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## **REPORT ON HUMANITARIAN SITUATION IN AFRICA**

## I. INTRODUCTION

1. The report provides an overview of the humanitarian and forced displacement situation in Africa. Its content draws on information gathered from Member States of the African Union, Regional Economic Communities (RECs) and the United Nations system. The report further presents information regarding activities carried out by the Commission during the period from July to December 2018. These activities cover all actions taken in tackling humanitarian crises, addressing root causes with a focus on durable solutions to protracted humanitarian situations and providing Member States with the necessary assistance.

2. The year 2019 has been declared by the AU Assembly as the “*Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solution to Forced Displacement in Africa*”. In this respect the report incorporates information on activities being implemented by the African Union Commission (AUC), other organs of the Union and all relevant stakeholders and provides element of a roadmap for the implementation of the theme of the year 2019.

## II. OVERVIEW OF DISPLACEMENT AND HUMANITARIAN CRISIS IN THE CONTINENT

3. There are an estimated 65 million forcibly displaced persons in the world. Over a third of the world’s forcibly displaced persons are in Africa, including 6.3 million refugees and asylum-seekers and 14.5 million internally displaced persons (IDPs).<sup>1</sup> The causes of forced displacement and humanitarian crisis are multiple and complex. They include conflicts, poor governance, human rights violations, environmental degradation, effects of climate change and natural disasters. Many of the displaced also find themselves in protracted displacement situations. According to the United Nations High Commissioner for Refugees, there are 712, 000 stateless persons in the continent.

4. The vast majority of persons are displaced as a result of conflicts and violence. However, natural disasters, health emergencies such as Ebola outbreak, food insecurity, extreme poverty and other factors also underpin these challenges. In Africa, as in many other locations, far more people are displaced within the boundary of their countries. Politicization of immigration and xenophobia have exposed African refugees and migrants to various types of risks and violations. In some countries, large number of refugees and migrant remain in detention.

5. Despite significant resource constraints and limited capacities faced by many large-refugee population hosting countries in Africa, governments and local communities continue to shoulder responsibilities and showing solidarity by sheltering the displacement and facilitating their access to facilities. Too often this has degraded the resources and resilience opportunities for host communities. Beyond contributions toward a global public good, the actions by these countries towards fostering regional stability and peace are commendable. Against the backdrop of rhetoric on global solidarity and burden-sharing, several national refugee programs remain substantially underfunded, leaving refugees and host communities with little resource to rely on.

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<sup>1</sup> Global Trends UNHCR, June 2018.

6. The scale of the displacement crisis is compounded by risks of trafficking, human rights abuse, incidents of refoulement, lack of adequate humanitarian assistance, mixed migration, sexual and gender based violence, forced recruitment and securitization of border areas, detention of asylum seekers, deportation, xenophobia and targeting of refugees and IDPs settlements. Mixed movement of migrants and refugees from East and the Horn of Africa, West Africa and Central Africa continue to become a major challenge in the continent. Globally only 1 percent of refugees have access to resettlement. Access to tertiary education, important for supporting livelihoods of refugees, is considerably limited to refugees.

7. Lack of opportunities have forced particularly the youth from various parts of Africa to seek opportunities elsewhere, often being trapped in more complex and dangerous environments. Despite recent reform efforts to promote “out of camp” strategies and approaches in a number of African countries, many refugees are still placed in camps, being isolated from necessary services such as education, health and other services.

### **III. REGIONAL ANALYSIS**

#### **a. Central Africa**

8. Largely due to the humanitarian situation in the Central African Republic and the Democratic Republic of the Congo, 1.44 million refugees in Central Africa and Great Lakes Region fled their countries. In the region, emergencies tend to be large and protracted. There are 364,764 refugees from Burundi hosted mainly in neighboring countries such as Tanzania, Democratic Republic of the Congo.<sup>2</sup>

9. Central African Republic continues to face major humanitarian and displacement challenges. The country has experienced new displacement in 2018 due to attacks against civilian population, bringing the total number of IDPs to 689, 000.<sup>3</sup> Given the still worrying situation, the UN Security Council renewed the mandate of the peacekeeping mission, MINUSCA in November 2018. According to UNHCR, there are 574, 638 refugees from Central African Republic who fled to Cameroon, Democratic Republic of the Congo, Chad and Republic of Congo.<sup>4</sup> As of December 2018, 7800 refugees and asylum seekers were registered in the CAR. These affected persons are from Chad, DRC and South Sudan. Burundi hosts 66,000 refugees, mainly from Democratic Republic of the Congo. In addition, more than 57,000 Burundian refugees have returned since 2016 and most were from Tanzania.

10. For decades Democratic Republic of the Congo has faced complex emergencies, which resulted in cross-border and internal displacement and major humanitarian crisis. According to UNHCR, there are 800, 330 refugees and asylum seekers from DRC.<sup>5</sup> With a total of 2.1 million IDPs, the DRC hosts one of the largest

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<sup>2</sup> UNHCR, November 2018.

<sup>3</sup> Internal Displacement in 2018: Mid-Year Figures, IDMC, 2 September 2018.

<sup>4</sup> UNHCR Central African Republic Situation Report, <http://data2.unhcr.org/fr/situations/car>.

<sup>5</sup> UNHCR Democratic Republic of Congo, November 2018.

internal displacement populations in the continent. In the last several months of 2018, conflicts, mainly in the North and South Kivu, Ituri province and the Kassai region, led to the displacement of 946, 000 people.<sup>6</sup> Since the declaration of health emergency by the Government in May 2018, a total of 238 cases have been reported in North Kivu and Ituri provinces, which resulted in the death of 155 persons. As of 28 December 2018, 359 deaths were recorded while 203 persons recovered from the Ebola disease. Response efforts, supported by the AU CDC, are hampered by ongoing conflicts in the area and attacks against humanitarian workers.

11. With regard to Cameroon, the political and socio-economic tensions in the south west and North West Anglophone regions have displaced more than 30,000 Cameroonians to neighboring Nigeria since September 2017, mainly women and children.

#### **b. East and the Horn of Africa**

12. In recent months the East and Horn of Africa have seen major positive geopolitical shifts following the signing of the peace agreement between Eritrea and Ethiopia in September 2018. This has been followed by improvement in relationship between Eritrea and Djibouti. Such peace initiatives will boost the security and stability in the region and also help alleviate the humanitarian and displacement challenges.

13. In the Republic of The Sudan, a slow and steady recovery is helping IDPs to return home in Darfur, South Kordofan and Blue Nile State.

14. However the countries in the region continue to face large scale and protracted displacement and humanitarian situations. The three top refugee-hosting countries, i.e. Uganda, Ethiopia and Sudan, are located in the region.<sup>7</sup> The countries with large number of IDPs include Ethiopia, Sudan, Somalia and South Sudan.<sup>8</sup> According to figures received from Ethiopian authorities, about 930,000 internally displaced persons have returned to their habitual places of residence in the recent past. In Sudan, there are significant numbers of civilians in small pockets of areas controlled by SPLA-North who are not accessible by humanitarian actors.

15. Somalia remains one of the most protracted displaced crisis where 835,000 refugees remain hosted in the region and in Yemen. Between December 2014 and 2018 more than 75,000 Somalis refugees have returned home from Kenya's Dadaab and Kakuma refugee camps. National action plans and programs initiated within the framework of the Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia signed on 25 March 2017 support such solutions in line with international and regional standards and framework including the Comprehensive Refugee Response Plan.<sup>9</sup>

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<sup>6</sup> Internal Displacement in 2018: Mid-Year Figures, IDMC, 2 September 2018

<sup>7</sup> Global Trends UNHCR, June 2018.

<sup>8</sup> Global Report on Internal Displacement, IDMC, June 2018, page 14.

<sup>9</sup> Communique of the First Inter-Ministerial Meeting on the Nairobi Action Plan on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia, IGAD, 22 March 2018, Nairobi, Kenya.

16. There are some 2,183,928 South Sudanese refugees many of who are hosted by countries in the region.<sup>10</sup> The main host countries for South Sudan refugees include Uganda (1, 073,125), Sudan (761, 889), Ethiopia (422, 240), Kenya (114, 432), DRC (95, 181) and Central Africa Republic (2, 571). The signing of the Revitalized Peace Agreement in September 2018 and its full implementation presents a major opportunity for finding durable solution for refugee and internal displacement crisis affecting the country.

### **c. North Africa**

17. In Libya, the situations of stranded migrants and refugees remain a concern. According to UNHCR, there are 57,618 registered refugees whereas IOM reports of existence of several Sub-Saharan migrants. The trend in return of internally displaced persons has continued. The efforts of Tripartite Task Force are yielding the desired result with a significant number of returns achieved since its inauguration. By November 2018, 2,690 refugees have been evacuated from Libya mainly to Niger. The latter continues to show considerable solidarity.

18. According to the Libyan authorities, most of the detention centres holding irregular migrants have been closed. However, there are 16 detention centres still in operation. These centres hold 3420 migrants. At the same time, there are 15,000 Internally displaced Persons in Libya.

19. The refugee situation of the Saharawi Arab Democratic Republic populations in Algeria remains protracted. Currently, more than 173,600 Western Sahara Refugees live in 5 main camps in Aaiun, Dajla, Smara, Bojadour and Auserd;<sup>11</sup> the Algerian Government and UN agencies provide humanitarian assistance.

20. The situation of the Saharawi refugees remain of grave concern and the African Union calls on the international community to contribute to improving the conditions in which the affected population lives.

21. Furthermore, the threat of deportation and detention of thousands of Africans including mostly Eritrean and Sudanese from Israel has exposed many of them to significant protection needs.

### **d. Southern Africa**

22. The region of South Africa has faced humanitarian and displacement challenges mainly due to food insecurity, effects of natural disaster and army warm infestation. According to OCHA, areas in Malawi, Zimbabwe and Madagascar face food insecurity during lean seasons. According to UNHCR, South Africa hosts some 280,027 refugees and asylum-seekers. It is pertinent to note that the government of South Africa recognize that violence and abuse against foreigners took place and efforts to stem such attacks are ongoing.<sup>12</sup> Authorities have therefore, called for calm and pledged to take appropriate measures to address the problem.

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<sup>10</sup> Refugees and asylum seekers from South Sudan, November 2018.

<sup>11</sup> Western Sahara Red Crescent, January 2018.

<sup>12</sup> UNHCR Statement, 04 September 2018,

**e. West Africa**

23. For far too long the Sahel region has faced dramatic humanitarian crises and internal and cross-border displacement. Multiple factors including terrorism, effects of climate change, communal violence and extreme poverty compound the challenges of forced displacement in the region. The Boko Haram violence in countries surrounding Lake Chad such as Nigeria, Niger and Cameroon has displaced many. The violence has destroyed local economies and infrastructure and exposed individual for various risks and abuse. However, countries like Nigeria continue to resettle affected population and builds the resilience of the affected communities including the resuscitating the source of their livelihoods. The Lake Chad Basin area has been dramatically affected by water scarcity, a key driver of the current displacement. Millions rely on Lake Chad for livelihoods and pastoralist farming including fishing. However, due to the shrinking of the Lake Chad Basin by more than 90% as a result of rising temperature and climate change, the populations of the area are facing dire humanitarian situation. Hazardous climate conditions have inversely left populations of the Lake Chad Basin exposed to Boko Haram insurgency, contributing to further regional displacement crises.<sup>13</sup> The crisis has been exacerbated by conflict induced food insecurity and the dangers of protecting the displaced are compounded by deteriorating security situation as well as socio-economic fragility.

24. The humanitarian situation continues to deteriorate in Burkina Faso and Mali. The situation is accompanied by increasing internal displacement particularly in Burkina Faso.

25. According to reports received from Mali, a sizeable number of refugees are returning home. This is due to the progress made as a result of the Algiers process which is restoring a measure of stability in some affected parts of Mali.

26. With regard to the Sahel region, it is necessary that a solidarity as well as a stabilization programme be initiated to build the resilience of the region.

27. For many young African asylum-seekers and refugees, the desert of the Sahel region represents a pathway towards better future in Europe. Many refugees and migrants are exposed to severe protection risks and challenges. Displaced and affected populations are often not accessible to humanitarian actors. Over 50,000 civilians have been displaced recently in Niger border areas, just to take one example. Despite these challenges, Niger has shown an exemplary solidarity with refugees and displaced persons.

#### **IV. A PATH TOWARDS SOLUTIONS**

28. In 2018 there were of course important and positive developments. Governments and their partners supported the voluntary return of refugees in many countries in Africa including in Burundi, Cote d'Ivoire, Mali, Rwanda, Somalia and the Sudan. By piloting the Comprehensive Refugee Response Plan, several African

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<sup>13</sup> Global Report on Internal Displacement, May 2018

countries have implemented progressive national refugee programs that aim at supporting inclusion and integration.

29. The Governments of Ethiopia and Uganda instituted legislative and policy reforms to allow birth registration for refugees. Access to registration promotes legal recognition, reduces and prevents statelessness; it also facilitates access to key services, including health care and education. The government of Guinea-Bissau has granted citizenship to refugees living in a protracted situation and Zambia has also taken step in providing long-term residency to former Rwandan refugees.

30. Africa has an impressive tradition of generosity and hospitality towards the refugees and displaced persons. Uganda hosts 1.4 million refugees and the vast majority of them originate from South Sudan. Sudan and Ethiopia have also the second and third largest refugee population, hosting 906,600 and 889,400 refugees, respectively. However, the vast majority of refugees in Africa are hosted by countries, which also face major resource constraints. Sudanese refugees from Ethiopia and South Sudan are returning back to their country. Thanks to the revision of the *2016 Directives on humanitarian access*, access to refugees, IDPs and returnees have significantly improved in Sudan.

31. Progress also continues to be made in the area of addressing internal displacement. Somalia has recognized the need for durable solutions to displacement and reintegration of former refugees in its 2017-2019 National Development Plan. By October 2018, more than 400,000 IDPs have returned to their areas of origin in Libya. Positive efforts have been made in facilitating ratification of the Kampala Convention by South Sudan, Somalia and Ethiopia. On 3<sup>rd</sup> December 2019, Niger has become the first state party of the Kampala Convention when its National Assembly adopted a comprehensive national law on internal displacement, in line with the provisions of the Kampala Convention. With the support of international partners such as the Special Rapporteur on the Human Rights of internally Displaced Persons and UNHCR, governments in South Sudan, Democratic Republic of the Congo, Mali and CAR are carrying out activities to develop similar legislations on internal displacement. If supported through robust regional and sub-regional advocacy efforts, it is expected that more states will sign and ratify the Kampala Convention.

32. It is instructive to note that many Member states, including the Kingdom of Morocco, continue to display their commitment and contribute to humanitarian action on the continent, by intervening in mitigating against the consequences of natural disasters. Morocco has pledged its unwavering support to the establishment of the humanitarian agency about to be established on the continent.

## **V. THE YEAR OF REFUGEES, RETURNEES AND INTERNALLY DISPLACED PERSONS: TOWARDS DURABLE SOLUTIONS TO FORCED DISPLACEMENT IN AFRICA**

33. In line with the vision encapsulated in Agenda 2063 Assembly of Heads of State and Government adopted a Common African Position on Humanitarian Effectiveness (CAP) and called for a ten-year period of transformation to strengthen humanitarian action on the continent (Decision 604 (XXVI)).

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34. In July 2018, in Nouakchott, Mauritania, the Assembly of Heads of State and Government of the African Union adopted the Decision Assembly/AU/Dec.707 (XXXI), declaring 2019 as “*the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa.*” The Assembly requested the Commission, working with the PRC, to develop a roadmap of action to mark the year. At its 31st Ordinary session, in July 2017, the Executive Council called on the Union to declare 2019 the Year of Refugees, Returnees and IDPs, and called on the AU to work with the RECs, the Office of the Secretary General of the United Nations and the UNHCR towards its full implementation.

35. Activities to be implemented by the Commission as a part of the commemoration of the 2019 theme of the year will engage various actors: AU Member States, the Pan African Parliament, ECOSOC, the UN Special Rapporteur on the Human Rights of IDPs, the African Commission Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants in Africa; intergovernmental partners, including other UN agencies, academia, private sector, faith based organizations and civil society are all called upon towards achieving this common goal.

## **VI. DEVELOPMENT OF A ROADMAP FOR ACTION FOR THE THEME OF THE YEAR 2019**

36. In line with the decision of the AU Assembly, which requested the AUC to develop a roadmap for the theme of 2019, the AUC considered, during the 6<sup>th</sup> Annual Humanitarian Symposium, the development of elements of the roadmap. Bringing together Member States, RECs and partners, the Symposium presented an opportunity to craft a collective vision for the marking of the theme of year 2019.

37. The roadmap for action will be informed by a set of guiding norms and principles. These include the need to establish alignment with African Union foundational policy frameworks on development, peace and security and human rights; participation and involvement of the displaced population; centrality of the role of government; effective partnership with all actors including development actors and mainstreaming of age and gender considerations. The roadmap also underscores a “whole of society” approach where the AU encourages and supports the development of national strategies that recognizes and embraces the role of the private sector, parliamentarians, mayors and officials of urban centers, African academic institutions and centers and representative of faith-based organizations.

38. The objectives of the theme of the year 2019 will include:

- Mobilizing political action to address root causes and find durable solutions for forced displacement;
  - Improved implementation of the OAU Refugee Convention and the AU Convention on IDPs-Kampala Convention in the current sub-regional, regional and global contexts;
  - Reinforcement of the AU’s Agenda 2063, the African Peace and Security Architecture Roadmap and the Common African Position on Humanitarian Effectiveness (CAP); and
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- Reinforcement of the Sustainable Development Goals, the New York Declaration, the CRRF and the Global Compact on Refugees.

39. In line with the aforementioned overarching objectives and framework, the Commission, in collaboration with the AU Member States and relevant stakeholders will support the implementation of activities at the national, regional and global levels.

40. In this context, the Commission will prioritize some of the following activities:

- The formal launch of the commemorative year at the AU's Ordinary Summit in February 2019 where the Champion of the theme of the year will launch the theme of the year; member states and invited stakeholders will debate on the challenges and future of humanitarian response in the continent, focusing on how best to address root causes and find solutions for forced displacement and humanitarian challenges;
- Organize continental consultative meetings of AU Member States and other stakeholders, focused on refugees, returnees, IDPs or statelessness issues, as well as crosscutting issues. Each meeting will be informed by: input from a multi-stakeholder working group; authoritative background papers and notes; It will produce conclusions and recommendations on pledges and commitments that will contribute to the outcome document to be submitted to AU Heads of state and government for adoption;
- Building on existing training programs implemented by the Commission on humanitarian law and policy, launch a multi-year law and policy humanitarian action training program targeting officials of member states responsible for managing humanitarian programs at the national level;
- Carry out extensive advocacy on ratification and domestication of the 1969 OAU Refugee Convention and the Kampala Convention;
- In collaboration with the African Commission on International Law, support the development of a commentary on the 1969 OAU Refugee Convention. The Commission will also publish and widely disseminate the Model law on the Kampala Convention in all AU languages. In partnership with the International Federation of the Red Cross, the Commission will also develop a model law on disaster, which will support AU Member States to implement international and regional instruments.

## **VII. ANNIVERSARIES OF AFRICAN REGIONAL PIONEERING LEGAL INSTRUMENTS**

41. The African continent has strong legal and policy instruments on the protection of refugees, IDPs and other vulnerable groups. The year 2019 marks the 50<sup>th</sup> anniversary of the adoption of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention) as well as the 10<sup>th</sup> anniversary of the adoption of the 2009 AU Convention

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for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).

42. The 1969 OAU Refugee Convention has been a pioneering legal instrument serving as a regional foundational legal framework for protection and assistance of refugees. The 50<sup>th</sup> year anniversary of this Convention comes at the time when African countries<sup>14</sup>, as members of the United Nations General Assembly, have adopted the Global Compact on Refugees. The Convention incorporates adequate and comprehensive provisions dealing with protection and solutions for refugees in Africa. Its contemporary resonance and relevance of the OAU Refugee Convention is shown in the latter's focus on solutions and solidarity sharing. The Commemoration will involve activities that aims at promoting the universal ratification of the Convention; establishing a strong alignment with the newly adopted Global compact on Refugees and further strengthening the compliance by Member States with the provision of the Convention through closer interaction with AU human rights mechanisms and the Peer Review Mechanisms.

43. The Kampala Convention has been a groundbreaking binding and legal instrument dealing with the problems of internal displacement. 40 member States of the AU have signed the Convention whereas 27 of them have ratified it. The first State Parties meeting of the Kampala Convention was convened in July 2017 in Harare, Zimbabwe adopting the Harare Plan of Action. The Kampala Convention 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. The Commemorative actions will involve strong advocacy on ratification and domestication as well as capacity building to Member States and other stakeholders.

44. In recent months, the African Union has taken measure to fill a major legal vacuum in the region by developing a Protocol on the Rights to Nationality and Eradication of Statelessness in Africa. Following a series of negotiation by experts of member states, the draft Protocol has been approved by the Specialized Technical Committee on Refugees, Returnees and Internally Displaced Persons in November 2018. Working with the International Federation Red Cross and Red Crescent Societies, the AUC will also develop a model law on disasters to support the domestication of international standards and norms relating to disaster.

## **VIII. ACTIONS AND SUPPORT BY THE AFRICAN UNION AND ITS ORGANS**

45. The AU has been active in the area of preventive diplomacy. This has contributed to the cessation of hostilities and the reduction of conflict in the last decades. It has also developed and commenced the implementation of a roadmap of practical steps to silence the guns in Africa by 2020. The decision by the Assembly on implementation of the AU reform including in the areas of financing, strengthening of the human rights monitoring system and reposition of the humanitarian portfolio will further enhance the Commission's work in the areas of prevention.

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<sup>14</sup> Libya and Eritrea abstained during the vote on the Omnibus resolution endorsing the compact.

46. The theme of year 2019 is focused on addressing root-causes for humanitarian problems. The issue of prevention has also received considerable attention and focus at the global level. Compliance with human rights and humanitarian laws and building strong early warning and disaster risk mitigation efforts will go a long way in preventing disaster and forced displacement. Early engagement by mediation and other intervention by peace and security mechanisms both at RECs and continental levels will also make significant contribution.

47. The signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan on 12 September 2018, result of painstaking inclusive pace process coordinated and led by IGAD and regional leaders supported by the AU, the United Nations and international partners, offers opportunity to unlock the protracted humanitarian crises in the country. With the support of governments in the region and UNHCR, steps were taken to ensure the active involvement of representatives of South Sudanese refugees in the peace process. This has helped refugees to contribute to the peace process and call for immediate action for resolution of the conflict.

48. The AUC continues to provide a much-needed technical support to Member States in enhancing their capacity to develop appropriate policies on humanitarian assistance in situations of conflicts and natural disaster. In 2018 the Commission supported the work of the PRC Sub-Committee on refugees, returnees and IDPs in carrying out its mandate and responsibility. Through the Joint AU-UN-EU Task Force on Libya, the Commission has also provided strategic and operational support to facilitate the voluntary return of stranded migrants and most vulnerable refugees.

49. Providing capacity building training which benefits and targets government officials from Member States involved in managing humanitarian response in their respective countries has been one of the key priorities of the Commission. International partners including the United Nations system and NGOs continued to work with Governments in Africa in various humanitarian and development areas. Instruments such as the AU-UN Framework for the Implementation of Agenda 2063 and the 2030 Agenda for Sustainable Development, signed in January 2018 will support greater collaboration and partnership in this area.

50. Collection, analysis and dissemination of reliable data are prerequisites for effective and evidence-based national action. The Commission, working with relevant partners and actors, has carried out a series of trainings and capacity building efforts to support data collection and analysis on forced displacement. With the support of the United Nations system, several governments including in Uganda Ethiopia, Kenya, Nigeria, Niger and Chad have started developing registration systems for refugees and IDPs. There has also been greater interest and involvement on the part of development actors such as the World Bank in supporting such efforts.

51. In partnership with the African Union Commission on International Law, the Commission has also developed and published a model law aimed at supporting the domestication of the Kampala Convention. In line with the Harare Plan of Action, the AUC has also fully engaged the African Commission on Human and Peoples' Rights particularly the role of its Special Rapporteur on Refugees, Internally Displaced

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Persons and Migrants in creating awareness about the rights of IDPs and their protection.

## **IX. ESTABLISHMENT AND OPERATIONALIZATION OF THE AFRICAN UNION HUMANITARIAN AGENCY**

52. The Assembly of the African Union in its Decision Assembly/AU/Dec.604 (XXVI) of 30 January 2016, in Addis Ababa, Ethiopia adopted a Common Africa Position (CAP) on Humanitarian Effectiveness and approved the establishment of the African Union Humanitarian Agency (AUHA). In this Decision, the Assembly stressed that the AUHA be “...*anchored on regional and national mechanisms and funded with Africa’s own resources and that it should be founded on principles of pan-Africanism and African shared values...*”

53. The AUC has taken a number of actions to operationalize the aforementioned decision of the Assembly in establishing the African Union Humanitarian Agency. Accordingly, the AUC has retained a consultant, who is currently carrying out a feasibility study and consulting with member states and partners with the aim of implementing the decision. A series of consultations have been carried out. The objective of this agency is to leverage AU’s comparative advantage in mobilizing political solutions to address humanitarian crises on the continent. The agency will in future assist in strengthening national capacity, setting standards and supporting continental coordination, while working with Regional Economic Communities and other stakeholders.

54. The proposal and initial findings of the consultations were discussed at a meeting of the STC on Migration, Refugees and Displaced Persons in Malabo, Equatorial Guinea and at the 6<sup>th</sup> African Union Annual Humanitarian Symposium held in Nairobi, Kenya. In order to further enrich this process, the Commission will conduct additional consultations with member states, similar agencies and experts during the first quarter of 2019.

## **X. GLOBAL DEVELOPMENTS AND THEIR IMPLICATIONS**

55. The AU has coordinated and supported the involvement of Member States in the negotiation over the two global compacts on migration and refugees. It has advocated for the establishment of equitable and fair burden-sharing mechanism and arrangement. Whilst the two compacts are distinct and separate, the African Union recognizes their complementarity in the protection of African migrants as reflected in the African Migration Framework 2018-2030.

56. The Comprehensive Refugee Response Framework has been applied in the following African countries: Chad, Djibouti, Ethiopia, Kenya, Rwanda, Somalia, Uganda and Zambia. Similarly, the CRRF was also applied in the regional situation of Somalia refugee crisis, thanks to a leading role played by the Inter-Governmental Authority on Development (IGAD). The Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees is a pioneering regional framework to support the implementation of CRRF in Ethiopia, Kenya, Somalia, Djibouti and Uganda. Ethiopia, Malawi and Zambia are promoting “out of camp”

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solutions for refugees whereas Kenya and Djibouti are reforming their policy and approaches to encourage the integration of refugees in national education systems.

57. The experiences gained from the piloting of CRRF in the African countries have contributed towards the development of the Global Compact on Refugees. Many countries have also actively participated in the negotiation over the Compact; a process culminated when the United Nations adopted the instrument on 17 December 2018. The Compact aims to ease pressures on host communities, enhance refugees' self-reliance, expand access to third country solutions and support conditions in country of origin for return in safety and dignity.

58. The Global Compact on Refugees lays out several actions including the organization of the Global Refugee Forum which will have its inaugural meeting in 2019, which is aimed at mobilization of pledges and contributions, and review and implement concrete actions pledged by Member States. The Compact recognizes the role of regional and sub-regional entities and it is expected that the AU and RECs will be closely involved.

## XI. CONCLUSIONS AND RECOMMENDATIONS

59. Fully taking into account existing humanitarian challenges faced by the AU Member States and the priorities and plans in 2019, the AUC recommends the following:

- 1) Member states should design and implement activities at the national level marking the theme of the year involving all relevant partners and refugees, IDPs and relevant actors.
  - 2) The African Union organs and RECs should continue to facilitate, including as part of the priorities for the AU Theme of Year 2019, the organization of **events promoting experience sharing and lesson learnt** among member states;
  - 3) Member States and local authorities must support the **full participation of refugees, IDPs, representatives of host communities and other affected populations** in all relevant process and decisions that affect them;
  - 4) Member States are encouraged to **strengthen national system on disaster risk and reduction and early warning** in line with the Sendai Framework, the African Regional Strategy for Disaster Risk Reduction and the Programme of Action for the Implementation of the Sendai Framework for the Disaster Risk Reduction 2015-2030 in Africa;
  - 5) Governments that have not yet signed or ratified the Kampala Convention are encouraged to do so, and those that have ratified the instrument are urged to fully incorporate it into domestic laws and policies to allow for its effective implementation at the national and local levels;
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- 6) Governments that have not yet signed or ratified the 1969 OAU Convention are encouraged to **sign or ratify and fully domesticate the Convention** in their domestic laws;
  - 7) National authorities are encouraged to develop **national mechanism on data collection on forced displacement** involving refugees, returnees and internally displaced persons. Wherever possible, such efforts should take into account stateless persons and host communities;
  - 8) States are encouraged to support good governance, democracy, respect for human rights, justice and the rule of law, and to promote inclusion and sustainable development, in line with Agenda 2063 of the African Union and the Sustainable Development Goals, including by engaging in new partnerships with development actors;
  - 9) Donors are urged to ensure the availability of **adequate, flexible and predictable funding** to help address the unprecedented needs of refugees and internally displaced persons in Africa and to ensure multi-year, flexible funding that transcends the humanitarian-development divide. More efforts should be exerted to fully utilize the unexploited opportunities of mobilization of resources from the private sector in Africa.
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