

# 1969 OAU Refugee Convention

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In 2019, the African Union, UNHCR, the UN Refugee Agency, and partner organizations, governments and millions of people across the continent and beyond are commemorating the 50<sup>th</sup> anniversary of the adoption of the 1969 OAU (Organization of African Unity) Refugee Convention. The treaty has had a significant impact in Africa. This document highlights key facts about the Convention, which has been ratified by most AU member states and remains as relevant as ever.

- The Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 OAU Refugee Convention) is Africa's treaty governing refugee protection on the continent. It was the world's first regional refugee protection instrument.
- It was adopted by OAU member states in 1969, when many African states had recently gained their independence, while others were still under colonial or minority rule.
- The Convention reflects this historical context. In addition to including the refugee definition from the Convention relating to the Status of Refugees (1951 UN Refugee Convention), the 1969 OAU Refugee Convention includes a regionally specific definition that affords refugee protection to individuals who fled their home country because of "external aggression, occupation, foreign domination or events seriously disturbing public order." This definition, particularly the clause about events disturbing public order, remains very relevant today. Every refugee, regardless of the definition under which he or she is recognized, enjoys the same rights under international law.
- The post-colonial context is also evident in the treaty's "prohibition of subversive activities," which was aimed at ensuring the stability of newly self-governing countries and relations among OAU member states. Today, this prohibition must be read in light of international and regional human rights law, particularly the protections of expression, association and assembly.
- The 1969 OAU Refugee Convention has much in common with its international counterpart, the 1951 UN Refugee Convention. Both treaties contain similar provisions on the conditions under which refugee status can end, to exclude certain serious criminals from refugee status and on the right to a travel document. Both treaties must also be applied to all refugees without discrimination.
- The 1969 OAU Refugee Convention also contains several innovations. It articulates an early notion of international responsibility sharing, something that is now on the global stage with the affirmation in late 2018 of the Global Compact on Refugees, and with the first Global Refugee Forum coming up in December 2019. The Convention also formalized the notion of voluntary repatriation, providing that "no refugee shall be repatriated against his will."
- September 10, 2019 will mark exactly 50 years since the 1969 OAU Refugee Convention was adopted. As of May 1, 2019, it had been ratified by 46 of the African Union's 55 member states. Half a century on, it is no less relevant than it was in the years following its adoption.