



PROTECTION CHALLENGES AND OPPORTUNITIES

Where Will We Be in Ten Years?

PRESENTATION

BY

HER EXCELLENCY MRS. JULIA DOLLY JOINER

COMMISSIONER FOR POLITICAL AFFAIRS

AT THE

**COMMEMORATION OF THE 60TH ANNIVERSARY OF THE 1951
CONVENTION RELATING TO THE STATUS OF REFUGEES AND THE
50TH ANNIVERSARY OF THE 1961 CONVENTION ON THE REDUCTION
OF STATELESSNESS**

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Madam Moderator

Honourable Ministers

Ambassadors/Permanent Representatives

Distinguished Ladies and Gentlemen,

Let me begin by congratulating the High Commissioner and his team and indeed the entire international humanitarian community that we represent here, on the occasion of the 60th Anniversary of the 1951 Convention relating to the Status of Refugees and the 50th Anniversary of the 1961 Convention on the Reduction of Statelessness. I would also want to express my delight at the invitation to serve as a Panellist for this Roundtable.

Ten years is certainly a long time in any human endeavour and in our commemoration, it is therefore fitting that we take time to postulate on opportunities and challenges in the terrain of protection over the coming decade. My understanding of our role at this event is in essence, to attempt a forecast at where we hope or will want to be in ten years time, from the vantage point of where we stand presently and against wide agreements on the continued usefulness of the two Conventions celebrated today and other instruments and mechanisms that have been adopted over time.

Allow me to preface my presentation by stating that our focus in this input will be premised on the collective efforts made by Member States of the

African Union, the African Union Commission and other stakeholders dealing with protection challenges on the Continent. As such, how any of the projections will unfold over the period of the coming decade will be contingent on not only political will but also a strong commitment at implementation and delivery.

In the same vein, speaking on behalf of a collective of 54 Member States within the limited time slot of ten minutes is a most daunting task and for that matter, I will only highlight in a succinct manner, a few trends and opportunities before us and also briefly discuss the threats and challenges relating to established protection regimes that would need to be addressed if we are to make the dream of a united and prosperous Africa a reality.

A first point I would want to raise is that the African Union in line with the principles enshrined in its Constitutive Act of 2000, is set on promoting **shared values** across the Continent at individual, national, regional and international levels. As identified and agreed to by the 16th Ordinary Session of the Assembly of Heads of State and Government, these values include good governance, democracy, respect for human rights and the rule of law, solidarity, non-indifference, accountability and transparency as enunciated in numerous legal instruments, decisions and declarations that have been adopted by the continental organisation. Adherence to and respect for these values by African countries, in conformity with the AU's commitment towards a wider and more encompassing vision of a prosperous Africa with its peoples living in peace and harmony, should in the next ten years contribute in no small measure to a **reduction in the push factors for forced displacements.**

Against this background and with the anticipated **consolidation through ratification and implementation** of the 1951 Convention and other international instruments, the historic 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the African Charter on Human and Peoples' Rights, and related instruments on Women, the Child and the establishment of the African Court on Human and Peoples' Rights and the landmark 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, all of which provide comprehensive scope for protection, the coming ten years should render us **a single protection regime** common to all on the Continent.

Deepened regional integration with the Regional Economic Communities as building blocks, supported by the Humanitarian Policy for Africa which is under preparation, also brings with it immense potential. Significant strides through initiatives relating to the free movement of persons, free movement of workers and right to establishment could also in themselves provide vital foundations for alternative durable solutions for refugees, particularly those in protracted refugee situations. Let me emphasize that what I refer to here, is the potential offered by regional integration which would need to be exploited creatively to improve the quality of protection afforded to refugees while at the same time finding durable solutions.

Linked to this is the **shift in the perception of refugees** amongst host countries and host communities on the Continent. Whereas previously any influx of refugees was seen as a destabilising factor providing a platform for subversive activities, the contemporary perspective views refugees as a

latent opportunity for human development and national growth. In addition to local integration, resettlement and naturalisation initiatives which have at times come with a price, we have seen certain refugee groups being offered an alternative to protracted encampment and long-term dependency by being allowed to move freely and become self-sufficient pending the realisation of longer-term solutions. Such innovations coming out of the Continent may enhance the protection system, advance the integration agenda and bode well for burden-sharing but it may also be necessary to assess their impact in the long run as durable solutions to forced displacement.

The 26 African Union Member States that have signified their commitment to the 1961 Convention on Statelessness through its ratification, not only constitute a significant threshold for a reduction in the incidence of statelessness and the facilitation of the determination of nationality but to our mind, does augur well for the development of **a continental guideline** to strengthen cross-border, sub-regional and regional coordination to prevent statelessness and protect the rights of stateless persons in the respective territories of Member States.

I have in the course of this presentation enunciated an array of policy developments that hold the potential to improve the protection environment on the Continent in the coming decade and naturally, the question of **implementation** would come to mind. A final opportunity I would therefore like to mention is the establishment of the **African Governance Architecture and Platform** by the 16th Summit of the organization last January and the voluntary **African Peer Review Mechanism (APRM)**. By

subjecting themselves to periodic reviews, AU Member States have once more demonstrated commitment to principles of mutual accountability and non-indifference in the terrain of good governance, democracy and human rights and by extension, the implementation of refugee protection principles as outlined in the refugee conventions.

Turning now to the threats that will shape the terrain of protection as we pursue the path of integration and sustainable development in the Continent, two immediately come to mind. First is the menace and challenges of dealing effectively with **terrorism** as a parasitic phenomenon to refugee situations. To our mind, ensuring a balance between state security and states' obligations to grant asylum to refugees and asylum-seekers will remain a veritable challenge and one may want to recommend that states consider instituting robust border management policies and also put in place infrastructure that can effectively address both security requirements and access to asylum for refugees. At the moment, the African Union's Border Management Programme is already seized with some of these issues.

On another note, it is no secret that the **impact of climate change** is expected to be the new trigger for displacements, be they emergency or creeping in nature. Such a phenomenon will present a greater challenge to us, developing countries, due to our lack of capacity both at the technical and financial levels to address the peculiarity and root causes of climate-induced displacement. While the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa addresses the protection needs of all persons displaced within their national borders for

reasons of conflict or natural and man-made disasters, it should be noted that a policy gap exists in the protection of those who may be forced to cross international borders.

Finally, it is our view that this presentation will not be complete if we do not reflect for a moment on a protracted situation in the Continent with dire humanitarian consequences. I want to draw attention to the looming challenges in **Somalia**, which unambiguously generates the largest number of refugees in Africa today. The African Union, together with the UN Security Council, is seized with the matter and acknowledges that a forward-looking discussion on refugee protection must be incorporated in the peaceful resolution of the conflict. Alongside sustained political and military efforts, as exemplified through the deployment of AMISOM and its support to the current Transitional Government in Somalia, the African Union is actively searching for other solutions through humanitarian access, relief and assistance to the affected populations. I want to stress that Africa and indeed, the entire international community cannot give up on Somalia; it is simply not an option! In the area of refugee protection, we would need to stem the flow of people opting to leave the country by bringing back stability and providing viable options that will make the Somali people look homeward and reverse the asylum tide. Although challenging, these for us are the only options that we have today.

On that note, I will end this brief contribution and look forward to the discussion segment of this event. I thank you for listening.