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INFORMATION NOTE

**AFRICAN UNION SPECIAL SUMMIT OF HEADS OF STATE AND GOVERNMENT
ON REFUGEES, RETURNEES AND INTERNALLY DISPLACED PERSONS IN
AFRICA**

KAMPALA, UGANDA, OCTOBER 2009

***THEME: AFRICAN UNION ADDRESSING THE CHALLENGE OF FORCED
DISPLACEMENT IN AFRICA***

HOSTED BY – THE GOVERNMENT OF THE REPUBLIC OF UGANDA

Introduction

The African Union, in collaboration with its key partners, will be holding a Special Summit of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons in Africa. The Government of Uganda has kindly accepted to host the Special Summit, the first ever of its kind, timely and groundbreaking as the African Heads of State and Government are expected to also adopt the African Convention on the Protection and Assistance of Internally Displaced Persons in Africa, the first ever such Convention in the world.

Background to the Special Summit

Many African States have and some continue to experience forced population displacement. During the period leading to and immediately following independence, African countries worked together to address the then burgeoning humanitarian challenges resulting from the wars of liberation and the struggle against apartheid as well as the effort to build modern nation states from a diversity of ethnically-based nations. The need to jointly work together was at that time strongly inspired by the pan-African spirit that mobilized the continent's leaders and eventually led to the establishment of the Organization of African Unity in 1963. That collective expression of solidarity and determination by the newly independent states also led to the enactment of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa which attested to the foresight of Africa's leaders then in putting in place

a strategic instrument that repeatedly proved critical for the protection of millions of refugees.

Africa is host to the largest number of refugees and internally displaced persons

More than half a century after the independence of the majority of African countries and several years into the new millennium, however, the continent is still home to more than 17 million refugees and internally displaced persons (IDPs). Tragically, a large number of them have been in protracted camp situations spanning several years and in some cases for decades. The potential of otherwise willing and able people to contribute to the development of their communities and nations is being wasted. Keeping such a large number of people in limbo also has serious consequences for peace and stability. The inability to effectively protect, assist and find timely resolutions to the problems that created these displacement situations is posing a major threat to Africa's progress.

Since the past two decades the majority of the forcibly displaced in Africa are IDPs. In some cases, these IDPs were once returned refugees and, were displaced internally when they could not effectively reintegrate in their areas of return. IDPs are a particularly vulnerable group. Often they are isolated and reside in insecure and inaccessible areas. Frequently, they may continue to suffer the very same abuses that may have caused their flight. Their situation could be further exacerbated when they cannot rely on protection

and assistance from their national governments, as the competent authorities may either be unable or unwilling to protect and assist them. It is, therefore, critical that increased attention is paid to the needs of IDPs in general and the most vulnerable among them, including women and children who often form the largest number of both refugees and internally displaced persons.

Africa is once again taking groundbreaking initiatives to address the situation

For many years now, African States have worked with the African Union and its partners in the United Nations, especially the Office of the United Nations High Commissioner for Refugees, and other inter-governmental and non-governmental organizations, to address the refugee and IDP challenge in Africa. During the past several years many conflicts have been resolved creating the possibility for many refugee and IDP situations to also be successfully resolved with the populations affected going back home. The African Union has taken a number of initiatives to consolidate the peace including through the deployment of peace support operations, appointment of special envoys and special representatives as well as mobilizing international support for post conflict reconstruction.

African Union's initiatives also included creation of strategic institutions such as African Standby Forces, Panel of the Wise, Early Warning System and close collaboration with Regional Economic Communities. The AU also

continues to adopt conventions and strategic policies that help the peace take deeper roots, address the root causes of conflict and foster reconciliation such as the AU Policy on Post-Conflict Reconstruction and development adopted in 2006.

The AU is also developing a Convention on the protection of IDPs. Currently IDPs are not specifically covered by any international legal instrument. The United Nations Guiding Principles on Internal Displacement (Guiding Principles) has tried to distil the rules and principles of national and international law most relevant to the protection of internally displaced persons from, during and after displacement into a single framework. In keeping with the spirit that led Africa to enact the most comprehensive legal instrument for refugee protection -the 1969 OAU Convention Governing the Specific Refugee Problems in Africa, and also in keeping with the principle that Africa's problems need African solutions, Member States of the African Union have taken the decision to enact an African Convention for the Protection and Assistance of Internally Displaced Persons in Africa. It is expected that the Special Summit will adopt the new Convention – a development, which once again demonstrates Africa's strong leadership in addressing forced population displacement.

The Root Causes of forced displacement in Africa vary

Unlike the years of the struggle against colonialism, the majority of people in Africa today become

displaced due to a completely different set of reasons. While some of these reasons are the adverse forces of nature, such as earthquakes and droughts, for the most part the forced displacement is attributable to the acts or omissions of the state such as human rights violations, political and socio-economic marginalization, conflicts over natural resources and bad governance. Underlying these immediate causes are deeper and often interrelated root causes. While on occasion there may be historical or external factors influencing the situation, the leading causes responsible for the displacements are largely home-grown. Extreme poverty, underdevelopment and lack of opportunity further exacerbate the situation.

Prevention is seen as the most effective form of protection for people in danger of becoming refugees or internally displaced

Prevention has been described as the best cure. African States are encouraged to ask the question as to why, in the 21st Century, there should still be millions of Africans forced to flee their homes as refugees or internally displaced. Such self-searches should lead to deliberate and multifaceted measures to prevent forced displacement and eradicate the phenomenon altogether. Measures aimed at preventing the displacement of people and averting the attendant tragedies, must be initiated long before the inception of serious crisis. In that regard, experience has shown that proactive policies and concrete measures that address certain wrongs, promote firm and lasting peace,

reconciliation and stability, do prevent the development of situations that can lead to violent conflict and forced displacement, provided that such policies are given priority and resources are dedicated to their implementation.

AU's Response Mechanisms

Preventive actions including political initiatives such as boldly redressing certain wrongs, good governance, the rule of law, promotion of respect for human rights, protection of minorities, protecting potential victims before being forced to flee, forestalling an increase in the number of those already affected by conflict and promoting durable solutions to their predicament are some of the actions that could be undertaken.

The African Union's Diplomatic initiatives take place in situations of conflict, however, actions to prevent, deescalate and resolve conflicts should also commence at the earliest possible point when the potential for violent conflict has been understood. Such actions include initiating contacts and opening negotiations with parties to a conflict. Mediation efforts then follow through to the convening of peace conferences to focus on specific problems that lie at the root of the crisis.

Another mechanism is the use of the good offices of the African Union Chairperson, appointment of special envoys; other African Union mechanisms such as the Peace and Security Council, the Panel of the Wise and the African Peer Review Mechanism are the commonly

considered alternatives. In addition Regional Economic Communities also intervene to prevent, deescalate and resolve conflicts - ECOWAS in Liberia, Sierra Leone and Cote d'Ivoire, the SADC in southern Africa, IGAD in Sudan's North-South conflict and with the support of the United Nations, could be explored. Humanitarian assistance can also play a crucial role in the prevention situations that cause forced displacement by alleviating immediate problems and encouraging parties engage in humanitarian negotiations for delivery of assistance.

Need for solutions that are effective and durable

Despite Africa's commendable commitment to the cause of refugees and IDPs and a network of international and African legal frameworks relating thereto, there remain challenges in the practical delivery of effective protection and assistance to those in need, in particular, finding timely solutions to their plight.

As the root causes to forced displacement are addressed, African States are encouraged to take bold measures toward appropriate durable solutions that may be available to resolving protracted situations in which generations of refugees and internally displaced persons live, deprived of the right to a dignified life and the opportunity to contribute to the socio-economic renewal of the continent. For refugees, while voluntary repatriation remains the preferred durable solution, in the spirit of solidarity, compassion and African brotherhood, people who cannot

repatriate should be considered for local integration as an alternative.

Resettlement means relocation to a third country that is willing to provide a durable solution. The existence of such a mechanism to predictably and reliably convert refugee status into the basis for an enduring solution is, however, absent from most asylum regimes in Africa and thus constrains the achievement of a durable solution. In the Ouagadougou Declaration of 2 June 2006, AU Ministers requested member states in a position to do so to consider receiving eligible African refugees for resettlement. In this regard the pioneering examples of Burkina Faso and Benin are laudable.

The solutions for the internally displaced persons are substantially similar. The key consideration for this group is whether the State has established the conditions needed to protect them against harassment, intimidation and discrimination and to freely choose where to settle.

Need to redouble efforts toward reintegration - support for recovery and reconstruction of countries emerging from conflict

Since its establishment the African Union has registered considerable progress in resolving many of Africa's conflicts. As a result there has been a progressive return of peace and stability to a number of African countries. This has rejuvenated the hopes of millions of conflict-affected populations from these countries and thousands have started to return home, even when the conditions in areas of return are far from being fully

conducive for reintegration. However, the devastation caused by years of conflict, underdevelopment and neglect is frustrating the efforts of returnees to reintegrate and rebuild. The absence of a comprehensive approach to post conflict recovery and reconstruction at the national, regional and international level continues to be a stumbling block. This is further exacerbated by lack of adequate and sustained support to the recovery and reconstruction efforts of countries emerging from conflict. Inadequate efforts to assure broad-based human security, weak local economy and poor social infrastructures, such as schools and health clinics, leave peace and stability fragile and pave the way for renewed conflict.

The transition process from war to peace entails not only overcoming the causes that originally sparked the fighting and mitigating ongoing conflict. It also has to deal with the consequences of the conflict. For example many refugees and displaced people in Africa tend to be displaced for a long time. Some are born and brought up in exile or internal displacement. This, in many ways, modifies the lifestyles and livelihood systems at both the individual and community level. Long years of exile also destroy the social fabric and rob people of the opportunity to resuscitate or build new coping mechanisms. These populations face monumental challenges to re-establish their livelihoods upon return.

Experience has shown that most of Africa's conflicts have been recursive not least because solutions have often been short-lived and short-sighted

leaving out the full range of conflict resolution, peace building and reconciliation measures. Here the challenge is to find enduring solutions to Africa's seemingly intractable conflicts that will transcend halting of hostilities to include comprehensive and coordinated post-conflict reconstruction, reconciliation, rehabilitation and reintegration. The AU's Post-Conflict Reconstruction and Development (PCRD) Policy sets out principles for comprehensive post-conflict recovery, rehabilitation and reconciliation foreseen in three phases and along six major pillars. Informed by years of AU's practical involvement in such efforts, the AU PCRD Policy contemplates all aspects of the process and links the consolidation of peace in the transition phase to long-term sustainable development.

The entire process of post conflict reconstruction, from the emergency phase to recovery and development is complex and beyond the capacity of any single institution, including governments, however well intentioned. This implies the need to forge partnerships involving all relevant actors including government, humanitarian organizations –both international and national, civil society, the military in certain situations, the private sector, the donor community, as well as the affected population itself. For it to be effective, the partnership should be designed to support and complement national efforts, which are responsive and adapted to realities on the ground. Each actor should be engaged based on what it can do best and focusing on its comparative advantages. This

would help prevent gaps and wasteful overlaps.

Expected Outcome of the Special Summit and Way Forward

The African Union Ministerial Conference on Refugees, Returnees and Displaced Persons in Africa held in Ouagadougou, Burkina Faso in May 2006, followed by the 9th Ordinary Session of the Executive Council of the African Union held in July 2006 in Banjul, the Gambia, both recommended that a Special Summit of Heads of State and Government be convened to address the issue of forced displacement in Africa and to allow the opportunity for Member States to tackle the root causes with a view to eradicating this phenomenon from the continent. A Solemn Declaration is foreseen as the main vehicle to carry the decisions of the Heads of State and Government. In the Solemn Declaration, the Heads of State and Government are expected to commit themselves to taking concrete measures to address the root causes of forced displacement, strengthen protection and assistance for the continent's millions of refugees and IDPs and create conditions conducive for long term solutions. Among other things, they are expected to endorse and sign the African Union Convention on the Protection and Assistance to Internally Displaced Persons in Africa.

Following to this meeting, a Plan of Action will be put in place to implement the decisions adopted by the Summit of Heads of States and Government on Refugees, Returnees and Internally Displaced Persons in Africa.

The Dates and Venue

The Special Summit is scheduled to take place in October 2009, in Kampala Uganda. Preparatory meetings by Member States Experts and Ministers in Charge of Displacement Matters on the continent took place from 5th – 11th November 2008 in Addis Ababa, Ethiopia.