



KAMPALA DECLARATION

**ON REFUGEES, RETURNEES AND
INTERNALLY DISPLACED
PERSONS IN AFRICA**

We, Heads of State and Government of Member States of the African Union, meeting in Kampala, Uganda from 22 to 23 October 2009;

Recalling the pan-African spirit that inspired our predecessors to mobilize the Continent's resources in the struggle for independence and abolition of apartheid, for the collective good of all the people of Africa;

Rededicating ourselves to the pan-African ideals that guided the solidarity among African States and the peoples of Africa during the struggle for liberation from colonialism and the resolve to continue extending protection and humanitarian assistance to victims of forced displacement and search for durable solutions for their problems.

Underscoring the objectives and principles in the Constitutive Act of the African Union;

Conscious of the fact that the African continent has the largest number of refugees, internally displaced persons, and returnees;

Deploring that large numbers of people within our Continent are displaced, either as refugees or internally displaced persons and some are even stateless as a result of conflicts, natural disasters, and increasingly climate change and other causes of forced displacement in Africa;

Noting that the majority of the refugees, returnees and internally displaced persons are women and children as well as people of old age and handicapped that require special protection and assistance because of their vulnerability;

Realizing also that for a variety of reasons, refugees and internally displaced persons are sometimes unable or unwilling to return to their homes immediately after their displacement and as a result, spend many years or even decades in camps and therefore require durable solutions to their displacement situation;

Recognizing that some refugees and the internally displaced persons are people with skills, experiences and expertise and are willing and able to contribute to Africa's development and progress;



Recalling the various conventions, declarations, resolutions and decisions that have previously been adopted on the question of refugees and internal displacement in Africa and their impact for the Continent and reiterating the need to implement them;

Recognising further the problems of hosting large numbers of refugees, and commending the States and host communities that extend hospitality to refugees and internally displaced persons;

Acknowledging the efforts made and paying tribute to the regional organizations including the Regional Economic Communities, the United Nations Systems, especially its agencies such as the High Commissioner for Refugees, the World Food Program, the Office for the Coordination of Humanitarian Affairs, United Nations Children's Fund as well as other international organizations including the Red Cross and Red Crescent Movement, the International Organization for Migration and the Civil Society Organizations for the support that they continue to extend to refugees, returnees and internally displaced persons in Africa;

Calling upon the international community to continue to support the African Union as it addresses the challenges of forced displacement in Africa, in particular, the increasing incidence of displacement caused by environmental factors, including climate change;

Recognizing further that the incidence of refugees and internally displaced persons is an outcome of underlying political, socio-economic and developmental problems as well as the influence of external factors, which cause f destabilisation, and that the search for solutions to this problem requires our full attention;

Having considered and endorsed the Report and Recommendations of the Executive Council as well as the Ministers in-charge of Forced Displacement Matters in our respective governments;

Having carefully examined the challenge that the problem of forced displacement in Africa poses to the Continent and deliberated on steps that need to be taken to address it;

Hereby Declare as Follows:

On Prevention of Forced Displacement in Africa,

1. We undertake to examine further all the factors that cause or contribute to forced displacement of people in Africa, with a view to taking measures that will prevent and finally eliminate from our Continent the occurrence of forced displacement of people arising from conflict and natural disasters.
2. We undertake therefore to establish or strengthen high-level national mechanisms to address the problem of forced displacement in our respective countries, with particular focus on the root causes.
3. We undertake to address under development and unemployment as causes of forced displacement.
4. We call upon Member States who have not done so to sign and ratify treaties, conventions and covenants relating to human rights, refugees, the protection of civilians during armed conflict, civil, political and socio-economic rights as well as the prevention of large scale arbitrary population displacement, including the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the African Charter on Democracy Elections and Governance.
5. We undertake to fast track entry into force of the African Charter on Democracy, Elections and Governance and, as soon as it enters into force, agree to take measures to promulgate national laws and review existing laws with a view to addressing gaps and strengthening mechanisms for their implementation, including lifting reservations deposited on certain of the provisions in these treaties and conventions. We undertake to develop by 2015, national strategies for the full implementation of the African Charter on Democracy, Elections and Governance including by aligning relevant national legislation and strengthening national institutions charged with democratisation and electoral processes.
6. We condemn and call for an end to external interference such as the support for mercenaries and sponsoring of armed groups that have fuelled conflict in Africa.



On Effective Protection of Victims of Forced Displacement

7. We undertake to deploy all necessary measures to ensure full respect for the fundamental principle of non-refoulement as recognised in International Customary Law as enunciated in Article 33 of the 1951 UN Geneva Convention relating to the Status of Refugees and in Article 2 of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and, through appropriate national mechanisms, ensure that asylum seekers and refugees are treated humanely, and that their rights are protected.
8. We shall do everything possible to address the plight as well as to find durable solutions for refugees and internally displaced persons who are in protracted situations in the territories of our respective States. To this end we commit to facilitate intra-Africa third-country resettlement.
9. We also undertake to enable IDPs find durable solutions by promoting and creating conducive conditions for voluntary return, local integration or settlement elsewhere in the circumstances of safety and dignity.
10. We undertake, with the support of UNHCR, other Agencies and organizations to address the phenomenon of mixed migration flows and irregular secondary movement in order to accord refugees and asylum seekers the protection they deserve.
11. We commit ourselves to creating an enabling environment for refugees and internally displaced persons particularly women and vulnerable groups as well as the youth to become self-reliant through socio-economic integration which will enable them prepare to contribute to the local economy upon return. We also call upon the international donor community to support the efforts of African nations in protecting and assisting refugees and IDPs to meet their basic needs as well as access their fundamental rights.
12. We reiterate our commitment to maintain the civilian and humanitarian character of camps and centres hosting refugees and internally displaced persons. To that end, we commit to deal with all aspects of this issue based on the provisions of international Instruments.

On Meeting the Specific Needs of Displaced Women and Children and Other Vulnerable Groups

13. We strongly support the need for protection of civilians in situations of armed conflict, based on International Humanitarian Law, taking note of the disproportionate share of special vulnerability of displaced persons especially women, children and other disadvantaged groups including persons with disabilities. We also commit to the prohibition of the recruitment of children into armed forces and groups set out in the African Charter on the Rights and Welfare of the Child and the optional Protocol to the UN Convention on the Rights of the Child on the involvement of Children in Armed Conflict. Furthermore we call for full ratification of the Protocol on Human and Peoples' Rights on the Rights of Women in Africa and the Charter on the Rights and Welfare of the Child.
14. We strongly denounce and condemn impunity, rape, sexual abuse and all forms of Gender Based Violence (GBV) and exploitation among civilian populations as well as their use as a weapon of war during armed conflict. We commit ourselves to ensure that all refugee victims of rape, sexual abuse, violence and exploitation in our territories will have free access to legal advice, support and counselling in order to seek and obtain effective redress for the violation of their rights and dignity as well as medical attention, rehabilitation and reintegration.
15. We commit ourselves to ensure access to primary, secondary and post-secondary education, and other training for all children, including refugee and internally displaced children as well as access to informal and adult education by out of school girls and women.



On Reconstruction of Communities Emerging from Conflicts and Natural Disasters

16. We reiterate our commitment to the speedy implementation of the AU Policy Framework on Post-Conflict Reconstruction and Development and request Member States to enact national policies on peace building and reconciliation.
17. We undertake to expedite targeted support to post-conflict countries, including meeting critical gaps in human resources. In this regard, the African Union Commission is hereby requested to expedite the establishment of the African Union Volunteers Programme and database of African experts on post-conflict reconstruction and peace building in order to facilitate and coordinate the deployment of skilled and experienced human resources to support post-conflict reconstruction and development.
18. We commit ourselves to Disarmament, Demobilization and Reintegration (DDR) following the settlement of an armed conflict as well as mine clearance and other unexploded ordinances. We undertake to also raise awareness as an integral part of the effort to address the impact of armed conflict and ensure safety and sustainability of return.
19. We commit ourselves to ensure that our national development plans give priority attention to the recovery and reconstruction needs of communities affected by conflict and disasters. To this end, we commit to deploy adequate human, financial and material resources to support the return, reintegration and rehabilitation of returnees and the receiving communities. Member States also recognize the need for support to refugee-hosting communities.
20. We commit ourselves, to increase support for the consolidation of peace and a smooth transition from humanitarian response to development assistance in countries emerging out of conflicts and disasters. We appeal to development partners to support this process.
21. We further call upon development partners to dedicate a portion of development assistance to projects and activities benefiting displaced populations as well as the hosting communities in both internally displaced persons and refugee situations and ensure sufficient funding for infrastructural and other improvements in areas of return and reintegration.
22. We undertake to create an enabling environment for the development and strengthening of the partnership of independent and responsible civil society organizations, including private

educational and research institutions, policy think-tanks, non-governmental organizations, religions institutions, labour and trade unions, professional associations, media and the press, as well as other civic and public interest groups that could help in further building national and local capacity for peaceful public discourse in political, economic and social spheres.

23. We commit ourselves to deal with challenges of climate change, increased pressure on natural resources, issues of land management, water and sanitation, rural infrastructure in our efforts to find durable solutions to the problem of refugees and internally displaced persons.
24. We hereby call upon Member States to contribute generously to the AU Special Refugee Contingency Fund. The Fund shall, inter-alia, be used to support the fast tracking of the implementation of programmes to meet the needs of refugees, returnees, internally displaced persons and other conflict affected populations, during the critical period straddling the transition from conflict to peace. To this end we request the African Union Commission to develop modalities and guidelines for the operation of the Fund for the consideration and decision of the Executive Council during their regular sessions in 2010.
25. We commit ourselves to prioritize the building of capacity of national institutions, including those dealing with the challenge of refugees, returnees and internally displaced persons, with a view to the attainment of self-reliance and empowerment of Africans to address Africa's problems.
26. We undertake to work closely with national parliaments to ensure that they are engaged with issues of forced displacement, relating to prevention of displacement and finding durable solutions including passing appropriate legislations and provision of adequate resources to address challenges posed by forced displacement.



On Forging Partnerships in Addressing Forced Displacement

27. We call upon the African Development Bank and regional banks to establish financing windows for the support of fast-track recovery and reconstruction efforts in countries and communities emerging from conflict. In connection thereto, we call upon other international financial institutions including the International Monetary Fund (IMF) and the World Bank to review their policies and urgently develop appropriate policies and financing mechanisms to bridge the persistent gap facing countries during the transition from conflict to peace. We also call upon Africa's bilateral and multilateral development partners to review their policies with a view to increasing support to critical development activities that are crucial in building the peace and under-girding recovery and reconstruction during the transition from conflict to peace.
28. We call upon the United Nations Systems, International Organizations, bilateral and multilateral partners, as well as NGOs, to strengthen coordination of their programmes including joint planning, implementation, monitoring, and impact assessment, in partnership with national authorities, particularly in countries affected by conflict. We welcome the ongoing reform process by the international humanitarian community to improve effectiveness, predictability and partnership in all aspects of humanitarian operations.

On the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa

29. We hereby adopt the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa and urge our Member States to ratify and implement it as soon as possible.



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