



UNIVERSITEIT VAN PRETORIA  
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Centre for Human Rights  
Faculty of Law

## #AFRICANMIGRANTSMATTER

# FUTURE AFRICA STATEMENT ON FORCED MIGRATION IN AFRICA

6-7 September 2019, Pretoria, South Africa

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**WE, PARTICIPANTS** of the International Conference on the Protection of Forced Migrants in Africa, gathered on 6 and 7 September 2019 at the Future Africa campus of the University of Pretoria, South Africa;

**INVOKING** the notion of Ubuntu; **RECOGNIZING** the development of progressive laws and policies governing forced displacement and migration adopted by several countries in Africa; and **CALLING** for a movement away from rhetoric towards the effective implementation of existing laws and policies; **WELCOMING** the decision by the African Union declaring 2019 as the “Year of Refugees, Internally Displaced Persons (IDPs) and Returnees: Towards Durable Solution to Forced Displacement in Africa” and; **NOTING** that the recognition of the year as such provides an important occasion to mark the 50<sup>th</sup> and the 10<sup>th</sup> anniversary of the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa (African Refugee Convention) and the African Union (AU) Convention and Assistance of Internally Displaced Persons (the Kampala Convention), respectively;

**NOTING** that while numerous African States have adopted refugee-specific legislation, a few states have adopted IDP-specific legislation;

**STRONGLY CONDEMNING** the xenophobic violence and other forms of intolerance in various parts of Africa on the basis of nationality, ethnicity, social origin or any other ground;

**ALSO STRONGLY CONDEMNING** the xenophobic violence against foreign nationals in South Africa, which occurred around the time of the Conference;

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**ALARMED** by the unprecedented number of IDPs, refugees and migrants across the continent who find themselves in dire situations and **DEEPLY** concerned by the violations of their rights and the tragic loss of lives;

**WARMLY WELCOMING** the development and adoption of the Global Compact for Safe, Orderly and Regular Migration and Global Compact on Refugees; **RECOGNIZING** the generosity of AU Member States and communities in hosting refugees and IDPs; and **TAKING NOTE** of the “whole of society”-approach provided for under the Global Compact for Refugees which underlines the positive contribution by various network of researchers and academic institutions;

*Hereby state as follows:*

### **On IDPs and the 2009 Kampala Convention**

- 1 We note that the Kampala Convention provides an important framework for the protection and assistance of IDPs given its prevalent impact in facilitating engagement with states, supporting the work of international organisations and enhancing the development of national legislation for African states.
- 2 We strongly acknowledge the importance of States adopting national legislation to domesticate the Kampala Convention; and encourage the incorporation of a gender-based lens in its domestication so as to ensure the effective and meaningful participation of women in the development of national law and policy instruments.
- 3 We call upon the AU Member States to implement the Kampala Convention and encourage AU institutions, development partners, international organisations and civil society including United Nation High Commission for Refugees (UNHCR), International Organisation for Migration (IOM) and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) to enhance compliance with the regional framework.
- 4 We recognize the important role of the Special Rapporteur on refugees, asylum seekers and IDPs of the African Commission on Human and Peoples’ Rights, development partners and civil society organizations in the ratification and implementation of the Convention.
- 5 We firmly encourage the facilitation and strengthening of the link between operationalising the implementation of the Kampala Convention and disaster laws and policies while acknowledging

the contribution and relevance of the Kampala Convention in addressing internal displacement related to climate change.

- 6 We call on all AU Member States that have not yet done so to become State Parties to the Kampala Convention.

### **On refugees and the 1969 African Refugee Convention**

- 7 We note that the number of refugees remain high and refugees face protection risks and challenges such as *refoulement*, discrimination, restriction of movement, lack of access to justice; rights of access to information and limited access to the labour market.
- 8 We underscore the importance of ensuring the dignity of refugees through the promotion of human rights, development, agency and participation during resettlement.
- 9 We call for concerted efforts by States to promote the full and effective participation of women refugees, persons with disabilities and children.
- 10 Examining the study on national laws and policy, we underline the importance of properly recognising the role that national laws in Africa play in shaping the development of refugee law regionally and globally and in providing a framework for refugee protection in practice at the national level. We call for further study on how their implementation in particular national contexts might be strengthened in Africa and beyond.
- 11 We reinforce that all refugees are entitled to their rights enshrined in international law and urge states to give effect to human rights; and in this context we call on researchers in Africa and beyond to carry out and disseminate studies and researches on how human rights-based approach is being carried out.
- 12 We support the call made to the AUC by member states and experts gathered in the Continental Consultative Meeting on the Implementation and Supervision of the 1969 OAU Refugee Convention marking the 50<sup>th</sup> year anniversary of the Convention to develop guidelines on Refugee Status Determination and related matter and underline our readiness to collaborate with the AU, UNHCR and other partners to support advocacy, training and implementation efforts.

- 13 We call on all AU Member States that have not yet done so to become State Parties to the 1969 African Refugee Convention.

### **On xenophobia violence and other forms of intolerances**

- 14 We unequivocally condemn violence against foreign nationals in all African countries, including South Africa.
- 15 We call on states to fully implement the 2001 Durban Declaration and Programme of Action Against Racism, Racial Discrimination, Xenophobia and Related Intolerance; and to develop adequate measures that respond to the socio-economic conditions of nationals within the state to avoid tensions.

### **Beyond the rhetoric**

- 16 We commit to moving beyond the rhetoric through enhanced research, engagement and interventions on the protection of forced migrants.

### **On the role of academic network, researchers and research agenda**

- 17 We recognize the contribution made by academic institutions, civil society organizations and communities in the protection of refugees, asylum seekers and IDPs through research, awareness raising and advocacy.
- 18 We recognise the contribution of the Global Engagement Network on Internal Displacement in Africa (GENIDA) in addressing the issue of internal displacement and call for further research on the issue leveraging on the network.
- 19 We also welcome the network that is being established within the framework of the Global Compact of Refugees and pledge to actively contribute to its success.
- 20 We call for more contributions to strengthen data collection, analysis and research on forced migration.
- 21 We commit to mobilise collective action to conduct further research in the following areas:
- Development-related displacement through support for data generation and case by case analysis taking advantage of innovations and big data;

- Extent of participation and consultation of IDPs and refugees in policy-making and implementation;
- Community-based protection of refugees, IDPs and other persons of concern;
- Best practices on the protection of refugees and IDPs;
- Domestic impact of the African Refugee Convention and Kampala Convention;
- Humanitarian mediation in the protection of forced migrants;
- Comparative analysis on the role of faith-based organisations in the protection of forced migrants;
- Support and better collaboration between AU mechanisms engaged with forced migration;
- Full understanding of the root causes and durable solutions for the protection of refugees and migrants;
- Role of mental health in sustainable rehabilitation of refugees and IDPs;
- Relationship between humanitarian and development actors;
- Ethical considerations surrounding new age data collection on forced migration;
- Cross-border movement of people and the link with the process at the global level; and
- Implications of the lack of appropriate terminology on refugees and IDPs in local languages.

**7 September 2019**

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