



8TH HIGH LEVEL DIALOGUE

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

CONCEPT NOTE

**4-6 December 2019
Kampala, Uganda**

A. Contextual Background

Africa is home to at over 25.2 million forcibly displaced persons, made up of 7.4 million refugees and 17.8 million Internally Displaced Persons (IDPs)¹. The continental also hosts 484,000 asylum seekers and some 712,000 stateless persons. Forced displacement has continued to plague Africa over the years, largely triggered by intra-state conflicts, including inter-communal and ethnic violence, persecution as well as natural disasters. According to the Report of the Secretary General of the United Nations (UN) on Assistance to Refugees, Returnees and IDPs in Africa (A/74/322) presented to the UN General Assembly in August 2019, majority of the refugees came from South Sudan (2.3 million), Somalia (950,000), the Sudan (725,000), the Democratic Republic of the Congo (720,000), the Central African Republic (591,000), Eritrea (507,000) and Burundi (344,000)². The United Nations High Commissioner for Refugees (UNHCR) attributes the increasing number of refugees and IDPs to armed conflicts, generalised violence and human rights violations³. Alert 2019: Report on Conflicts, Human Rights and Peacebuilding indicated that in 2018 Africa had the highest number of armed conflicts in the world, standing at fourteen (14)⁴. Although forced displacement is a global challenge, political uncertainties, incidents of human trafficking, refoulement, mixed migratory patterns, forced recruitment into terrorist networks and violent extremism, securitisation of refugee/IDP camps, sexual and gender-based violence, erratic weather, floods and drought, among other issues continue to exacerbate displacements in Africa.

In Africa, forced displacement of people dates back to the period of the liberation struggles. In order to have a common approach to dealing with the consequences of forced displacement, the Organisation of African Unity (OAU) on 10 September 1969 adopted the Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention). The Convention came into force on 20 June 1974, propelled by the large number of Africans who were forced to flee from conflicts resulting from the liberation struggle and the plight of refugees on the continent⁵. In 2009, Forty years after the adoption of the OAU Refugee Convention, the commitment of the now AU Member States towards addressing forced displacements was once more evident through the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). Other instruments that have included the African Charter on Human and Peoples' Rights adopted in 1981; the African Charter on the Rights and Welfare of the Child adopted

¹ Abebe T.T, Abebe A., Sharpe M., 2019, The 1969 OAU Refugee Convention at 50 <https://issafrica.s3.amazonaws.com/site/uploads/ar19.pdf>

² https://reliefweb.int/sites/reliefweb.int/files/resources/A_74_322_E.pdf

³ United Nations High Commissioner for Refugees, Global Trends: Forced Displacement in 2018, 2019, <https://www.unhcr.org/5d08d7ee7.pdf>

⁴ Alert 2019: Report on Conflicts, Human Rights and Peacebuilding <https://reliefweb.int/report/world/alert-2019-report-conflicts-human-rights-and-peacebuilding>

⁵ JO Okello 'The 1969 OAU Convention and the continuing challenge for the African Union' (2014) 48 *Forced Migration Review* at 70

in 1990; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa adopted in 2003; the AU Solemn Declaration on Gender Equality in Africa adopted in 2004; and the African Charter in Democracy, Elections and Governance adopted in 2007. These instruments provide a protective regime of the rights and fundamental freedoms of displaced persons.

Aside the binding instruments on refugees and IDPs, other important policy documents were enacted, such as the 1990 Khartoum Declaration on Africa's Refugee Crisis⁶. The Declaration called for several significant commitments from Member States, some of which include the furthering of democracy and governance to deepen awareness towards the elimination of the root causes of refugee crisis; enhancing the capacity of Member States in terms of conflict management and resolution; creation and promotion of mechanisms for absorbing new influxes of asylum seekers; strengthening co-operation in order to avert new flows of refugees and boosting efforts relating to voluntary repatriation of refugees and their rehabilitation in material, financial and moral terms.

The Khartoum Declaration on Africa's Refugee Crisis was later followed by the Grand Bay Declaration which noted the link between violations of human rights in Africa and conflicts leading to refugee outflows and internal population displacement⁷. Yet another significant policy document, the Kigali Declaration of 2003 called upon Member States, "to recognise forced displacement as a grave violation of fundamental rights to peace, security and dignity, and to take all necessary measures to address the problem"⁸.

The commitment of AU Member States towards scaling up assistance to refugees, IDPs and returnees was further evident through the adoption of Agenda 2063, the continental development blue print and the Common African Position (CAP) on Humanitarian Effectiveness. Adopted during the 2016 Ordinary Sessions of the Executive Council and Assembly held in January 2016 in Addis Ababa, Ethiopia. The CAP on Humanitarian Effectiveness has ten pillars, each of which is essential to forging a robust humanitarian approach that will improve the circumstances of refugees and IDPs. Some key elements of these pillars include the primary responsibility of the State; addressing root causes and durable solutions to humanitarian crises; governance and human rights protection and assistance of affected populations.

⁶ Organization of African Unity (Commission of Fifteen on Refugees), 'Khartoum Declaration on Africa's Refugee Crisis' (OAU Khartoum 22-24 September 1990) OAU Doc BR/COM/XV/5590.

⁷ Organization of African Unity, 'Grand Bay (Mauritius) Declaration and Plan of Action' (OAU Grand Bay 12-16 April 1999) CONF/HRA/Dec 1.

⁸ Organization of African Unity, 'Kigali Declaration of the First AU Ministerial Conference on Human Rights in Africa' (OAU Kigali 8 May 2003) MIN/CONF/HRA/Dec1 (I) para 11.

Besides normative and policy frameworks, institutional mechanisms have been established at continental, regional and national levels to address forced displacement and its resultant effects. At the continental level, the Permanent Representatives Committee Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa, guides AU policies on refugees, displaced persons and returnees. The Sub-Committee is also responsible for assisting AU Organs in addressing displacement issues, evaluating the situation of the displaced, providing policy recommendations. In addition, the Department of Political Affairs (DPA) of the African Union Commission (AUC) has a Humanitarian Affairs, Refugees and IDPs Division (HARDP). The Division seeks to provide continental direction to the achievement of durable solutions for addressing humanitarian crises; pursuing actions to alleviate the plight of refugees, returnees and IDPs, including meeting their immediate protection and assistance needs. In addition, the Division is instrumental in coordinating the work of the AU on the Special Emergency Assistance Fund for Drought and Famine in Africa (SEAF) and the African Humanitarian Agency.

To further address issues related to forced displacement, Regional Mechanisms and RECs, including the International Conference of the Great Lakes Region (ICGLR), Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD) have adopted and established normative and institutional frameworks for the protection and assistance of displaced persons, including refugees, IDPs and returnees. At the national levels, normative, policy and coordination mechanisms have been adopted and established in several AU Member States to further protect and provide necessary assistance to displaced persons. Several African countries have also embarked on the piloting of the Comprehensive Refugees Response Framework (CRRF) which, at the national level, encourages policy reforms and implementation of innovative programs. Examples have included countries like Uganda, the largest refugees host country in Africa, which continues to undertake programmes that allow refugees participate in local economy through giving them plots of land and integrating them within host communities. Such national approaches and practices are instrumental in the development of the Global Compact on Refugees.

Despite commendable efforts to address and manage forced displacement in Africa, displaced persons continue to experience abuse, exploitation and violations. Large number of displaced persons remain in need of humanitarian assistance, finding themselves in protracted situations where solutions have become illusory. Although increasingly displaced persons are hosted in communities and located in organized environment, the particular situation of women and children remain dire and access to key services considerably limited.

In recognition of these challenges and the prevailing need to recognize links between displacement, peace and security and its development dimension, the AU Heads of

State and Government at their 31st Ordinary Session held in Nouakchott, Mauritania in July 2018 adopted a decision declaring 2019 as “The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”. The year coincides with the 50th Anniversary of the OAU Refugee Convention and the 10th anniversary of the Kampala Convention. Under the championship of H.E Theodoro Obiang Nguema Mbasogo, President of Equatorial Guinea theme places emphasis on the implementation of durable solutions to forced displacement in Africa with particular focus on refugees, IDPs and returnees.

B. Rationale

As Africa continue to grapple with challenges of forced displacement, the plight of refugees, IDPs and returnees can no longer be ignored. The interconnectedness of African countries means that conflict and drivers of displacement are rarely confined to any one individual country. Although most of the push factors for forced displacement in AU Member States come from within the States, if improperly addressed, displacement from one country often drive instability in another, while closing of borders may make refugees even more vulnerable. This is why addressing these factors must be a shared burden amongst AU Member States in collaboration with the international community. Outside the continent, governments focus on limiting flows has created increasing pressures to keep refugees on the continent. As a result, the scale of the crises on the continent and their protracted nature require innovative and robust approaches to tackle root-causes and implement approaches that support durable solutions. Building on strong legal and institutional frameworks, political actions and effective and practical programs need to be designed and implemented.

Although they face severe challenges of their own, many AU Member States have kept their borders open to those in need of international protection. For instance, Uganda provides protection and assistance to 1.17 million refugees, followed by the Sudan with 1.08 million refugees, while Ethiopia has 655,000 refugees and asylum seekers⁹. While some 583,600 internally displaced persons and 341,000 refugees were able to return home in 2018, the identification of other solutions remained a challenge, with fewer resettlement places and limited opportunities for local integration through naturalization. Several AU Member States continue to pursue comprehensive solutions, with new initiatives and policy changes taking place in the context of international, continental, regional and national normative and policy frameworks. Member States hosting protracted refugee populations as well as those resettling and reintegrating those returning are increasingly gaining access to development resources, which has enabled a focus on socioeconomic inclusion that benefits both refugees and host communities, fostering the inclusion of refugees in national education, health care and other services.

⁹ Report of the Secretary General of the United Nations (UN) on Assistance to Refugees, Returnees and IDPs in Africa (A/74/322) presented to the UN General Assembly in August 2019

Despite these efforts, it is important to note that Issues of governance and democracy cannot be divorced from the current alarming statistics on refugees, IDPs and returnees on the continent. Undoubtedly, a major durable solution to curb forced displacements in Africa is enshrined in the core principles of the AU, including respect for democratic principles, human rights, the rule of law and good governance. In addition, these prevailing conditions in Africa, characterised by the goodwill of States towards refugees and IDPs is a return to the period of 1960s to the 1980s, tagged the “golden age” of asylum in Africa¹⁰. During the period, large numbers of refugees were allowed by governments to enter and remain on their territories and afforded considerable legal, social and economic rights, given land and other opportunities. Emulating this golden age in the 21st century will, however, require concerted and sustained efforts from State and non-state actors.

As such, the 8th African Governance Architecture High-Level Dialogue (HLD) on Democracy, Human Rights and Governance: Trends, Challenges and Prospects has been dedicated to the theme of the Year. This is intended to provide an opportunity to assess progress in implementing the AU normative and policy frameworks on forced displacement and allow Member States among other stakeholders to reaffirm their commitments to the implementation of durable solutions and enhance their contributions towards the protection of and assistance to refugees, IDPs and returnees in Africa.

C. About the 8th HLD

The 8th HLD will mark the eighth Dialogue convened by the African Governance Platform under the auspices of the African Governance Architecture (AGA) since inception. The Dialogue will provide a platform for reflection on the 2019 AU theme, of “the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”. Discussions at the Dialogue shall place emphasis on international, continental, regional and national normative, policy and institutional frameworks for forced displacement. Particular focus shall be given to the OAU Refugee Convention and Kampala Convention, as well as the CAP on Humanitarian Effectiveness, some of the key continental frameworks for the protection and assistance of refugees, IDPs and returnees.

As Africa commemorates the 50th and 10th Anniversaries of the adoption of the OAU Refugee Convention and Kampala Convention respectively, the 8th HLD provides a crucial and opportune platform to discuss progress, shortfalls and durable solutions to forced displacement in Africa. The Dialogue shall facilitate frank, open and inclusive

¹⁰ J Crisp ‘Forced displacement in Africa: dimensions, difficulties, and policy directions’ (2010) 29*UNHCR Refugee Survey Quarterly* at 3

deliberations by State and non-state actors, including policymakers, the private sector, the academia and practitioners to interrogate policy and practice imperatives towards addressing the structural root causes of displacement in Africa. In addition, the Dialogue is expected to interrogate the nexus between displacement and development and the need for greater collaboration and coherent support by all stakeholders to the protection and assistance of refugees, IDPs and returnees, while elaborating strategies for conflict prevention and resilience to natural disasters, in line with Agenda 2063 and the Sustainable Development Goals – Agenda 2030.

The 8th HLD is scheduled to take place in **Kampala, Uganda** from **4 to 6 December 2019** under the theme, *The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa*. The Dialogue shall be preceded by the 7th **Humanitarian Symposium** that is scheduled to take place in **Nairobi, Kenya** from **18 to 20 November 2019** under the theme, *Gender Dimension of Forced Displacement in Africa: Towards Durable Solutions*. Further, the Dialogue shall be preceded by a **Continental Youth Consultation** that will be held in **Kampala, Uganda** from **2 to 3 December 2019** under the theme, *Youth and Forced Displacement in Africa – Trends, Challenges and Prospects towards durable solutions* and a **Continental Consultative Meeting** on the *Ratification, Domestication and Implementation of the Kampala Convention* that will take place in **Kampala, Uganda** from **2 to 3 December 2019**. The outcomes of these events are expected to inform the final resolutions of the outcome of the 8th HLD that will form part of the Report of the Champion of the theme of year to the AU Heads of State and Government during the February 2020 Summit that will be held in Addis Ababa, Ethiopia.

D. 8th HLD Thematic Areas

The Dialogue will be centred around the following six (6) thematic areas:

- i. **Forced Displacement in Africa: Dimensions, Causes and Policy Directions -**
The theme shall facilitate the interrogation of the changing scope and dynamics of the problem of human displacement in Africa, drawing on the structural causes and current displacement trends. It will further facilitate the examination of policy, structural contemporary challenges facing Africa related to the principle and practice, focusing on new drivers of displacement; insecurity in refugee-populated areas; protracted refugee situations; the return and reintegration of displaced people; and the protection of IDPs. The theme will also provide an opportunity for participants to discuss consequences of forced displacement on individuals, communities and countries. Specific discussions will be held on the vulnerability and intersectionality in displacement, addressing additional vulnerability factors in forcibly displaced populations with particular focus on persons living with disabilities, youth and women. Conclusions and recommendations will be made on how normative, policy and institutional responses can leverage multi-disciplinary

approaches, emphasising the need for institutionalized and coordinated strategies towards addressing the structural causes of forced displacement in Africa.

- ii. **Implementation of Durable Solutions to Forced Displacement in Africa: Challenges and Prospects** - The theme shall facilitate discussions on existing durable solutions to forced displacement in Africa, leading to the curation of best practices in the areas of return, settlement or local integration. Discussions shall also be held on the challenges hindering effective implementation of durable solutions, which often times lead to protracted displacement in Africa. In this regard, special focus shall be given to sharing of comparable lessons and practices by AU Member States among other stakeholders towards the effective implementation of durable solutions. In addition, the role of national, regional, continental and international actors shall be discussed aimed at enhancing the development of joint strategies for durable solutions. Particular focus will be given to the socio-economic exigencies, post-conflict reconstruction and development as well as political institution building/strengthening.
- iii. **Securing the Rights of Refugees, IDPs and returnees** – Under this theme, critical reflections shall be made on the effectiveness of the human rights protection and promotion regimes for displaced persons, focusing on refugees, IDPs and returnees. Specifically, attention will be given to the status of signature, ratification, domestication and implementation of the OAU Refugee Convention and the Kampala Convention to garner good practices in the protection, promotion and respect of the human rights of displaced persons. In this regard, particular attention will be given to the obligations of governments, host countries and communities, as well as the international community. Further reflections shall focus on mechanisms in place of understanding and addressing human rights issues of displaced persons in a way that guarantees full enjoyment of their fundamental rights and freedoms, using the human rights-based approach. Emphasis will be placed on rights such as right to seek and enjoy asylum; right to life and physical integrity; right to freedom of movement; right to not be arbitrarily detained; and economic social and cultural rights.
- iv. **Addressing the Needs for Justice by Displaced Persons** - This theme shall cast light on the place of displaced persons in the justice system, including international and transitional justice systems. Discussion shall include reflections on the relevance of the AU Transitional Justice Policy (TJP), a continental guideline for AU Member States to develop their own context-specific comprehensive policies, strategies and programmes towards democratic and socio-economic transformation, and achieving sustainable peace, justice, reconciliation, social cohesion and healing. Deliberations shall also be held on the question of the new face of justice in Africa, including a critical review of the lessons learned from

established courts and the practices of special and hybrid justice mechanisms, with cases studies from Rwanda, Uganda and South Sudan.

- v. **Management of Returns Policy: Balancing Returns and other Durable Solutions** - This theme shall be crucial in discussing the imperatives of returns. Country case studies from Burundi, Rwanda, Democratic Republic of Congo and Liberia will be leveraged to showcase returns in practice. This shall ignite deliberations with regards to challenges encountered by returnees, the role of governments in facilitating moving from return to reintegration, as well as managing of host community dynamics to avoid possible internal displacement. Further roles shall be discussed related to voluntary repatriation and promotion of a favorable protection environment for returnees, including mechanisms of preventing/addressing statelessness for refugees, IDPs and returnees.
- vi. **Burden Sharing and the Role of International Actors** - This theme shall facilitate conversations on the revival of the Pan-African spirit at the core of the African Shared Values. Reflections will be made on the values that binds us as Africans and how these can be expressed to ensure that refugees, IDPs and returnees are afforded the required assistance and protection. Further discussions will be held on African solutions to African problems, providing a platform for AU Member States to renew their commitments and make pledges towards the SEAF and the operationalisation of the African Humanitarian Agency. The theme will further help to put in perspective the role of the international community in the provision of assistance and protection to refugees, IDPs and returnees.

E. Goal and Objectives

The overall goal of the 2019 HLD is to provide a platform for AU Member States and stakeholders to discuss challenges and prospects in the implementation of durable solutions to forced displacement in Africa, with particular focus on issues of refugees, IDPs and returnees and the need for their protection and support.

The specific objectives of the 2019 HLD are to:

- a) Raise the profile of the issue of forced displacement in Africa, in particular protracted internal displacement as a probable impediment to Africa's democratisation, development and stability efforts;
- b) Facilitate the exchange of experiences and comparable lessons among AU Member States and stakeholders on the durable solutions to forced displacement within the context of the OAU Refugee Convention and the Kampala Convention;
- c) Discuss shared responsibility and the role of UN, humanitarian and development partners as well as non-state actors, including the private sector

in support of AU Member States towards the fulfilment of their international, continental, regional and national obligations for the assistance and protection of refugees, IDPs and returnees;

- d) Provide a platform for displaced populations to highlight their successes and challenges towards addressing the specific assistance and protection needs of refugees, IDPs and returnees, with particular focus on women, youth and children; and
- e) Facilitate curation of policy recommendations and practical proposals for the furtherance of the well-being of refugees, IDPs and returnees in Africa.

F. Expected Outcome

The expected outcome of the 2019 HLD will be to:

- i. Increase awareness of the solutions to forced displacement of people in Africa;
- ii. Showcase experiences and comparable lessons on African solidarity in dealing with forced displacement on the continent;
- iii. Bring out the voice of refugees, IDPs and returnees; and
- iv. Come up with concrete and action-oriented recommendations of AU coherent support based on the discussions.

G. Expected Outputs

The following outputs will be derived from the 2019 HLD:

- Policy Briefs focusing on each of the thematic focus areas of the Dialogue;
- One (1) Discussion Paper on the Theme of the Year;
- Proceedings Report that will be creatively disseminated widely through traditional and new media;
- One (1) Short Documentary on the theme of the year, curating the deliberations from the HLD and its pre-events;
- Press Releases;
- Media Interviews and topical social media clips; and
- One (1) Special Issue of the African Governance Newsletter on the HLD

H. Methodology

The methodology that will be used to prepare and execute the 2019 HLD will include:

- Data collection, collation and analysis (Research)
- Development of research papers and knowledge products
- Consultations and dialogue (one main forum and pre-forum events)
- Communication and Dissemination Strategy for the Dialogue outputs, including publications
- Policy influence and advocacy

Specifically, Dialogue discussions will be conducted through several interactive strategies including TV-Style moderated Panel Discussions, conversations with high-profile individuals, marketplace interactions and plenary forums. The Panel Discussions will be designed to ensure an intergenerational exchange as well as ensure a mix of policy and practitioner's perspective in the conversations. The 2019 HLD will feature opinion pieces in the media, interviews, robust social media engagement, a video documentary and other innovative means to spur debate before and during the Dialogue, engage the virtual audience in the deliberations, and disseminate the outcomes of the Dialogue.

I. Documentation

All 2019 HLD documents and news updates will be available on:

- a) **Websites** – www.aga-platform.org and www.au.int
- b) **Twitter Handles** – @AGA_Platform and AUC_DPA and @_AfricanUnion
- c) **Twitter Hashtags** – #DGTrends and #Nevermychoice

J. Participation

Participants at the 2019 HLD will be selected based on relevance and expertise to the Dialogue theme and its sub-themes; regional representation and gender. Specifically, participants will be drawn from:

- Sitting Heads of State and Government of the AU Member States;
- Former Heads of State and Government;
- AU Organs, Institutions and RECs
- Refugees, IDPs and Returnees;
- Civil Society Organisations (CSOs), including youth and women networks and organisations;
- National and State Institutions, including National Human Rights Institutions and Judicial Institutions;
- Development Partners, International Agencies, including UN Agencies and multilateral organisations e.g AfDB and World Bank;
- Private Sector, Philanthropy Organisations and Individuals;
- Faith-Based Organisations;
- African Traditional Authorities;
- Media, Academic and Research Institutions as well as Think Tank

K. Partnership

The Eighth Annual High Level Dialogue on Democracy, Human Rights and Governance is a Flagship Initiative of the African Governance Platform to foster dialogue. It will be jointly convened by the Department of Political Affairs of AUC through the AGA Secretariat, HARDP and the Government of the Republic of Uganda. Other partner Organisations will provide technical and financial support towards the dialogue.

L. Working Languages

The Meeting will be conducted in Arabic, English, French and Portuguese.

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