open refugee policies, offering opportunity for millions of refugees to find a place they can call home. This solidarity needs to be hailed and cooperation among member states strengthened to achieve the call for African solutions.

17. The traditional solutions to forced displacement mentioned above are not enough. There is a need as called for in the Common Africa Position on Humanitarian effectiveness to go beyond these and incorporated forced displacement issues in national development Plans.

18. To support these efforts, as a key outcome of the 2019 AU Theme of the Year, an index of durable solutions will be developed. Developing such a system will require the mapping of situations of forced displacement in the continent. Such a mapping would then serve to monitor and report of progress. The 10-year Humanitarian Plan 2016-2025, provides a good starting point in this regard.

19. Member States have the primary responsibility to coordinate humanitarian response in their jurisdictions. There is need for a scoping study to assess existing arrangements and policies on forced displacement in member states. Such an assessment will be critical in assessing gaps to initiating the needed capacity building measures to strengthen the role of States.

20. The efforts of the AU/UN/EU Tripartite Task Force are yielding the desired result with a significant number of returns achieved since its inauguration. The role played by the Government of Libya is very appreciated. At a strategic level, the Task

Force supported the voluntary return of some 48, 000 migrants to their country of origin and the humanitarian evacuation of more than 4, 000 refugees and asylum seekers.

21. Niger and Rwanda have shown exemplary solidarity by facilitating the humanitarian evacuation of stranded refugees and migrants from Libya. The African Union facilitated these processes particularly in the context of Rwanda by signing a tripartite Memorandum of Understanding with the Government of Rwanda and UNHCR. The Commission supported strategic coordination and undertook advocacy for broader regional solidarity.

22. While visiting a refugee camp in Assosa, Ethiopia, the Champion of the AU Theme of the Year, H.E. Teodoro Obiang Nguema Mbasogo, the President of Equatorial Guinea made an offer to a refugee family of seven (7) people to be resettled to Malabo. Arrangements are underway to facilitate this resettlement during the first quarter of 2020.

23. There is need for Africa to decisively address the longstanding protracted refugee situations. The continent has over 25 protracted refugee situations, the Saharawi situation of 40 years being the longest. The AU within its existing framework should also take measures to stop wars and other conflicts in the continent, including peace enforcement and post-conflict reconstruction and development of areas emerging out of conflict, as part of African solutions without external interference. A report on Children in forced displacement will be highlighted in close coordination with AU Expert Committee on Children.

VI. ADDRESSING THE PROBLEM OF STATELESSNESS

24. The Commission, working closely with the African Commission on Human and Peoples' Rights and other partners, has developed the Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Eradication of Statelessness and the Right to Nationality. The main purpose of the Protocol is three-pronged namely (a) to ensure respect for the right to a nationality in Africa; (b) to establish the obligations and responsibilities of states relative to the specific aspects of the right to a nationality in Africa and (c) to ensure that statelessness in Africa is totally eradicated. No African should be stateless in Africa. Statelessness and deprivation of a nationality constitute a breach of fundamental human rights. Statelessness prevents affected people from accessing basic rights and services, including full and meaningful participation in societal affairs. Ensuring that every African enjoys a right to a nationality and belongs to nation-state contributes to social cohesion and integration necessary for peace, stability and socio-economic development. The Protocol has been submitted to the Specialised Technical Committee on Justice and Legal Affairs to be considered in its next session in 2020.

VII. MITIGATING THE ADVERSE EFFECTS OF NATURAL DISASTERS AND CLIMATE CHANGE

25. During the reporting period, the Commission supported the field visit of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons to Malawi, Mozambique and Zimbabwe which were ravaged by the devastating effects of cyclone

idai. This supported was later extended to Madagascar and Comoros as a result of cyclone Kenneth.

26. Comoros experienced significant impact from Tropical Cyclone Kenneth. Flooding has occurred in high risk areas of the entire archipelago, mainly on the costal lines. Preliminary estimates indicate seven people have died and over 200 people were wounded. An estimated 45000 people were affected, and at least 20, 000 displaced (many of them are children). The number of displaced is likely to increase once a better indication of how many households have been destroyed is available¹. Almost 80 per cent of farms are destroyed, which will have a significant impact as agriculture is the main economic sector of the country.

VIII. PROMOTING EDUCATION FOR FORCIBLY DISPLACED PERSONS

27. During the reporting period, the Champion of the Theme of the Year, H.E. Teodoro Obiang Nguema Mbasogo, the President of Equatorial Guinea visited one of the refugee camps in Assosa, Ethiopia. The President made an offer of a modest seed money of USD50 000 for the construction of a primary school for refugees and the host community. Technical works towards the construction of the school is currently underway. In Uganda, the Champion visited a refugee settlement of Kiryandongo, hosting over 63,000 refugees, where refugees and nationals live together. The government of Uganda practices a progressive policy of integration which allows refugees and other categories of displaced population to access social services without discrimination.

IX. GENDER MAINSTREAMING AND YOUTH EMPOWERMENT.

28. During the reporting period, the Commission organized dialogue fora on the impact of forced displacement and humanitarian crisis on women and youth. This was done in recognition of the stark reality that women, children and young people are the hardest hit social groups in forced displacement situations. These fora held in Nairobi and Kampala highlighted the dire need to address the specific needs of these groups in all aspects of humanitarian action and to ensure that women and youth play their rightful roles in humanitarian response initiatives.

X. XI. HUMANITARIAN FINANCING.

29. Financing of humanitarian response still remains a major challenge. During the Inaugural Global Refugee Forum held in Geneva, Switzerland in December 2019, a year after the adoption of the Global Compact on Refugees, a total of 774 pledges and 418 good practices were submitted by state, international organizations, the private sector, sporting organizations and others. The African Union and its member states also made concrete pledges. The World Bank announced a new package of support under IDA 19 totaling 2.2 billion people. There urgent need for AU to put in place a stronger mechanisms for financing to ensure effective, predictable and timely response to crises. The Assembly Decision to increase assessed Member State contribution from 2% to 4 % remains to be implemented. It is also encouraging that the AU Peace Fund is being operationalized through three windows: (a) Mediation &

¹ UNICEF, COMOROS Humanitarian Situation Report 3 29 April 2019

Preventive Diplomacy; (b) Institutional Capacity; and (c) Peace Support Operations. Some resources from this fund will be earmarked for humanitarian action on the continent.

XI. GLOBAL PARTNERSHIP AND COOPERATION.

30. During the reporting period, a number of global high-level events were organized with full participation of the Commission and Member States. These include the First Global Refugee Forum, TICAD VII, Africa Dialogue Series and UNHCR Executive Committee, in which the Commission and Member States took part, with a view to promoting the objectives of the AU theme of the year and call for global solidarity and partnerships.

31. Several commitments were made by member states and International Partners at the Global Refugee Form which convened on 18 – 19 December 2019, in Geneva. At the meeting no common submissions by the AU Member States were made. There is need for AU Member States to continue to speak with one voice as called for by the Constitutive Act of the AU and the Common African Position on Humanitarian Effectiveness in Africa.

32. The international community also continued to take stock of the 20th anniversary of the United Nations Guiding Principles on Internal Displacement. In an effort to redouble efforts towards dealing with the structural root causes of internal displacement and find durable solutions, the United Nations Secretary General has established and launched the High-Level Panel on Internal Displacement to be co-chaired by Ms. Federica Mogherini (Italy) and Dr. Donald Kaberuka (Rwanda) and its advisory expert group. Despite these positive global efforts and commitments, the resource gap in support of humanitarian and development interventions in the continent has been a major source of concern. There is need for fair international burden sharing in tackling the issues of forced displacement in the continent.

XII. OPERATIONALISATION OF THE AFRICAN HUMANITARIAN AGENCY.

33. The African Union has developed a robust normative framework to address forced displacement in Africa, including the OAU Refugee Convention and the AU Kampala Convention. However, there still exists a yawning gap between norm-setting and norm-implementation. It is in light of this gap that the AU has taken a prudent decision to establish the African Humanitarian Agency (AfHA). During its ordinary session of January 2016, held in Addis Ababa, Ethiopia, the Heads of State and Government adopted decision Assembly/AU/Dec.604 (XXVI) on the Common African Position on Humanitarian Effectiveness.

34. The rationale for the Agency is premised on the 2016 Common African Position on Humanitarian Effectiveness in Africa. CAP articulates clearly the sentiment of the leaders as they agreed to establish the African Humanitarian Agency. The leaders recognized the imperative need for an appropriate continental architecture to effectively respond and coordinate humanitarian crises on the continent, as a basis for the AU's leadership role. They particularly noted that a lack of such a continental humanitarian framework has hindered effective humanitarian action. They also noted

that the global and continental humanitarian system is overstretched and require reform to it to be fit for purpose. They, therefore, endorsed and committed to appropriate reforms, and to be fully engaged in the process to create effective and efficient humanitarian architecture action on the continent. They concluded that to achieve this objective Africa needs to establish its own African Humanitarian Agency to advance the continental agenda on humanitarian action.

35. During the reporting period, a feasibility study has been completed and await validation by Member States during the first quarter of 2020. This will be followed by the presentation of the report to the STC on Migration, Refugees and Internally Displaced Persons and the relevant PRC Sub-Committees. The draft Statute of the Agency will also be submitted to the STC on Justice and Legal Affairs.

XIII. UNIMPLEMENTED ACTIVITIES CARRIED FORWARD IN 2020

36. Several planned activities including; a Continental Conference or Extra-Ordinary Summit on Forced Displacement in Africa, continental meeting on Mixed Migration (Cairo) and field assessment missions by the Champion could not be carried out in 2019. Given the close link between the AU theme for 2019 and 2020, the activities of the Champion will continue, as well as relevant to forced displacement including the operationalization of the African Humanitarian Agency in 2020, as a key pillar in these efforts.

XIV. MONITORING, EVALUATION AND REPORTING

37. The AU 2019 Theme of the Year on root causes and durable solutions was envisaged to have impact at mainly 4 (four) levels:

- Impact on root causes of forced displacement
- Impact on durable solutions of forced displacement
- Impact on the situation of displaced persons in terms reductions in numbers and humane treatment of displaced persons
- Impact on continental, regional and member state structures.

38. A results matrix will be developed within the context of AU Results Framework for the implementation of the plan of Action for Agenda 2063 to track progress. Given that it is the responsibility Member States to impact on these indices, a Dashboard covering all States and specific situations will be developed to reflect achievements being made, including within the specific targets of the 2030 Agenda, which have goals of reducing IDPs by half by 2020 and leaving no one behind and reaching the furthest by 2030.

39. It suffices to underscore two facts. First addressing root causes is a long-term endeavor and not an event. Therefore, some of the achievement will be reflect in the regional and national efforts aimed at addressing four deficits; namely the development, peace, governance and environmental deficits.

XV. CONCLUSION

40. As clearly illustrated in this report, the Commission, working with other AU Organs, other Departments and partners, as well as non-state actors, has successfully implemented the 2019 Declaration on the Theme of the Year, 2019. H.E. Teodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea, played a key role as the AU Leader for the Theme of the Year 2019. However, a number of challenges were encountered that constrained the full implementation of the roadmap. Firstly, resource constraints hindered effective execution of the implementation roadmap. Secondly, poor coordination of efforts towards delivering on the 2019 Theme of the Year by various organs of the AU posed a challenge. Thirdly, scale of the environmental degradation and climate induced natural disasters is overwhelming for the AU and RECs/RMs to respond effectively. Consequently, we have largely been reactive rather than pro-active in our approach. Fourthly, the intensity of intra-state violent conflicts continues to escalate forced displacement and the response by AU and RECs falls short of the magnitude of the problem. It is imperative, therefore, that the forced displacement and humanitarian agenda is taken on board during 2020: The Year of Silencing the Guns: Creating Conducive Conditions for Africa's Development.

41. To this end, the African Union Commission in collaboration with the Champion should continue efforts towards finding durable solutions to forced displacement in Africa. Therefore, during 2020, it is recommended that the a High-Level Conference be convened in in Malabo, Equatorial Guinea on humanitarian situation in Africa linked with silencing the Guns

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Report on the Theme of the Year 2019: “Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa

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