



**FIRST SESSION OF CONFERENCE OF STATES PARTIES FOR THE AFRICAN
UNION CONVENTION FOR THE PROTECTION AND ASSISTANCE OF
INTERNALLY DISPLACED PERSONS IN AFRICA
(KAMPALA CONVENTION)**

THEME: FROM NORM SETTING TO IMPLEMENTATION

3– 5 APRIL 2017

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CONCEPT NOTE

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), came into force on 6 December 2012, after obtaining the requisite ratifications and depositary of the Instruments in accordance with Article 17 of the Convention. Article 14 of the Convention provides for the establishment of the Conference of States Parties that have ratified the Convention. The Conference of States Parties serves as a mechanism for strengthening cooperation among States Parties in the implementation of the objectives of the Convention. In accordance with Article 14 and as called for by the 2009 Conference of Ministers responsible for Forced Displacement Issues and Executive Council **Decision EX.CL/591(XVII)**, the Commission will convene the first meeting of the Conference States Parties on **3 – 5 APRIL 2017**, during the 4th Anniversary of the Kampala Convention. The meeting will explore ways of enhancing cooperation and solidarity among States Parties in dealing with the issue of internal displacement and mechanisms and ways of enhancing the domestication and implementation of the Convention.

1.0. Background

Today, the African continent and the world as a whole continue to experience an unprecedented humanitarian situation as a result of conflicts and natural disasters. This has been exacerbated by the increasing frequency and devastating natural disasters and climate change. Africa is host to 14 million internally displaced persons. This makes Africa host to the highest number of displaced persons in the World.

Until recently, in spite of the complexity of the situation of internal displacement globally and regionally, no legally binding framework was adopted to address the issue. The UN Guiding Principles on Internal Displacement, adopted in 1998 provided a comprehensive framework that gave impetus to the process for the formulation and adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention). The UN Guiding Principles were a significant step, but their non-binding nature limited the scope of implementation. Therefore, the adoption of the Kampala Convention by the African Union on 23 October 2009, in Kampala, Uganda, represented a major milestone, in global and regional efforts to address the lacunae in the legal framework for protection and assistance of internally displaced persons (IDPs).

The Convention is the first legally binding regional instrument for protection and assistance of IDPs. The Convention grounded on ideals of the African Union reflects the commitment of African States to address the problem of internal displacement on the continent, in a comprehensive way.

The Convention addresses all phases of internal displacement. It prohibits arbitrary displacement, and the right to a remedy for those affected by displacement. And when internal displacement occurs, the Convention provides for protection and assistance, and further provides for resolution of internal displacement, through durable solutions.

2.0. Status of Signature, Ratification and Implementation

The Kampala Convention entered into force on 6th December 2012, after the deposit of the instruments of ratification by fifteen (15) Member States in accordance with Article 17. As at July 10 2015, 40 Member States had signed the Convention and 24 had ratified and acceded to the Convention, as follows:-

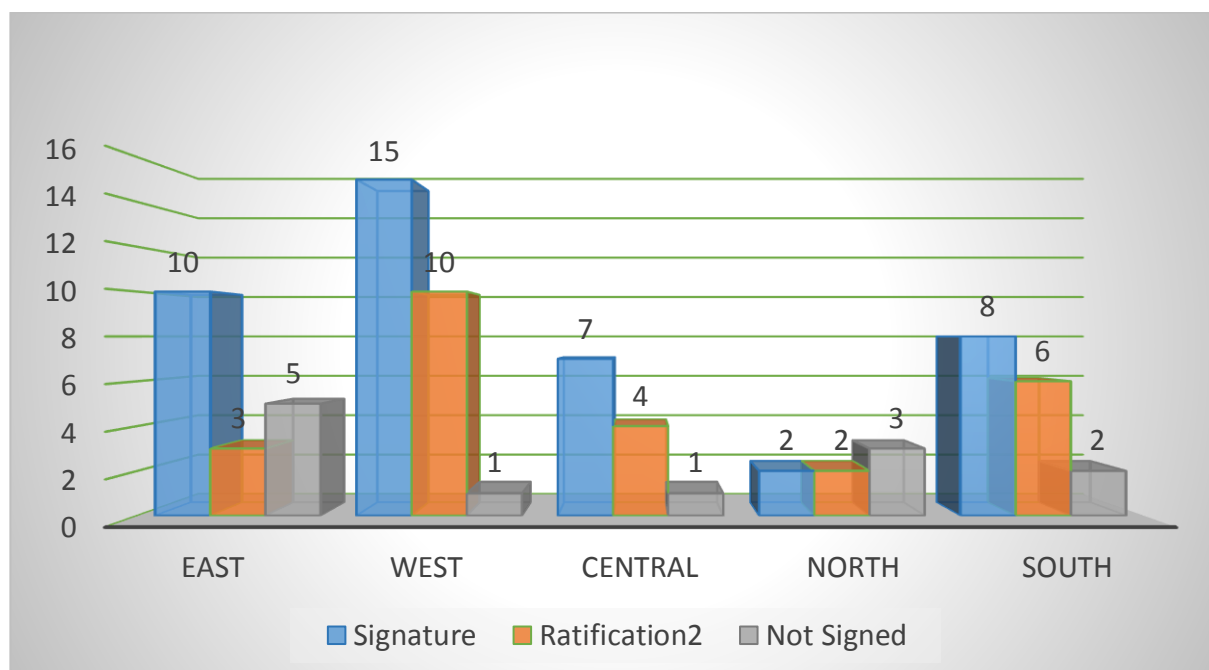
(24) Member States that have Ratified the Convention

The following countries (25) have signed and ratified the Convention: **Angola, Benin, Burkina Faso, Central African Republic, Chad, Cote d'Ivoire, The Republic of Congo, Djibouti, Gabon, Gambia, Guinea-Bissau, Lesotho, Mali, Malawi, Mauritania, Nigeria, Niger, Rwanda, Sahrawi Arab Republic, Sierra Leone, Swaziland, Togo, Uganda, Zambia, and Zimbabwe.**

(20) Member States that have Signed but not Ratified the Convention: Burundi, Comoros, DR Congo, Equatorial Guinea, Eritrea, Ethiopia, Ghana, Guinea-Conakry, Liberia, Mozambique, Madagascar, Namibia, Senegal, Somalia, Sao Tomé et Príncipe, South Sudan, Tanzania and Tunisia

(10) Member States that have Not Signed the Convention

The following countries have not signed the Convention: **Algeria, Botswana, Cameroon, Cape Verde, Egypt, Kenya, Libya, Mauritius, South Africa, Seychelles and Sudan.**



3.0. Conference of States Parties

The adoption of the Kampala Convention is heralded a momentous achievement for the African Union. However, like other Instruments, the effectiveness of the Convention lies in its holistic implementation and in the translation of its provisions to assure effective protection and assistance of IDPs across Africa.

It will be recalled, although the Convention is an inter-governmental Instrument. It was negotiated through an elaborate process involving all stakeholders. Implementation modalities thus envisaged a partnership between the African Union, States Parties, international organizations, civil society, and other stakeholders. This partnership is a

critical element for the Convention and forms the core of the process underlying its implementation.

Therefore, Article 14 in providing for the Conference of States Parties was deliberate. The intention being to provide a framework for cooperation among member States and stakeholders in the implementation of the Convention. Once constituted, the the Conference will provide a focused and structured platform for interactions between States Parties and stakeholders in the implementation of the Convention.

Mandate for the Conference of States Parties

Instruments for the establishment and objectives of the Conference of States Parties are enumerated in Article 14 of the Kampala Convention.

Article 14 specifically provides that States Parties shall, inter lia:

1. Agree to establish a Conference of States Parties to this Convention to monitor and review the implementation of the objectives of the Convention.
2. Take collective measures to enhance their capacity for cooperation and mutual support under the auspices of the Conference of the States Parties.
3. Agree to convene regularly to follow up on implementation of the Convention.
4. Report regularly in line with Article 62 of the African Charter on Human and Peoples' Rights as well as, where applicable, under the African Peer Review Mechanism indicate the legislative and other measures that have been taken to give effect to this Convention.

Purpose of First Meeting of Conference of States Parties

In fulfillment of the provisions of Article 14, the first meeting of the Conference of States Parties will convene on **3 – 5 APRIL 2017**, to coincide with activities in commemoration of the 4th Anniversary since the coming into force of the Convention.

The main objective of the first meeting of States Parties to the Kampala Convention is to formally constitute the Conference of State Parties, as a mechanism for fostering cooperation and solidarity among States Parties in the implementation of the Convention. In this regard, the meeting will particularly deliberate on working methods and workplan.

The meeting will therefore provide the first opportunity since coming into force of the Convention for the States Parties to engage on how to implement the Convention and in addressing forced displacement issues.

The meeting will also among other issues consider the following:

- Explore ways of strengthening solidarity and cooperation to promote durable solutions and mutual support between the States Parties in combating internal displacement and in addressing its consequences.
- To assess the status of ratification, signature and implementation/domestication of the Convention.
- Highlight steps Member States have under in the enactment of national laws in the implementation of the Convention, as well as constraints and obstacles being faced, with a view to highlighting the way forward.

- Explore and recommend ways of dealing with the rapidly changing humanitarian landscape and situation of forced displacement on the continent.
- In addition, the Conference will explore measures to promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement as well as provide for durable solutions on the continent.
- To identify, for the purpose of implementation, benchmarks for obligations that are pertinent to the African Union, States Parties, humanitarian and development actors and the civil society.

Expected Outputs

It will be underlined here that the African Union aspires for greater economic integration and social transformation in the next 50 years. This vision has been articulated in AU's Agenda 2063. It is widely acknowledged that meaningful economic emancipation and transformation cannot be achieved fully without addressing root causes of conflict and forced displacement on the continent. The millions of populations displaced across the continent today constitute a huge and critical human resource, whose potential remains untapped and whose contribution to Africa's future development is real.

The key question that the African Union has been grappling with is how to address root causes of forced displacement to progressively eliminate the phenomenon of forced displacement on the continent altogether. Many tools have been developed to facilitate this path. But perhaps, the Kampala Convention represents one such important tool that can go a long way in tackling the issue of forced displacement that is holding back Africa's advancement.

Therefore, to this end, the collective implementation of the Kampala Convention and strengthening of mechanisms for coordination among member States present yet another opportunity in pursuit of the aspirations of Agenda 2063.

Agenda 2063, principally lays emphasis on root causes, prevention and durable solutions to progressively eliminate the phenomenon of forced population displacement on the continent. The Agenda sets out to among others inspire African countries to continue emphasizing solidarity and collaboration that helped the continent emerge from colonial domination. Specifically, **Pillar V Para 64**, recognizes the importance of peace and security in Africa and the world and the inextricable link between development and peace, security and stability; **Para 64** reaffirms that *"...peace and security is essential for the achievement of the continent's development aspirations particularly for countries affected by conflict and those emerging from conflict..."*; **Para 66** commit to address the root causes of conflict by tackling the following drivers: *"...tackle economic and social inequalities and exclusion; strengthen good and inclusive governance; fight against all forms of discrimination; and forge unity in diversity through democratic practices and mechanisms at the local, national and continental levels..."*¹

Further, the Agenda in **Para 67** calls for collective prevention of the outbreak of armed conflicts, by undertaking the following measures: *"...strengthening cross border cooperation for the resolution of disputes and the promotion of cross-border security; implementing comprehensive, post-conflict reconstruction programmes, including the African Peace and Security Architecture (APSA), in countries emerging from conflict through effective*

¹ AU Agenda 2063

*partnership at regional and continental levels; supporting domestic financing for conflict resolution and stabilization; and promoting the use of mediators for conflict resolution, including traditional conflict resolution mechanisms...*²

In pursuing these goals, the Conference will in the long run contribute to AU's aspiration for a peaceful and secure Africa, "...aspire to silence the guns by 2020 and make peace a reality for all people and by ending all wars, civil conflicts, human rights violations, humanitarian disasters, gender-based violence and violent conflicts and to prevent genocide..., pledging not to bequeath the burden of conflicts to the next generation of Africans..."³

The Conference of States Parties will be another big step and milestone not only in the implementation of the Convention, but more so in the evolvement of the protection regime on IDPs, globally and Africa in particular.

In order to strengthen cooperation among States Parties on these issues, the

Conference will among other things:

- Recommit Member States in dealing with issues of forced displacement on the continent, including in ensuring adequate budgetary allocation in national budgets to implement the Convention and in addressing issues of forced displacement.
- Renew efforts to encourage AU Member States African countries that have not yet signed or ratified the Convention to do so.
- Adopt collective efforts to popularise the Convention to raise awareness among member States and stakeholders, including the displaced populations.
- Formulate and facilitate an African-led strategy and Action Plan for the Convention. This would entail activities such as wider publicity and circulation of the Convention, training and finalisation of Model Law on the Kampala Convention to facilitate enactment of comprehensive laws and policies laws within Member States that anchor states' obligations under the Convention in robust domestic frameworks.
- Agree on coordination and collaboration among States parties.

Expected Outcomes

Three outcomes of the Conference of States Parties are envisaged:

a. Declaration

The States Parties will adopt a Declaration, as a collective expression of AU's vision and commitment in addressing forced displacement and durable solutions on the continent, and on the implementation of the Kampala Convention.

b. Resolutions/Decisions

The conference will further adopt a set of recommendations and Decisions on a number of issues, including those concerning the following issues: the proposed Terms of Reference and rules of procedure for the Conference, Mechanisms for monitoring compliance and

² ibid

³ ibid

reporting on implementation of the Convention as well as on the supporting mechanisms and structure.

c. Action Plan

In committing to action, the Conference will adopt a 5year Action Plan, which will outline key priorities and strategic actions in the following areas:

- Measures for the effective protection and assistance of IDPs in Africa
- Mechanisms for monitoring and reporting on situations of internal displacement
- Ways and means of strengthening solidarity and cooperation among Member States
- Strategy for addressing rootcauses and durable solutions.

Dates, Venue and Participation

The Conference of States Parties will be held in Harare Zimbabwe. It will be attended by Ministers responsible for Humanitarian Issues of AU Member States that have ratified the Convention⁴. The Ministerial meeting will convene on **5 APRIL 2017**, and will be preceded by meeting of Member State Experts on **3 – 4 APRIL 2017**.

The meeting of member State Experts' will prepare the Agenda and Draft Declaration, Recommendations and Action Plan for consideration and adoption by meeting of Ministers. The meeting will also be attended by the Representatives from AU Organs and Institutions and Regional Economic Communities.

In line with the Spirit of the Convention, the following stakeholders will be invited: UN Special Rapporteur of the Human Rights of IDPs, UN Organizations and Agencies and Friends of the Kampala Conventions; Centers of Excellence and Institutions like Brookings Institute.

Language

The Conference will be conducted in all languages of the African Union.

Further Information

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⁴ See the full list of the status of ratification of the Convention.