

# Cape Town Declaration, 2019

**The Africa Chapter of the International Association of Refugee and Migration Judges (IARMJ), assembled in final plenary session of its regional conference in Cape Town, South Africa, on 6 September 2019,**

## RECALLING

the Abuja Declaration, adopted by the Africa Chapter of the International Association of Refugee Law Judges (as it then was) at its regional conference in Abuja, Nigeria, on 25 November 2010 and affirmed at its meeting in Mombasa, Kenya, on 3 October 2012.

## **REAFFIRMS the Abuja Declaration.**

## NOTING

that the United Nations General Assembly affirmed the Global Compact on Refugees (GCR) in 2018 and that the first Global Refugee Forum (GRF) will take place in Geneva in December 2019.

**WELCOMES the GCR; RECOGNIZES the exemplary actions of several African states in implementing the GCR, including through its Comprehensive Refugee Response Framework and by developing new refugee laws and policies; CALLS ON African states to continue to support the GCR through refugee law reform, the social and economic inclusion of refugees in host countries in line with the 1951 Convention relating to the Status of Refugees (1951 Convention) and international and regional human rights law, particularly the African Charter on Human and Peoples' Rights (African Charter), and by making pledges and contributions at the GRF; and COMMITS to supporting GCR implementation, in particular by contributing to the fairness, efficiency, adaptability and integrity of asylum systems and by supporting the activities of the GCR's Asylum Capacity Support Group.**

## FURTHER NOTING

that nearly a third of the world's refugees are in Africa and the solidarity of many African states in hosting such refugees;

that 10 September marks the 50<sup>th</sup> anniversary of the adoption of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 OAU Refugee Convention) and 23 October marks the 10<sup>th</sup> anniversary

of the adoption of the African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);

that the AU's Assembly of Heads of State and Government declared 2019 'The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa' and that the AU Commission and the Office of the United Nations High Commissioner for Refugees (UNHCR) have convened several activities in this connection.

**APPLAUDS the solidarity of many African states in hosting refugees and the efforts of African states to find collective solutions to refugee problems, including under the auspices of the AU; URGES African states that are not yet party to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, the 1969 OAU Refugee Convention or the Kampala Convention to accede to these instruments; and WELCOMES the AU's theme of the year and the related activities and their outcomes.**

#### OBSERVING

that article 12(3) of the African Charter protects the right to seek and obtain asylum;

that this right is only effective if African states have asylum systems that are accessible, fair, efficient, adaptable and have integrity;

that some African states do not provide, or do not adequately provide, asylum systems that are accessible, fair, efficient, adaptable and have integrity;

that written reasons for decisions are critical to the fairness of asylum systems and that for the law of refugee status to develop, these reasons must be reported;

that in certain circumstances, such as when cases or caseloads are manifestly founded, case processing modalities such as simplified, accelerated or group-based procedures contribute to the efficiency and adaptability of asylum systems.

**URGES African states to ensure the fairness, efficiency, adaptability and integrity of asylum systems; FURTHER URGES African states to provide asylum-seekers with written decisions and to report such decisions; and CALLS ON African states to implement simplified, accelerated or group-based case processing modalities where warranted.**

## RECOGNIZING

that in order to ensure the fairness, efficiency, adaptability and integrity of asylum systems, it is necessary for judges and other decision makers to receive professional development training in refugee status determination (RSD) and related topics, including in relation to the critical issues of non-state agents of persecution, unaccompanied minors and other vulnerable populations and claims related to climate change and disaster displacement;

the expertise of the IARMJ, UNHCR and other partners in respect of such professional development training;

the lack of interpretive guidance regarding the 1969 OAU Refugee Convention.

**URGES the AU Commission, in partnership with the IARMJ, UNHCR and other partners, to provide professional development training in RSD, including under article I(2) of the 1969 OAU Refugee Convention and in the context of simplified, accelerated or group-based case processing modalities; and CALLS ON the AU and UNHCR to together publish interpretive guidance regarding the 1969 OAU Refugee Convention.**

Proposed by Judge President Dunstan Mlambo of South Africa.

Seconded by Zouheir Ben Tanfous of Tunisia.

**Unanimously adopted by the Africa Chapter of the IARMJ in Cape Town, South Africa, on 6 September 2019.**