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

**KAMPALA, UGANDA
19 – 23 OCTOBER 2009**

RECOMMENDATIONS

**ADDIS ABABA, ETHIOPIA
5 – 7 NOVEMBER 2008**

Theme: “African Union Addressing the Challenge of Forced Displacement In Africa”

Preventing Forced Displacement

The Government Experts on forced displacement issues noted that forced population displacement is a symptom of underlying crises that afflict many societies in Africa. Having considered the root causes of forced displacement recommend that:

Recommendation 1

Member States re-dedicate themselves to the Pan-African ideals that guided the solidarity among African countries and the peoples of Africa during the struggle for liberation from colonialism and resolve to continue extending protection and humanitarian assistance to victims of forced displacement and search for durable solutions for their problems.

Recommendation 2

Member States reaffirm the Ouagadougou Declaration and Recommendations of the African Union Ministerial Meeting on Refugees, Returnees and Internally Displaced Persons in Africa unanimously adopted on 2 June 2006 and endorsed by the 9th Ordinary Session of the Executive Council of the African Union held in July 2006 in Banjul, The Gambia. To this end Member States welcome the offer by the Republic of Uganda to host the Special AU Summit on Refugees, Returnees and Internally Displaced Persons in Africa.

Recommendation 3

Member States examine all the factors that cause or contribute to forced displacement of people in Africa, with a view to taking bold measures that will prevent and altogether eliminate the occurrence of forced displacement of people on the African continent.

Recommendation 4

In tackling forced displacement, Member States to establish where needed high-level national mechanisms that will be charged with addressing the problem of forced displacement, with particular focus on the root causes and with a view to eliminating the phenomenon from the continent.

Recommendation 5

Member States set benchmarks and indicators under the African Peer Review Mechanism against which the performance of each Member State of the African Union shall be measured with regard to the prevention and elimination of forced displacement of people under their respective jurisdictions.

Recommendation 6

In the effort to address root causes of forced displacement, Member States are urged to put in place mechanisms to ensure the return of refugees and Internally Displaced Persons, to their areas of origin and facilitate the recovery of their properties.

Recommendation 7

Member States adhere to the rule of law in the distribution, acquisition, ownership, utilization, exploitation and control of natural resources including land, forests, water and minerals with a view to protecting the rights of the state, local communities as well as private property; and to enhance transparency in the exploitation of natural resources and the utilization of public incomes that accrue from their exploitation.

Recommendation 8

Member States undertake to increase public investment in the social sector including health, education and skills development with particular focus on the youth and women, and improving the general situation of disadvantaged groups within the framework of development the policy which takes into account the regional balance.

Recommendation 9

Member States to uphold the respect of the rule of law and democracy.

Recommendation 10

Member States are urged to sign and ratify, as soon as possible, the African Charter on Democracy, Elections and Governance as well as other African Union, United Nations and other international Treaties, Conventions and Covenants relating to human rights, the protection of civilians during armed conflict, civil and political rights as well as the prevention of arbitrary population displacement and their implementation.

Recommendation 11

Member States to integrate in the education equality, citizenship, human rights, democracy, respect for diversity, tolerance public service and peace education that enables young Africans to build a culture of cooperation and the peaceful resolution of conflicts.

Recommendation 12

Member States to request the African Union Commission to develop a coordination strategy to comprehensively address humanitarian issues across the continent including through implementation of the Early Warning and Response Systems for conflict and natural disasters.

Effective Protection of Victims of Forced Displacement

Recommendation 13

The Member States to recognize the positive contribution and achievements of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa on its 40th anniversary in 2009. Member States are undertake to accede to refugee instruments, especially the 1969 OAU Convention Governing the Specific Aspects of the Refugee Problems in Africa, the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, where not yet done so, and for those who have, and for

those who ratified with reservations are encouraged to lift them. Member States are also urged to take measures to promulgate national refugee laws, and/or review existing laws with a view to addressing gaps and strengthening mechanisms for their implementation. To this end Member States to call upon the African Union and UNHCR to support this process.

Recommendation 14

Member States are urged in particular to take all necessary measures to ensure full respect for the fundamental principle of non-refoulement in accordance with the relevant regional and international Conventions and International customary law.

Recommendation 15

Member States are urged to ensure the implementation of Conventions and Protocols to strengthen the institution of asylum and to address contemporary and emerging challenges to the refugee protection regime. In that regard, Member States are encouraged to restate their commitment to the fundamental right to seek and enjoy asylum and to ensure that no person in need of asylum is returned forcibly to places or situations where their life and liberty could be endangered.

Recommendation 16

Member States are urged to promote and disseminate Conventions and laws to increase awareness, in their respective countries, regarding the rights of refugees, returnees and internally displaced persons to prevent negative stereotypes in the media Member States to undertake a comprehensive review as soon as possible risks that threaten the safety and security of refugees, returnees and Internally Displaced Persons in their respective territories including xenophobia.

Recommendation 17

Member States undertake to renew their commitment set out in the 1969 OAU Refugee Convention, to locate refugee camps away from border areas and note the importance of the same principle for IDP camps and settlements. Member States should ensure that the fundamental responsibility of States to provide effective security for humanitarian workers and refugee and IDP camps and settlements, and to maintain their humanitarian character. Member States to settle refugee at reasonable distance from the border.

Recommendation 18

Member States welcome the Draft African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and commit to endorse and sign as well as ensure its implementation when it comes into force. Member States also undertake also review and, where necessary, amend or strengthen national legislation and adopt national policies and establish explicit institutional frameworks for the treatment of Internally Displaced Persons.

Recommendation 19

Member States recommend the importance of the 1998 UN Guiding Principles on Internally Displaced Persons in addressing challenges of internal displacement in Africa.

Recommendation 20

The mandate of the work of the Special Rapporteur on Refugees and Internally Displaced Persons in Africa of the African Commission on Human and Peoples' Rights should be strengthened. In addition, recommend that Member States request the African Union Commission and its Partners within the existing Cluster Approach to put in place protection and assistance mechanisms for refugees, returnees, Internally Displaced Persons and host communities.

Recommendation 21

Member States commit to find durable solutions for refugees persons in protracted situations, which include voluntary repatriation, local integration and third country resettlement. Member States should also seriously consider intra-Africa third country resettlement.

Recommendation 22

Member States call upon the international donor community to support the generosity of African nations in protecting and assisting refugees and Internally Displaced Persons. Member States also commit to create an enabling environment for refugees and displaced persons to become self-reliant. Member States further commit to find durable solutions for Internally Displaced Persons which include voluntary return, local integration and voluntary resettlement.

Recommendation 23

Member States agree to review and strengthen, by 2011, their respective national immigration policies, legal processes and administrative mechanisms to ensure the effective identification and protection of refugees caught in mixed migratory movements. Member States also undertake to eliminate human trafficking by raising public awareness, stronger customs and border controls as well as cross-border, regional and international cooperation.

Recommendation 24

Member States undertake to prevent the occurrence of statelessness and to protect the rights of stateless persons in their territories and to this end to ensure that no new or existing national legislation, policies or administrative process contribute to conditions that would result in statelessness or hinder efforts to find solutions for their problems. Accordingly, Member States agree to consider acceding to the 1954 United Nations Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness and undertake to strengthen cross-border, sub-regional and regional coordination to prevent statelessness.

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

Recommendation 25

Member States undertake to enhance the protection of civilians in situations of armed conflict, based on international humanitarian law, taking particular note of special needs of

specific groups namely women, children and other vulnerable groups, based on the relevant Regional and International Instruments.

Recommendation 26

Member States commit to proscribe the recruitment of children into armed forces as set out in the African Charter on the Rights and Welfare of the Child and Optional Protocol to the Convention on the Rights of the Child.

Recommendation 27

Member States undertake to ensure access to primary, secondary and post secondary education for refugees and displaced children. Member States undertake to ensure that refugees are not charged more for such access than the citizens.

Recommendation 28

Member States should pledge to make every effort to ensure that refugee women and children will have access to basic medical care and counseling available to our citizens. Such access would include programmes under the prevention and control of HIV/AIDS, Malaria, Tuberculosis and communicable diseases, reproductive health, maternal and pediatric care.

Recommendation 29

Member States should undertake to prevent and combat impunity such as rape, sexual abuse and exploitation among civilian populations as well as their use as a weapon of war during armed conflict. Member States also undertake to deploy all resources available at their disposal to end impunity and the occurrence of these practices and, where they occur, to apply the full force of the law to ensure that justice is served fairly and effectively.

Recommendation 30

Member States should undertake to accede to and ratify the Protocol to the African Charter on Human and Peoples' Rights and on the Rights of Women in Africa as well as the African Charter on the Rights and Welfare of the Child, as well as other relevant International and Regional Instruments.

Meeting the Specific Needs of Displaced Victims of Natural Disasters

Recommendation 31

Member states commit to ensure the protection of life, security of the person, physical integrity and dignity of populations affected by natural disasters and ensure access to the basic necessities as well as social- economic recovery and reconstruction.

Recommendation 32

Member States commit to strengthen their collective capacity to respond to natural disasters and to mitigate their impact through the projection of the climate trends.

Recommendation 33

Member States commit to invest in institutional development, the identification of potential risks, effective policy, legal and institutional structures for the protection, assistance and rehabilitation of communities affected by natural disasters.

Recommendation 34

Member States undertake to establish or strengthen national, regional and continental mechanisms for early warning, disaster preparedness and response to mitigate the impact of natural disasters.

Recommendation 35

Member States resolve to allocate sufficient resources in national budgets in support of to cater for disasters and post conflict reconstruction. In this respect Member States agree to strengthen the existing AU Special Emergency Fund for natural disasters and urge the AU Commission to make known to all Member States the criteria for accessing this fund.

Recommendation 36

Member States agreed to ensure the participation of the displaced populations in decision-making processes that affect their well-being.

Rebuilding Communities Emerging from Conflicts and Disasters

Recommendation 37

Member States reiterate the commitment to the implementation of the AU Policy on Post Conflict reconstruction and Development.

Recommendation 37

Member States undertake to ensure that their national development plans give priority attention to the recovery and reconstruction needs of communities affected by conflict and disasters. To this end, Member States agree 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.

Recommendation 38

Member States undertake to give particular attention to the importance of Disarmament, Demobilization and Reintegration (DDR) following the settlement of an armed conflicts as well as the problem of small arms, mines and unexploded ordnances.

Recommendation 39

Member States are encouraged to increase their collaboration with humanitarian and development actors in the development and implementation of comprehensive durable solutions and strategies. The needs of internally displaced persons, refugees and returnees should be incorporated into national plans.

Recommendation 40

Member States through the African Union Commission and in collaboration with cooperating partners undertake to bring their national legislations relating refugees, returnees and Internally Displaced Persons into conformity with legal standards and principles as enunciated in International Instruments.

Recommendation 41

Member States undertake to create an enabling environment for the establishment and strengthening of Civil Society organizations in order to help in the further building of national and local capacity for peaceful public discourse, including in their collaboration with the AU Economic, Social and Cultural Council.

Recommendation 42

Member States agree to establish an African Union Fund for Post Conflict Reconstruction and Development. The Fund would, inter-alia, be used to support the fast track implementation of programmes to meet the needs of refugees, returnees, Internally Displaced Persons and other affected populations during the critical period straddling the transition from conflict to peace.

Recommendation 43

Member States agree to take particular measures to ensure the restitution of property of refugees, returnees and Internally Displaced Persons in order to facilitate their sustainable reintegration

Recommendation 44

Member States call upon the African Development Bank and other regional banks to establish fast track recovery and reconstruction efforts in countries and communities emerging from conflict. Member States also call upon international Financial Institutions including the IMF and the World Bank to review their policies and urgently develop appropriate financing schemes to bridge the persistent gap facing countries during the transition from conflict to peace.

Recommendation 45

Member States call upon the Commission to develop guidelines and modalities to facilitate the participation of refugees and internally displaced persons in peace negotiations as well as the implementation of peace agreements. The Commission is also being called upon to expedite implementation of the AU Policy on Post Conflict Reconstruction and Development.

Forging Partnerships in Addressing Forced Displacement

Recommendation 46

Member States undertake to take specific measures to build the capacity of local and national institutions.

Recommendation 47

Member State's National Parliaments ensure that they are fully engaged with issues relating to the prevention of and finding durable solutions to displacement in particular by ensuring that legislations are put in place, and resources are made available to respond to the challenges posed by forced displacement.

Member States call upon Africa's partners, including the African Development Bank, regional development banks, the international financial institutions, multi-lateral and bi-lateral development institutions and the donor community to reduce and progressively eliminate the dichotomy between humanitarian and development funding with a view to ensuring the seamless planning and implementation of humanitarian, recovery and development programmes that benefit displaced and other conflict-affected communities.

Recommendation 48

Member States agree to strengthen the capacity of the Commission to coordinate Humanitarian issues in collaboration with AU Partners.

Recommendation 49

Member States call upon the United Nations System, international organizations, bilateral and multilateral donors as well as NGOs to strengthen coordination with the AU in the identification and prioritization of needs, implementation of programmes as well as monitoring their impact.

Recommendation 50

Member States commit to revive the humanitarian award to recognize exemplary leadership of Member States, institutions and individuals in the prevention of forced displacement, protection and assistance, as well as finding durable solutions.

Recommendation 51

Undertake to establish a framework for Status determination of Refugees in host Countries and issuance of identity, travel and other necessary documents that would facilitate their identity and that of their assets upon repatriation, resettlement to third country or local reintegration.

Recommendation 52

Member States undertake to enact national legislation on peace building and conflict resolution in order to ensure durable stability and to prevent forced displacement of populations in their respective countries.