

**KHARTOUM DECLARATION OF THE OAU MINISTERIAL
MEETING ON REFUGEES, RETURNEES AND INTERNALLY
DISPLACED PERSONS IN AFRICA**

Adopted at the OAU Ministerial Meeting on Refugees, Returnees and Internally Displaced Persons in Africa, 13 – 14 December 1998, Khartoum, The Sudan

We, the Ministers representing the Member States of the Organization of African Unity meeting in Khartoum, the Sudan, from 13 to 14 December, 1998, to consider the situation of refugees, returnees and internally displaced persons in our Continent,

Recalling Resolution CM/Dec. 362 (LXVI) adopted by the OAU Council of Ministers meeting in Harare, Zimbabwe in May, 1997 and endorsed by the Assembly of Heads of State and Government,

Noting that on the threshold of the new millennium, the situation of refugees, returnees and internally displaced persons in Africa to deteriorate,

Recognising that the main causes of the Continent's refugees, returnees and internally displaced persons are situated within Africa itself and that the eradication of these causes is primarily the responsibility of Africa countries with the support of the international community,

Appreciating Africa's tradition of granting asylum to refugees and people in need,

Noting with deep concern the growing fatigue of the countries of asylum and the diminishing donor commitment to provide humanitarian assistance to refugees, returnees and internally displaced persons,

Reaffirming the fundamental responsibility of States to provide protection and assistance to refugees and asylum seekers and concept of burden-sharing ,

Expressing appreciation for the humanitarian assistance rendered to refugees, returnees and internally displaced persons by Member States, donor countries, international organizations, UNHCR and ICRC in particular as well as other Regional and Sub-regional and Non-Governmental Organizations,

Bearing in mind the mandate of ICRC in the field of assistance and protection of displaced persons in times of armed conflicts,

Bearing in mind also the security concerns of States facing the problems of large scale refugee influx and internally displaced persons and the responsibilities of States and non-state actors to ensure of humanitarian workers as well as the need to maintain the civilian and humanitarian character of refugee camps and settlements,

Appreciating the contribution of Sub-Regional Organizations in addressing the problem of refugees, returnees and internally displaced persons as well as the establishment of regional mechanisms for conflict prevention, and resolution,

Considering that refugees, returnees and internally displaced women and children are the majority of populations affected by conflicts and bear the brunt of the atrocities and other consequences of conflict,

We hereby:

1. Express grave concern about the growing problem of refugees, returnees and displaced persons in Africa,
2. Urge OAU Member States to adopt comprehensive policies to address the root causes of the problem of refugees, returnees and internally displaced persons and to enhance the capacity of the OAU to play an active role in resolving conflicts and in promoting reconciliation among Member States in close co-operation with the international community,
3. Appeal to Member States which have not yet acceded to the 1951 UN Convention on refugees and its 1967 Protocol, the 1969 OAU Convention Governing the Specific Aspects of Refugee problems in Africa, as well as the 1981 African Charter on Human and People's Rights including the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness, to do so,
4. Encourage Member States to adopt the necessary national legislation, administrative regulations and procedures to ensure the effective and full implementation of the instruments to which they have acceded,
5. Appeal to the international community to provide assistance to alleviate the heavy burden of countries hosting refugees, returnees and internally displaced persons with particular reference to the environment and infrastructure,
6. Call upon Member States to seek durable solutions to the problem of forced population displacement.
7. Reaffirm the right of return and also the principle of voluntary repatriation and appeal to countries of origin to create conditions conducive to voluntary repatriation,
8. Recognize that local integration and resettlement is a desirable solution for dealing with the situation of refugees who are unable to return home,
9. Further appeal to Member States and the International Community to pursue initiatives aimed at promoting and strengthening national reconciliation, reconstruction, rehabilitation and respect for human rights, particularly within States emerging from conflict,
10. Express grave concern about the plight of Internally displaced persons in Africa which is increasing at an alarming rate and call upon Member States concerned to take concrete action to meet their protection and assistance needs and urge the international community, led by relevant UN agencies, to generously contribute to the national projects and programmes aimed at alleviating the plight of the internally displaced persons,

11. Urge Member States and all other actors to take all the necessary measures to protect the activities related to humanitarian workers and to ensure their safety and security and further request organizations and aid workers to abide by the national laws and regulations of the countries where they operate,

12. Urge Member States and all other actors, in consultation with the OAU and UNHCR, to separate armed elements from civilian refugee population to ensure the civilian and humanitarian character of refugee camps and settlements,

13. Express deep concern over the situation of African refugees in and outside Africa and the hardships they encounter, and call upon countries of asylum and the relevant international organizations to protect their human rights and safeguard their welfare,

14. Stress the need for Member States to commit themselves to intensify their efforts aimed at finding lasting solutions to the problem of forced population displacement in order to enhance the prospects for long term peace, security and development of the Continent,

15. Encourage the development of capacity building initiatives for Member States and Regional and Sub-regional institutions through support for UNHCR and ICRC and recommend, in this context , the opening of the Special Contingency Fund for Refugees to voluntary contributions,

16. Urge Member States to ensure the full participation of refugee, returnee and internally displaced women and children in rehabilitation, reintegration, reconstruction and peace building programmes,

17. Request Member States, in co-operation with UNHCR, to identify appropriate ways to commemorate the 30th Anniversary of the 1969 OAU Convention Governing the specific Aspects of Refugee Problems in Africa adopted on 10 September 1969 and to reaffirm States commitment to refugees and humanitarian principles,

18. Invite Member States to work out modalities to ensure the implementation of the recommendations adopted by the Khartoum meeting , and request the OAU to assist Member States in the implementation of these recommendations and to report to the forthcoming meeting of the OAU Council of Ministers and the OAU Assembly of Heads of State and Government, scheduled to take place in Algiers, Algeria, in 1999.

Khartoum, The Sudan, 14 December 1998.

KHAROUM RECOMMENDATIONS OF THE OAU
MINISTERIAL MEETING ON REFUGEES, RETURNEES AND
INTERNALLY DISPLACED PERSONS IN AFRICA

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1. Root causes

1. Most of the Refugees flows and forced population displacements are caused by armed conflicts, civil strife, ethnic, religious and political intolerance, abuse of human rights, non respect for democratic principles , poverty, natural and man-made disasters and external interference.

2. Member States are urged to take necessary measures to tackle these root causes.

2. Refugee instruments

3. The Thirteen Anniversary of the 1969 OAU Convention Governing, the Specific Aspects of Refugee Problems in Africa, adopted in September 1969 will be marked in 1999.

4. Member States are encouraged to commemorate the anniversary by recommitting themselves to the principles of the OAU Refugee Convention. The commemoration of the OAU Convention also provides an opportunity to Member States, which have not done so, to accede, incorporate and implement the international refugee instruments, including the 1969 OAU Convention, the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, Convention on the Reduction of Statelessness, the African Charter on Human and People's Rights, as well as related Protocol on the establishment of the African Court on Human and People's Rights.

3. Strengthening refugee protection in Africa

a) Asylum

5. In conformity with the African tradition of hospitality and bearing in mind that granting asylum to refugees is a peaceful and humanitarian act, Member States are urged to continue to extend asylum to all deserving persons. To this end, Members of States in consultation with UNHCR, should establish appropriate mechanisms for the determination of refugee status.

b) Protection

6. Member States are encouraged to strictly observe the principle of non-refoulement, enshrined in the 1969 OAU Convention, the 1951 Convention and the 1967 Protocol and to adopt and approach based on the protection of the human

fundamental right of refugees within the framework of relevant Regional and Universal Instruments.

7. Special measures should be taken to address the protection and other needs of refugee women, children, the elderly and other vulnerable groups.

8. Given the growing problem of statelessness in Africa, Member States are also urged to take steps to ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness.

c) Security

9. The presence of armed elements among civilian refugee population is a major concern. Member States are urged to take necessary measures, in consultation with the OAU and the UNHCR, to preserve the civilian and humanitarian character of refugee camps and settlements by separating armed elements from the civilian population.

10. States and non-states actors, are requested to ensure the security of humanitarian workers and to allow unconditional and unhindered access to protect and assist refugees and other persons in need.

11. In conformity with the OAU Convention on Refugees, States are requested to locate refugee camps as far as possible from the frontier at the outset of an emergency operation, rather than promoting their relocation at a later stage.

4. Durable solutions

12. Voluntary repatriation and reintegration remain the most desirable solution to the problem of refugees. To this end, countries of origin should endeavour to create conditions conducive to the voluntary repatriation of refugees. The right of refugees to return to their country of origin is a fundamental right and should be respected by Member States.

13. Countries of Asylum should explore more systematically the potential benefits of local integration programmes for both refugees and hosting communities.

14. To this end, Member States should strengthen, where appropriate, their democratic institutions as well as other mechanisms for the prevention and resolution of disputes including the traditional ones. In this context, the role of women youth and minorities in areas of conflict prevention, management and peace building should be encouraged.

15. Member States have an obligation under the OAU and UN Charters to resolve disputes peacefully, if solutions to the problem of mass displacement and human security in Africa are to be found or future displacement avoided. The role of third parties in promoting conflicts within and between States, thus generating refugees, should be seriously addressed and discouraged.

16. Conventional reintegration programmes should be complemented with activities which are more specifically designed to promote democracy, reconciliation and justice, including consensus-building on notions of responsibility and justice, and the promotion of human rights and majority rights.

5. Consolidating the reintegration process

a) Community-based and Participatory Programmes

17. Member States are requested to develop comprehensive reintegration efforts, benefiting all of those individuals and social groups which have been adversely affected by recent wars and conflicts. Assistance should always be provided on the basis of need, as non discriminatory reintegration initiatives have an important role to play in promoting the process of social and political reconciliation. In addition, community-based and participatory initiatives have an important role to play in promoting the process of social and political reconciliation. In addition, community-based and participatory initiatives should be put in place if the related objectives or reintegration and reconciliation are to be attained.

18. The protection and assistance needs of the most vulnerable, particularly women, children, disabled persons and the elderly, must be provided for at every stage of the return and reintegration operation. Their potential to contribute to reintegration and peace-building efforts should also be fully realized. This is of particular importance, given the large proportion of households headed by women and children in Africa's war torn states. In this regard, special attention should be given to unaccompanied minors and the need for their protection and reunification with their families.

19. Special efforts should be made to maximize the contribution which women and other groups can make in the process of reconciliation and post-conflict recovery.

b) Reintegration and Rehabilitation Programmes

20. There should be better co-ordination between national actors and international organizations to ensure the speedy implementation and sustainability of rehabilitation projects.

21. More efforts should be deployed by international financial institutions and developmental agencies to bridge the gap between short-term relief efforts of agencies such as the UNHCR, the ICRC and Member of States and longer term development programmes especially , in the conflict affected areas of Africa. In this context, the meeting appealed to the World Bank and other financial institutions to adopt peace-friendly economic reform programmes including debt measures in support of long term development efforts and post-conflict recovery.

c) International Support and Commitment

22. Sustainable reintegration and post-conflict recovery cannot take place unless the principles of state responsibility and international solidarity be extended to the efforts made by States to bring about post-conflict recovery. Regrettably, donor

stats have already made substantial reductions to their emergency relief and development assistance budgets. The international financial institutions have generally been reluctant to grant any significant measure of debt relief to Africa's poorest countries, and have continued to insist on the implementation of economic policies which reduce public services and which require some of the poorest people in the world to pay for basic resources which were previously provided free of charge. Indeed, there are already signs of growing social tension and political alienation in some of the African states where armed conflicts have recently brought to an end.

23. The meeting reaffirms its belief that modest investments its belief that modest investment in the process of post-conflict recovery will now help to avert the need for more costly and ultimately less useful interventions at a later date.

24. The meeting appeals to the international community to give greater recognition to the fact that is also in their own interest to invest in the peace-building process in the states of Africa. It is in the interest of all states and the international community as a whole to ensure that African States which have been scarred by war are able to reintegrate their displaced populations, consolidate the peace and embark upon a process of sustainable development.

Building Africa's capacity to respond to refugee and internal displacement situations:

a) African Institution Building

25. In line with the recommendation adopted at the OAU/UN Co-operation Meeting at Addis Ababa in May 1998, the OAU should strengthen its early warning system with the assistance of the UN agencies so that it can better monitor humanitarian developments and crises throughout the continent and better seize its Member States as to areas where they can act to ameliorate and contain the negative aspects of such developments.

26. UN Agencies and international organizations particularly the ICRC and UNHCR, should continue conducting and expanding their training programmes in international and regional refugee and humanitarian assistance.

27. Member States should continue to provide support for the further development and implementation of the OAU Commission on Refugee's Programme of Action, particularly in the area of building the capacity of Africa Non-Governmental Organization working with refugees and internally displaced persons.

28. Local civil society and traditional groups involved in local development activities should be strengthened and encouraged to increase their interaction with African and other NGO's involved in dealing with refugees, returnees and internally displaced persons issues.

b) Resource Mobilization and Public Awareness for Refugees, Returnees and Internally Displaced Persons in Africa

29. The OAU should take the lead in widely disseminating the OAU Refugee Convention in the OAU working languages, particularly to Member States, regional and sub-regional organizations, UN agencies, international and African NGOs. The thirteenth anniversary of the Convention in 1999 provides an opportunity for Member States to work with the UN and relevant agencies to intensify its education, public information and awareness campaign.

30. The OAU, in co-operation with other concerned parties within and outside Africa, should organize an experts group to prepare and organize the Round Table Conference on resource mobilization and public awareness, pursuant to the OAU Resolution adopted by the Council of Ministers in February 1998 (CM/Dec. 388 (LXVII)) concerning the need to mobilize resources and raise public awareness for refugees, returnees and displaced persons in Africa.

31. The OAU Commission on Refugees, in collaboration with the UNHCR and other interested parties, should develop a strategy to facilitate the implementation of the Commission's Programme of Action in the area of resource mobilization and advocacy on behalf of refugees on the continent. This should be based on recommendations outlined in the Report of the 1997 OAU/UNHCR Seminar on Resource Mobilization and Public Awareness for Refugees in Africa, and should be in line with the Commission's Programme of Action. In this regard, the important role of the different actors such as women, other continental personalities and entertainers in resource mobilization efforts should be recognized and utilized.

32. Member States are encouraged to work closely with regional and sub-regional organizations to develop a comprehensive strategy to work with the media in promoting refugee and humanitarian issues in Africa. Governmental refugee agencies should themselves take on a more public advocacy role in this regard in order to promote the OAU's refugee instrument and to counter sometimes misleading and even xenophobic allegations faced by refugees and asylum seekers.

7. Assistance and resolving the problem of internally displaced persons in Africa

33. The increasing number of internally displaced persons in Africa and how to provide appropriate protection and assistance to them are grave concern.

34. Given the magnitude of the internally displaced persons problem, the OAU Commission on Refugees, in the context of its planned missions to Member States, is urged to examine the issues, problems and challenges of internal displacement in Africa and to present its findings and recommendations to the OAU Council of Ministers in February 1999. Similarly, the guiding Principles on Internal Displacement should be submitted to the OAU Commission on Refugees at its next Session. The Commission would in turn submit its conclusions to the session of the OAU Council of Ministers in February 1999.