

**AFRICAN PARLIAMENTARY CONFERENCE**  
**“Refugees in Africa:**  
**The Challenges of Protection and Solutions”**  
(Cotonou, Benin, 1-3 June 2004)

**PROGRAMME OF ACTION**

*This Programme of Action describes concrete objectives and strategies to support African Parliaments in their work in favor of protecting refugees and finding durable solutions to their situation. It aims at implementing the commitments contained in the Cotonou Declaration.*

**Objective 1: Ensuring accession to, or lifting reservations on, international treaties relating to refugees and stateless persons**

*Specific strategies:*

- Engage in an active national debate in Parliament and with Governments, with a view to ensuring that, where they have not yet done so, States accede to the following treaties or lift reservations lodged at the time of accession:
  - (i) *Treaties protecting refugees and stateless persons*
    - Convention relating to the Status of Refugees of 28 July 1951,
    - Protocol relating to the Status of Refugees of 31 January 1967,
    - Convention governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969,
    - Convention relating to the Status of Stateless Persons of 28 September 1954, and
    - Convention on the Reduction of Statelessness of 30 August 1961.
  - (ii) *International humanitarian law*
    - Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977,
    - Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) of 8 June 1977,
    - The Convention on Certain Conventional Weapons of 1980 and its Additional Protocols,
    - The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction of 13 January 1993,
    - The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on their Destruction of 3-4 December 1997, and
    - The Statute of the International Criminal Court of 17 July 1998.
  - (iii) *International human rights law*
    - International Covenant on Civil and Political Rights, 1966,
    - International Covenant on Economic, Social and Cultural Rights, 1966,
    - Convention on the Elimination of all forms of Discrimination against Women of 1979 and its Optional Protocol of 1999,

- African Charter on Human and People's Rights of 1981 and its Additional Protocol relating to the Creation of an African Court for Human Rights of 1998,
- African Charter on the Rights and Welfare of the Child of 1999, and
- Convention on the Rights of the Child of 1990 and its Optional Protocols on the involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography of 2000.

**Objective 2: Ensuring full and effective implementation of international norms relating to refugees**

*Specific strategies:*

- Ensure that, beyond formal accession to the international and regional treaties, such treaties are effectively implemented through the enactment of national legislation and policies, including provisions penalizing violations of international humanitarian law.
- Observe and implement the suggestions and recommendations contained in the Handbooks for Parliamentarians titled "Protection of Refugees: Handbook on International Refugee Law" published by UNHCR and the IPU, and "Respect for International Humanitarian Law", published by the ICRC and the IPU.
- Consider initiating a review of national legislation, with a view to amending, where necessary, such legislation so as to ensure consistency with applicable international standards.
- In this regard, support the analysis of national legislation being undertaken by the African Union and UNHCR, pursuant to the Comprehensive Implementation Plan (CIP), as well as that the analysis being undertaken by UNHCR in cooperation with the European Commission, and ensure that the relevant recommendations are implemented.
- Make use of all parliamentary mechanisms available, including public hearings, questions to government and visits to refugee camps and hosting areas, to seek information on the situation of refugees, displaced persons and returnees, so as to take informed action regarding their welfare and rights.
- Ensure that national parliaments mandate one of their standing committees to supervise parliamentary action in relation to refugees and international humanitarian law, or establish a sub-committee to this effect.

**Objective 3: Increasing awareness of international refugee, human rights and humanitarian law**

*Specific strategies:*

- Promote knowledge of international refugee, human rights and humanitarian law among parliamentarians at national and regional levels, and cooperate in this effort by sponsoring or attending seminars and workshops organized in conjunction with relevant organizations, such as the African Parliamentary Union, the Pan-African Parliament, the IPU, UNHCR and ICRC.

- Encourage the inclusion of international refugee, human rights and humanitarian law in the curricula of academic institutions, including military and police academies and institutions.

#### **Objective 4: Improving responses to mass influxes of refugees**

*Specific strategies:*

- Encourage the competent authorities to work with UNHCR to ensure a more effective emergency response to mass influx situations, based on more predictable and reliable burden-sharing arrangements.
- Encourage the competent authorities to draw up and regularly update contingency plans, working in close cooperation with UNHCR, UN agencies and, where appropriate, the relevant regional and sub-regional organizations.
- Request that national and regional contingency plans make provisions for community-based activities not only addressing the specific needs of refugees but also of their host communities.

#### **Objective 5: Diminishing dependence on humanitarian assistance by promoting self-reliance**

*Specific strategies:*

- Explore the ways and means to enhance the productive capacities and self-reliance of refugees and their host communities, as a means of decreasing dependency on humanitarian assistance and empowering them to contribute to the development of the host country while in exile, and the reconstruction and economic development of the country of origin upon return. In this regard, recognize the central role of women in any efforts aimed at self-reliance and promoting durable solutions.
- Welcome the focus of UNHCR's Framework for Durable Solutions on attracting additional development assistance for refugees and their host communities, and recognize its potential to promote better quality of life and self-reliance for refugees and host communities pending the implementation of other durable solutions.
- Ensure that refugees fully enjoy their social and economic rights, to empower them to become self-reliant, giving particular attention to overcoming all forms of discrimination, including that based on gender, age or disability.
- Encourage the relevant authorities to establish a database of the skills and professional profiles available within the refugee community, with a view to facilitating their employment and economic empowerment.
- Include refugee-hosting areas in national development plans, and encourage development partners to provide additional funding targeted to host communities as well as refugees.

- Ensure the availability and access to primary, secondary, tertiary and vocational education for refugees, recognizing that education is key to self reliance and all durable solutions.
- Consider allocating a proportion of national scholarships for secondary and tertiary education to deserving refugee children.

**Objective 6: Pursuing durable solutions: voluntary repatriation, resettlement and local integration**

*Specific strategies:*

- Contribute to the development of a more coherent approach to durable solutions by integrating voluntary repatriation, local integration and resettlement, whenever feasible, into one comprehensive approach for resolving refugee situations, implemented in cooperation with countries of origin, host States, UNHCR and its humanitarian and development partners, as well as refugees themselves.
- In developing such comprehensive approaches, make use of the Convention Plus initiative and the related Framework for Durable Solutions, as well as the Agenda for Protection.

*Voluntary repatriation*

- Respect the right of return and the principle of voluntary repatriation of refugees in safety and dignity.
- Ensure respect for the voluntary nature of the decision to return to the country of origin of refugees, taking into account the specific situation of separated and unaccompanied children.
- Ensure that national authorities in countries of asylum, countries of origin and UNHCR cooperate so that repatriation takes place in safety and dignity, including through the adoption of confidence-building measures such as tripartite agreements spelling out guarantees, conditions and modalities for the voluntary repatriation operations, and go-and-see visits.
- Take all measures to enable returnees to enjoy the same rights as their fellow citizens.
- Promote reconciliation through the implementation of initiatives and projects benefiting returnees, internally displaced persons and all members of the community on an equal footing.
- Call on the competent authorities to cooperate with UNHCR, other United Nations agencies and development actors, to gain support for the effective reintegration of returnees by implementing the Framework for Durable Solutions.
- Encourage UNHCR and development partners to provide for the environmental, infrastructure and other rehabilitation of refugee-impacted areas.

*Resettlement*

- Cooperate with resettlement countries and UNHCR in implementing refugee resettlement both as an instrument of protection and as a durable solution,

and use resettlement as a meaningful instrument of international solidarity and responsibility sharing.

- Encourage UNHCR and resettlement countries to make more strategic use of resettlement, including through the adoption of more flexible criteria and group processing, as a means to increase the number of resettlement opportunities.

*Local integration*

- Acknowledge that, where refugees have developed strong family, social and economic links with host communities, it may be in the interest of the host country to facilitate their local integration, through granting of permanent residence and ultimately, naturalization.
- Encourage competent authorities to consider adopting the “DLI” approach (Development through Local Integration), to ensure that the international community provides adequate support for the socio-economic development of communities hosting refugees.

**Objective 7: Ensuring the physical safety of refugees**

*Specific strategies:*

- Ensure that the competent authorities assume their responsibility to maintain law and order in refugee camps and refugee-hosting areas, with the support of the international community when necessary.
- Recognize that registering and documenting refugees contributes to improving their physical protection and the enjoyment of their rights, and invite UNHCR to continue providing support to African States to this end.
- Encourage the competent authorities to cooperate with the ICRC, UNHCR and UNICEF in the tracing and reunification of family members separated so as to preserve family unity.
- Request the competent authorities to set in place appropriate systems to prevent, monitor, report on, and respond, to gender- and age-based violence, including through the prosecution of perpetrators, and to combat the spread of HIV/AIDS within refugee and host communities.
- Encourage the continued development and implementation of training programmes and other practical measures aimed at promoting respect for the right of every refugee to dignity and personal security, and at promoting protection from sexual abuse and exploitation.
- Consider allocating budgets to provide treatment and counseling to victims of sexual and gender-based violence.

**Objective 8: Maintaining the civilian and humanitarian character of asylum**

*Specific strategies:*

- Encourage the competent authorities to ensure respect for the civilian nature and humanitarian character of the institution of asylum and of refugee camps and settlements.
- Strengthen efforts aimed at preventing all forms of recruitment of refugees for military purposes, especially children under 18 years of age.

- Encourage UNHCR and ICRC to disseminate to the APU and African Parliaments, the outcome of the June 2004 Experts Meeting on Maintaining the Civilian and Humanitarian Character of Asylum, aimed at elaborating measures for the disarmament of armed elements and the identification, separation and internment of combatants.
- Encourage the competent authorities in countries facing mixed movements of refugees and armed elements to adopt programmes for the disarmament of these armed elements and the identification, separation and internment of combatants, seeking technical assistance and additional resources from the international community, where required.
- Encourage the United Nations and sub-regional organizations to ensure that programs aimed at integrating former armed elements in post-conflict situations are adequately funded, so as to contribute to sustainable peace and security.
- Call on the competent authorities to minimize the risk that combatants move from one country to another, and thereby perpetuate the cycle of violence and instability, by ensuring that national processes for the disarmament, demobilization, reintegration and rehabilitation of combatants (DDRR) have a regional dimension.

#### **Objective 9: Combating intolerance and promoting respect for refugees**

*Specific strategies:*

- Sensitize citizens to the plight and rights of refugees, with a view to fostering understanding and acceptance of their presence, and raising awareness of the positive contribution that refugees can make to their host communities and societies.
- Work with the media in national campaigns to combat intolerance and xenophobia and promote peaceful coexistence.

#### **Objective 10: Protecting and assisting internally displaced persons**

*Specific strategies:*

- Acknowledge that internally displaced persons, as part of the civilian population, are protected by human rights and international humanitarian law.
- Reiterate the commitment to ensure that internally displaced persons are effectively protected against violations of their rights, and that the Guiding Principles on Internal Displacement are fully respected by the relevant authorities.

#### **Objective 11: Promoting partnerships for protection**

*Specific strategies:*

- Strengthen cooperation between Parliaments and UNHCR in ensuring adequate protection of refugees and the implementation of durable solutions including, for example, the enactment of refugee-related legislation, bringing to light concerns about protection and durable solutions,

and sharing information about the situation of refugees in countries and their respective sub-regions.

- Encourage the participation of civil society, including non-governmental organizations, in matters related to the protection and welfare of refugees.
- Encourage regional and sub-regional parliamentary organizations to analyze and debate refugee problems with regional ramifications, on a regular basis, and to promote coordinated action to address root causes and find durable solutions.
- Encourage African governments and relevant regional and sub-regional organizations to explore the creation of an African Fund for Refugees to mobilize additional international resources to assist, protect and find durable solutions for refugees, with international support.