



PROJECT 2019
THE AU'S YEAR OF REFUGEES, RETURNEES AND INTERNALLY
DISPLACED PERSONS:
TOWARDS DURABLE SOLUTIONS TO FORCED DISPLACEMENT IN
AFRICA

CONTINENTAL CONSULTATIVE MEETING ON
PROMOTING THE RATIFICATION, DOMESTICATION AND
IMPLEMENTATION OF THE AFRICAN UNION CONVENTION FOR THE
PROTECTION AND ASSISTANCE OF INTERNALLY DISPLACED
PERSONS IN AFRICA

CONCEPT NOTE

1. PROJECT 2019

Within the framework of the long-term vision encapsulated in Agenda 2063, the African Union's (AU) Assembly of Heads of State and Government (Assembly) adopted in 2016 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)). The CAP defines Africa's new humanitarian architecture, which includes the creation of the African Humanitarian Agency as a vehicle for Africa's humanitarian action. The new humanitarian architecture also emphasizes addressing root causes and achieving durable solutions, as well as bolstering the capacity of States and other stakeholders to tackle the challenges of forced displacement on the continent.

In this context, the AU will mark the 50th anniversary of the adoption of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa as well as the 10th anniversary of the adoption of the 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in 2019. At its 29th Assembly in July 2017, the AU's Executive Council called on the Union to declare 2019 the Year of Refugees, Returnees and IDPs: Towards Durable Solutions to Forced Displacement in Africa, and called on the

AU to work with the Office of the Secretary General of the United Nations, UNHCR and others to organize a series of commemorative events ‘that will bring global visibility to forced displacements in Africa’ (Decision 968 (XXXI)). At its 31st summit in July 2018, the AU Assembly took note of Executive Council Decision 968 and declared 2019 as ‘the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa’ (Decision 707 (XXXI)).

Member State consultations on the theme of 2019 were conducted within the framework of the AU’s 6th Annual Humanitarian Symposium, held in Nairobi from 26 to 28 November 2018. The activities developed through these consultations are known within the AU Commission and UNHCR as ‘Project 2019’. In this context, it is planned to convene a Continental Consultative Meeting (CCM) to be held in Kampala, Uganda in December 2019 on promoting the ratification, domestication and implementation of the Kampala Convention.

2. BACKGROUND

There are 14.5 million people on the African continent who are internally displaced; more than double the number of refugees and asylum seekers. The number of IDPs in Africa accounts for more than one third of the global number of the internally displaced. Though the vast majority of IDPs in Africa are uprooted by conflict and violence, many are also displaced by the effects of climate change, complex health emergencies, environmental degradation, disasters, human rights violations and projects carried out by public or private actors. IDPs often face distinct and specific protection challenges. More and more IDPs are found in protracted displacement situations, often living with and amongst the urban poor; this compounds their vulnerability and that of their hosts.

As internal displacement situations remain protracted, their consequences for development have become evident. Protracted displacement can erode the resilience, skills and capacities of IDPs, and entrench impoverishment, marginalization and inequality. It can also affect host communities by putting pressure on scarce resources and services, potentially creating tension at the community level. It exacerbates pre-existing vulnerabilities and gives rise to new ones. As many of those in protracted displacement seek access to safety, services, jobs and solutions to their plight in cities, it also puts pressure on existing services, utilities and labour markets. Internal displacement is also recognized as a development challenge in the context of natural disasters, in large part because of advances in understanding disaster risk reduction. All combined, this impedes sustainable development for countries and entire regions. It may also contribute to renewed crises and displacement, reversing development gains, thereby rendering it impossible to achieve Agenda 2030.

The Kampala Convention is a pioneering regional treaty that promotes a strong and effective national system of protection and durable solutions for IDPs. It gives concrete legal expression to the United Nations (UN) Guiding Principles, which

marked their 20th Anniversary in 2018.¹ It recognizes IDPs as ‘right-holders’ and establishes national responsibilities and obligations in displacement situations triggered by violence and conflict, disasters, the effects of climate change and projects. The Convention recognizes the roles and contributions of regional and international actors and provides for a Conference of States Parties to monitor implementation. It also stipulates actions aimed at preventing forced displacement and facilitates settlement options for durable solutions, including return, local integration and settlement elsewhere in the country. By incorporating provisions on disaster and development related displacement, the Convention strengthens links between policies and practices concerning conflict-related displacement, disaster risk reduction and development project management.

The adoption of the Kampala Convention in 2009 signaled a strong commitment by AU Member States towards finding solutions for internal displacement. To date, 27 of the 55 AU’s 55 Member States have ratified the treaty, while 40 states have signed it. The first Conference of State Parties was held in April 2017 in Harare, Zimbabwe, where the ‘Harare Plan of Action’ was adopted. The Plan of Action outlines a multi-year roadmap of activities aimed at promoting greater compliance by AU Member States through ratification, domestication and implementation of the Convention.

Niger became the first State party to the Kampala Convention to take the important step of domesticating the Convention when its National Assembly adopted comprehensive legislation on 3 December 2018. With the active support of international and regional partners, efforts are currently underway to support the domestication of the Kampala Convention in the Central African Republic, Chad, Liberia, Mali, Nigeria and South Sudan. Though not a signatory to the Kampala Convention, in 2012 Kenya adopted the Prevention, Protection and Assistance to IDPs and Affected Communities Act in line with the 2006 Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons and the Kampala Convention. Several tools and resource materials have been developed to support these national efforts.

The role of Regional Economic Communities (RECs) in the promotion and implementation of the Kampala Convention has become important. Member States and partners also recognize the contributions and roles of the UN Special Rapporteur on the Human Rights of IDPs and the African Commission on Human and Peoples’ Rights’ Special Rapporteur on Refugees, IDPs, Returnees and Migrants.

Notwithstanding important achievements in the law and policy sphere, significant implementation gaps remain. The number of people displaced remains unacceptably high, as does the duration and the severity of the protection challenges they face. The need to make internal displacement a core element of the development

¹ 20th Anniversary of the Guiding Principles on Internal Displacement: A Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018-2020 (23 May 2018).

agenda in national development planning processes is increasingly being recognized. If left unaddressed, internal displacement can breed tension and conflict.

3. OBJECTIVES

The overall objective of the CCM is to promote the ratification, domestication and implementation of the Kampala Convention. The CCM underscores the strong and foundational role of law and policy frameworks in support of not only durable solutions but also towards the prevention of future conflict, humanitarian disasters and forced displacement. These issues are core thematic priorities of the commemorative year 2019. The CCM will pursue strong and effective linkages with the African Union Agenda 2063, the AU's *Silencing the Guns*, the Sustainable Development Goals (SDGs), the Plan of Action for the 20th Anniversary of the Guiding Principles on Internal Displacement (GP20), and the UN Secretary General's prevention agenda.

The CCM will focus on the following:

- What are the experiences of, and challenges faced by, AU Member States in ratifying, domesticating and implementing the Kampala Convention? How can these implementation challenges be addressed?
- What partnerships need to be strengthened to better promote ratification, domestication and implementation, and how can this take place? The particular focus will be on RECs, parliamentarians, national human rights institutions, international organizations and IDPs themselves.
- How can the Kampala Convention be implemented to spur solutions for internal displacement, paying close attention to improving development programming and financing, the links between returning refugees and IDPs and specific approaches designed to reduce future displacement.
- How can concerns related to article 10 of the Kampala Convention be addressed?

4. EXPECTED OUTCOMES

The CCM will identify the challenges and obstacles AU Member States face in the ratification, domestication and implementation of the Kampala Convention and recommend specific and practical solutions to address these challenges. Supported by an assessment of practices of AU Member States of the AU in the implementation of the Kampala Convention, links will be established with outcome of the GP20 Plan of Action and the Global Compact on Refugees.

The CCM will have the following specific outcomes:

- *Share regional, national and sub-national good practice* in the implementation of the Kampala Convention (including on the development of appropriate laws, policies and approaches), as well as information on resources and support tools available for Member State implementing the Convention;
- *Achieve commitments and pledges* from Member States towards the ratification and domestication of the Kampala Convention and identify approaches to support countries moving from ratification to domestication and from domestication to implementation;
- *Identify the experiences, potential and partnerships of RECs* (such as ECOWAS, SADC, EAC and IGAD) in the promotion and implementation of the Kampala Convention;
- *Secure commitments and pledges* to enhance international support to Member States in the ratification, domestication and implementation of the Kampala Convention in the areas of capacity building initiatives and trainings and data management on forced displacement;
- *Strengthen the role of the African human rights mechanisms and the Kampala Convention's Conference of States Parties* in supporting implementation of the Convention, including Member State compliance.

The outcome of the CCM will be captured in the 'Chairperson's Summary' incorporating key pledges, commitments and recommendations. The summary will be published as an annex to the report of the meeting as well as in the memoire book of Project 2019. The recommendations will contribute to the AU Humanitarian Summit, the inaugural Global Refugee Forum and events planned under the GP20 Plan of Action.

5. TECHNICAL DETAILS

The format of the meeting will include a keynote speech, testimonies from persons of concern and host communities, thematic breakout sessions and a series of plenary discussions. Throughout the meeting, interpretation will be provided in all AU working languages.

There will be about 160 participants, including representatives of AU Member States, relevant AU organs, partner countries, RECs, UN agencies, international organizations, development actors and NGOs. Academic experts, persons of concern, faith-based organisations and the media will also be invited.

The CCM will take place on 2-3 December 2019 in Kampala, Uganda