

Declaration On The Protection Of Refugees And Displaced Persons In The Arab World

The Group of Arab Experts, meeting in Cairo, Arab Republic of Egypt, from 16 to 19 November 1992 at the Fourth Arab Seminar on "Asylum and Refugee Law in the Arab World", organized by the International Institute of Humanitarian Law in collaboration with the Faculty of Law of Cairo University, under the sponsorship of the United Nations High Commissioner for Refugees,

1. Noting with deep regret the suffering which the Arab World has endured from large-scale flows of refugees and displaced persons, and also noting with deep concern the continuing outflow of refugees and displaced persons in the Arab World and the human tragedy encountered by them,

2. Recalling the humanitarian principles deeply rooted in Islamic Arab traditions and values and the principles and rules of Moslem law (Islamic Sharia), particularly the principles of social solidarity and asylum, which are reflected in the universally recognized principles of international humanitarian law,

3. Recognizing the imperative need for a humanitarian approach in solving the problems of refugees and displaced persons, without prejudice to the political rights of the Palestinian people,

4. Emphasizing the need for the effective implementation of paragraph 11 of General Assembly Resolution 194 (111) of 11 December 1948, calling for the right of return or compensation for Palestinian refugees,

5. Considering that the required solution is the full implementation of the Resolutions of the Security Council and of the United Nations, including Resolutions 181 of 1947 and Resolution 3236 of 1973, which guarantee the right of the Palestinian people to establish its independent State on its national territory,

6. Deeply concerned that Palestinians are not receiving effective protection either from the competent international organizations or from the competent authorities of some Arab countries,

7. Recognizing that the refugees and displaced persons problems must be addressed in all their aspects, in particular those relating to their causes, means of prevention and appropriate solutions,

8. Recalling that the United Nations Charter and the international human rights instruments affirm the principle that human beings shall enjoy fundamental rights and freedoms without discrimination of whatever nature,

9. Considering that Asylum and Refugee Law constitute an integral part of Human Rights Law, respect for which should be fully ensured in the Arab World,

10. Recognizing that the United Nations Convention of 28 July 1951 and the Protocol of 31 January 1967 constitute the basic universal instruments governing the status of refugees,

11. Recalling the importance of regional legal instruments such as the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees,

12. Recognizing that the fundamental principles of human rights, international humanitarian law and international refugee law represent a common standard to be attained by all peoples and nations; that they should provide constant guidance to all individuals and organs of society; and that competent national authorities should ensure respect for these principles and should endeavour to promote them by means of education and dissemination,

13. Recalling the historic role of Islam and its contribution to humanity, and the fact that universal respect for human rights and fundamental freedoms for all constitute an integral part of Arab values and of the principles and rules of Moslem law (Islamic Sharia),

14. Noting with appreciation the humanitarian role of the Office of the United Nations High Commissioner for Refugees in providing protection and assistance to refugees and displaced persons,

15. Recalling with particular gratitude the efforts of the International Institute of Humanitarian Law for the developing of refugee law in the Arab World and for organizing the four Arab Seminars held for this purpose in San Remo (1984), Tunis (1989), Amman (1991) and Cairo (1992), and,

16. Recalling with appreciation the efforts of the International Committee of the Red Cross

in protecting refugees and displaced persons in armed conflict situations,

Adopts the following Declaration:

Article 1

Reaffirms the fundamental right of every person to the free movement within his own country, or to leave it for another country and to return to his country of origin;

Article 2

Reaffirms the importance of the principle prohibiting the return or the expulsion of a refugee to a country where his life or his freedom will be in danger and considers this principle as an imperative rule of the international public law;

Article 3

Considers that the granting of asylum should not as such be regarded as an unfriendly act vis-a-vis any other State;

Article 4

Hopes that Arab States which have not yet acceded to the 1951 Convention and the 1967 Protocol relating to the status of refugees will do so;

Article 5

In situations which may not be covered by the 1951 Convention, the 1967 Protocol, or any other relevant instrument in force or United Nations General Assembly resolutions, refugees, asylum seekers and displaced persons shall nevertheless be protected by:

- (a) the humanitarian principles of asylum in Islamic law and Arab values,
- (b) the basic human rights rules, established by international and regional organisations,
- (c) other relevant principles or international law;

Article 6

Recommends that, pending the elaboration of an Arab Convention relating to refugees, Arab States adopt a broad concept of "refugee" and "displaced person" as well as a minimum standard for their treatment, guided by the provisions of the United Nations instruments relating to human rights and refugees as well as relevant regional instruments;

Article 7

Calls the League of Arab States to reinforce its efforts with a view to adopting an Arab Convention relating to refugees. These efforts will hopefully be brought to fruition within a

reasonable period of time;

Article 8

Calls upon Arab States to provide the Secretariat of the League with relevant information and statistical data, in particular concerning:

(a) the condition of refugees and displaced persons in their territories,

(b) the extent of their implementation of international instruments relating to the protection of refugees,

(c) national laws, regulations and decrees in force, relating to refugees and displaced persons;

This will help the League of Arab States in taking an active role in the protection of refugees and displaced persons in cooperation with the competent international organizations;

Article 9

(a) Strongly emphasizes the need to ensure inter-national protection for Palestinian refugees by competent international organizations and, in particular, by the United Nations, without in any way prejudicing the inalienable national rights of the Palestinian people, especially their right to repatriation and self-determination,

(b) Requests the competent organs of the United Nations to extend with due speed the necessary protection to the Palestinian people, In application of Security Council Resolution 681 of 20 December 1990,

(c) Requests the Arab States to apply in its entirety the Protocol relating to the Treatment of Palestinians in Arab States, adopted at Casablanca on 11 September 1965;

Article 10

Emphasizes the need to provide special protection to women and children, as the largest category of refugees and displaced persons, and the most to suffer, as well as the importance of efforts to reunite the families of refugees and displaced persons;

Article 11

Calls for the necessary attention which should be given to the dissemination of refugee law and to the development of the public awareness thereof in the Arab World; and for the establishment of an Arab Institute of International Humanitarian Law, in cooperation with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and the League of Arab States.

Done at Cairo, on Thursday, the 24th of Jumada al-oula A.H. 1413, the 19th of November A.D. 1992.

FIRST RECOMMENDATION

The Arab Experts, meeting in Cairo at their Fourth Seminar on Asylum and Refugee Law in the Arab World, wish to express their deep appreciation to the International Institute of Humanitarian Law and to the Faculty of Law of Cairo University for their valuable efforts, as well as to the Office of the United Nations High Commissioner for Refugees for its generous sponsorship, all of which led to the success of the Seminar and point to the need for periodically holding similar seminars in other parts of the Arab World in view of the benefits accruing therefrom.

The Arab Experts address their special thanks to the International Institute of Humanitarian Law for publishing the proceedings and synopsis of previous seminars. They note with deep appreciation the intended publication and large-scale dissemination by the Institute of the proceedings and results of their Fourth Seminar, including the Cairo Declaration.

SECOND RECOMMENDATION

The Arab Experts, meeting in Cairo at their Fourth Seminar on Asylum and Refugee Law in the Arab World, express their appreciation to the General Secretariat of the League of Arab States for its effective participation in the work of the Seminar and urge it to continue its constructive efforts with a view to reaching satisfactory solutions to the problems of refugees, including moral and material sponsorship of future meetings on the subject.

They also invite the League to study the feasibility of creating an Arab organism for refugees in the Arab World, within the framework of the specialized agencies of the League, with a view to providing legal and humanitarian protection for the refugees.