

Briefing on Durable Solutions to Internal Displacement in Africa

Automatic Heading TextDate | 17 April, 2018

Tomorrow (18 April) the African Union (AU) Peace and Security Council (PSC) will hold a briefing session on 'Durable Solutions to Internal Displacement in Africa: Humanitarian Action through the Incoming AU Humanitarian Agency'.

Commissioner for Political Affairs Cessouma Minata Samate and the independent consultant working on the operationalization of the AU African Humanitarian Agency (AHA) are expected to brief the PSC. The department of Peace and Security is also expected to make a statement.

The session was initiated by Nigeria as the chair of the month and it is taking place in line with the theme of the year on refugees, internally displaced persons and returnees and the commitment of finding durable solutions to forced displacement. The briefing is expected to shed light on humanitarian crisis and the ongoing efforts spearheaded by the AUC in strengthening humanitarian action.

According to the concept note developed by the AUC on theme of year 'over a third of the world's forcibly displaced persons are in Africa, including 6.3 million refugees and 14.5 IDPs'. The compounded effects of conflicts, poor governance, human rights violations, environmental degradation and natural disasters have resulted in protracted displacement and prolonged humanitarian crisis.

The 'Roundtable on Addressing Root Causes of Forced Displacement and Achieving Durable Solutions in Africa' convened by AUC at the margins of the February 2019 Summit as

part of the Project 2019 commemorative work highlighted that the major driver of forced displacement in Africa is conflict and addressing the structural drivers of conflict requires political commitment and preventive diplomacy. Addressing root causes of displacement also entails measures that must be put in place to facilitate all forms of durable solutions return, resettlement and local integration.

The AU has taken major policy strides in protecting and promoting the rights of displaced persons as well as in enhancing humanitarian action across the continent. One of the landmark instruments is the AU Convention for the Protection and Assistance of IDPs, also known as the Kampala Convention adopted in 2009 and it is currently ratified by 27 countries. The Convention is the only legally binding international instrument that specifically addresses the needs of IDPs. Moreover the AU Model Law for the implementation of the Convention was adopted at the AU Summit in January 2018 to promote the domestication and implementation of the continental instrument at national level. Although there isn't any structured dedicated body or organ that is responsible to receive statutory and regular reporting, the Conference of State Parties to the Convention is mandated to serve as a platform to monitor its implementation. However since the adoption of the Convention in 2009 the Conference of State Parties was only able to meet once in April 2017.

Both the Kampala Convention and the Common African Position on Humanitarian Effectiveness including AHA are anchored on the fundamental premise of the primacy of state responsibility in providing protection and assistance to displaced population. The CAP itself is designed towards 'strengthening the capabilities of the state to: predict, prevent, respond and adapt'. Within the framework of the primary responsibility of national authorities particularly within the context of responding to the needs of IDPs, it is duly recognized that humanitarian action needs to also reflect collective

responsibility and burden-sharing extending to regional, continental and international actors.

In January 2016 the Assembly decision Assembly/AU/Dec.604 (XXVI) adopted the Common African Position (CAP) on Humanitarian Effectiveness and through it the establishment of the African Humanitarian Agency (AHA). The Agency is one of the ten pillars of the CAP 'dealing with forced displacement on the continent, giving effect to the objective of the centrality of the African States in humanitarian action on the continent'. This function is expected to complement global systems and national institutions for effective humanitarian action. To this end, the establishment of the agency was expected to play a critical role in fostering synergy and coordination among national, regional and continental bodies. Increasingly the role of the agency is also looking further into increasing AU's operational presence in the field and to enhance humanitarian coordination.

It is to be recalled that at its 762nd session the PSC has requested the AUC 'to expedite the development of the modalities for the operationalization of the AHA and emphasized that the proposed mechanisms should outline the structural, financial and legal implications for consideration of the AU Decision-making Organs'. The Council has also underlined the need to ensure the genuine African ownership of the project, hence it has urged member states to urgently implement the decision EX.CL/Dec.567 (XVII) to increase AU humanitarian fund from 2% to 4% of Member States' assessed contributions. The council has also highlighted its expectation to see the full operationalization of the agency by January 2019.

Hence the presentation by Cessouma Minata Samate is expected to provide an overview of the structural, financial and legal aspects of the establishment of the agency. The consultant is also expected to brief the PSC on the process and outcome of the feasibility study and consultations held with member

states and partners with the aim of implementing the Assembly decision. Moreover the presentation may also shed light on the modalities and mandate of the agency and its objectives in mobilizing political solutions to address root causes, building national capacity, setting standards and supporting continental coordination while working with RECs and other stakeholders.

The briefing is expected to provide a platform for member states and AU stakeholders to exchange views, lessons learnt and experiences that will support the effective operationalization of the AHA. The PSC may also reiterate its previous request on the operationalization within reasonable time.

The other key issue that is expected to be discussed is around humanitarian financing to ensure effective African response to forced displacement and in operationalizing the AHA. The scale and magnitude of the problem of forced and protracted displacement requires significant contribution in financing initiatives. In addition to humanitarian assessed contribution, the 75 per cent of the revitalized Peace Fund will also be used to support mediation and preventive diplomacy which is expected to play a role in addressing roots causes and drivers of forced displacement by offering political solutions to conflicts in Africa.

The PSC may also be briefed on the broader activities that will be undertaken in 2019 in line with the theme of the year which can also contribute to the operationalization of the Agency. These may include efforts towards reinforcing ratification and domestication of legal instruments such as the Kampala Convention and the OAU Refugee Convention to ensure increased ownership of both instruments and to effectively respond towards forced displacement.

At the time of production of this insight the form that the outcome of the session takes was unknown.