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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Kenya:* draft resolution

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969¹ and the African Charter on Human and Peoples' Rights,²

Reaffirming that the 1951 Convention relating to the Status of Refugees,³ together with the 1967 Protocol thereto,⁴ as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Welcoming the entry into force on 6 December 2012 and the ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative frameworks for the protection of and assistance to internally displaced persons,

Welcoming the decision of the African Union to declare 2019 as the African Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa,

Recognizing the particular vulnerability of women and children, as well as older persons and persons with disabilities, among refugees and displaced persons, including exposure to discrimination, sexual exploitation and abuse, physical abuse, violence and exploitation and the recruitment and use of children by parties to armed

* On behalf of the States Members of the United Nations that are members of the Group of African States.

¹ United Nations, *Treaty Series*, vol. 1001, No. 14691.

² *Ibid.*, vol. 1520, No. 26363.

³ *Ibid.*, vol. 189, No. 2545.

⁴ *Ibid.*, vol. 606, No. 8791.



conflict in violation of applicable international law, and in this regard acknowledging the importance of preventing, responding to and addressing sexual and gender-based violence as well as violations and abuses committed against refugee, returnee and displaced children,

Gravely concerned about the continued rising number of refugees and displaced persons in various parts of the continent,

Acknowledging the efforts of Member States, the United Nations High Commissioner for Refugees and other stakeholders in improving the situation of refugees and their host communities,

Expressing grave concern about funding gaps in the budgets of the Office of the United Nations High Commissioner for Refugees and the World Food Programme, which are among the most underfunded, in responding to various refugee situations in different parts of Africa, which are a major factor leading to the deterioration in living conditions in many refugee camps in Africa,

Emphasizing the need to develop a holistic approach in addressing large movements of population that takes into account the underlying causes of displacement,

Recognizing that refugees, internally displaced persons and, in particular, women and children are at an increased risk of exposure to HIV and AIDS, malaria and other diseases,

Recalling the high-level segment on the theme “Enhancing international cooperation, solidarity, local capacities and humanitarian action for refugees in Africa” of the sixty-fifth session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, held in Geneva from 29 September to 3 October 2014, and the statement adopted on 30 September 2014 by States members of the Executive Committee,⁵ and expressing deep concern that this particular event has not mobilized the necessary support for refugees and their hosting countries and communities,

Welcoming progress made in the implementation of the Nairobi Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, welcoming also the nomination of the Special Envoy of the United Nations High Commissioner for Refugees for the Horn of Africa, the adoption of the Djibouti declaration on refugee education in December 2017 and the Kampala Declaration on Jobs, Livelihoods and Self-Reliance for Refugees, Returnees and Host Communities in the Intergovernmental Authority on Development Region, adopted on 28 March 2019, and welcoming further the reaffirmation by Member States of the commitment to promote inclusive policies towards refugees, as noted in the communiqué of the second interministerial stocktaking meeting on the Nairobi Declaration and Action Plan,

Recalling the Pact on Security, Stability and Development in the Great Lakes Region, adopted by the International Conference on the Great Lakes Region in 2006, and its instruments, in particular two of the protocols to the Pact that are relevant to the protection of displaced persons, namely, the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons,

Acknowledging with appreciation the generosity, hospitality and spirit of solidarity of African States, including host communities, that, despite their limited resources, continue to host a large number of refugees, owing to humanitarian crises

⁵ *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 12A (A/69/12/Add.1)*, annex I.

and protracted refugee situations, and in this regard expressing particular appreciation for the commitment and efforts of neighbouring countries in the recent humanitarian crises on the continent,

Welcoming efforts by African States that endeavour to facilitate the voluntary repatriation, local integration, resettlement and rehabilitation of refugees and to promote conditions conducive to the voluntary return and sustainable reintegration of refugees in their country of origin, acknowledging with appreciation the coordination of humanitarian assistance by the United Nations as well as the continuing efforts of donors, the United Nations system, including the Office of the High Commissioner, regional organizations, international agencies, non-governmental organizations and other partners,

Welcoming also efforts made with regard to durable solutions for addressing the plight of refugees during emergencies, and recalling that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution,

Recognizing the primary responsibility of host States for the protection of and assistance to refugees on their territory and the need for the international community to redouble efforts to develop and implement comprehensive durable solution strategies, including with regard to burden- and responsibility-sharing, and recognizing also the efforts of all States in this regard,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem, in appropriate cooperation with the international community,

Expressing concern regarding the decreasing trend in resettlement opportunities,

Recognizing the need to expand the base of actors engaged in resettlement and complementary pathway opportunities, as well as to assess the scope and size of the pathways and their protection impact and quality, in line with the vision set out by the Office of the United Nations High Commissioner for Refugees in its *Three-Year (2019–2021) Strategy on Resettlement and Complementary Pathways*,

Recognizing also the need to encourage increased efforts to facilitate and assist voluntary return and local integration,

Acknowledging the efforts made by States and regional groups since the launch of the #IBelong Campaign to eradicate statelessness and to afford protection to stateless people, as well as the commitments made during the high-level segment on statelessness convened by the Office of the United Nations High Commissioner for Refugees as well as the outcomes of the fifth Conference of African Ministers Responsible for Civil Registration, both held in October 2019,

Noting the ongoing process to establish the proposed high-level panel on internal displacement aimed at improving the collective international response to situations of internal displacement,

Welcoming the ongoing implementation of pledges made by States at the intergovernmental ministerial event held in 2011 to mark the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness,⁶

⁶ United Nations, *Treaty Series*, vol. 989, No. 14458.

Reaffirming its resolution [69/313](#) of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,⁷ supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenges of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

Taking note of the World Humanitarian Summit, held in Istanbul, Turkey, on 23 and 24 May 2016, while recognizing that it did not have an intergovernmentally agreed outcome, and welcoming the commitment of the African Heads of State and Government, adopted by the African Union, on the theme “One Africa, One Voice, One Message at the World Humanitarian Summit”,

1. *Takes note* of the reports of the Secretary-General⁸ and the United Nations High Commissioner for Refugees;⁹

2. *Calls upon* African States that have not yet signed or ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa to consider doing so as early as possible in order to ensure its wider implementation;

3. *Notes* the need for African States, with the support and collaboration of the international community, to resolutely address the root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent;

4. *Notes* the importance, since the historic affirmation of the global compact on refugees,¹⁰ of the first Global Refugee Forum as a critical opportunity to build momentum towards achieving the objectives of that commitment and strengthen the collective response to refugee situations;

5. *Welcomes* the important outcomes of the six continental consultative meetings that were organized under the 2019 theme of the African Union, “Year of refugees, returnees and internally displaced persons: towards durable solutions to forced displacement in Africa”, with regard to global responsibility-sharing, the role of parliamentarians in preventing and resolving forced displacement, statelessness, the mixed movements of refugees and migrants, and the ratification and implementation of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969 and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) of 2009;

6. *Reaffirms* the central role played by the Heads of State and Government of the Intergovernmental Authority on Development towards the successful negotiations in Khartoum and the eventual signing of the final Revitalized Agreement on the Resolution of the Conflict in South Sudan between the Government and the opposition movements during the thirty-third extraordinary summit, held in Addis Ababa on 12 September 2018, and encourages ongoing efforts to fully implement this agreement in order to achieve a sustainable and lasting peace;

7. *Commends* the continued efforts and commitment by the regional Governments towards resolving conflicts in the region, including the ongoing

⁷ Resolution [70/1](#).

⁸ [A/73/340](#).

⁹ *Official Records of the General Assembly, Seventy-third Session, Supplement No. 12 (A/73/12 (Part I) and A/73/12 (Part II))*.

¹⁰ [A/73/12 \(Part II\)](#).

mediation by the Sudan between the parties to the conflict in the Central African Republic under the umbrella of the African Initiative for Peace and Reconciliation in the Central African Republic;

8. *Welcomes* the outcome of the second regional protection dialogue on the Lake Chad Basin, held in Nigeria in January 2019, as well as the signing of the Abuja Action Statement by the Governments of Cameroon, Chad, the Niger and Nigeria, with a view to enhancing the response to the urgent needs of refugees, internally displaced persons, returnees and host communities;

9. *Welcomes also* the regional dialogue on protection and solutions related to the situation of forced displacement in the Sahel, held in Bamako on 11 and 12 September 2019 by the Governments of Burkina Faso, Chad, the Niger, Mali and Mauritania, and welcomes further the outcome of the dialogue, namely, the Bamako conclusions and ministerial declaration adopted in Geneva on 9 October 2019;

10. *Notes with great concern* that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious and the number of refugees and internally displaced persons has dramatically increased, and calls upon States and other parties to armed conflict to observe scrupulously the letter and spirit of, and respect and ensure respect for, international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

11. *Welcomes* decision Assembly/AU/Decl. 8 (XXXII) adopted by the Assembly of Heads of State and Government of the African Union at its thirty-second ordinary session, held in Addis Ababa on 10 and 11 February 2019, in which the 2019 theme of the African Union was declared to be the “Year of refugees, returnees and internally displaced persons: towards durable solutions to forced displacement in Africa”;

12. *Expresses its appreciation* for the leadership shown by the Office of the High Commissioner, and commends the Office for its ongoing efforts, with the support of the international community, to assist African States hosting large numbers of refugees, including by providing support to vulnerable local host communities, and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

13. *Notes with appreciation* the ongoing initiatives taken by the African Union, the Subcommittee on Refugees, Returnees and Internally Displaced Persons of its Permanent Representatives Committee and the African Commission on Human and Peoples’ Rights, in particular the role of its Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa, to ensure the protection of and assistance to refugees, returnees and displaced persons in Africa;

14. *Underlines* the need to provide an efficient humanitarian response to internally displaced persons, with the full consent of States, and recognizes in this regard the importance of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa;

15. *Acknowledges* the important contribution of age, gender and diversity mainstreaming in identifying, through the full participation of women, children, older persons and persons with disabilities, the protection risks faced by the different members of the refugee communities, in particular the non-discriminatory treatment and protection of women, children, older persons and persons with disabilities;

16. *Affirms* that children, because of their age, social status and physical and mental development, are often more vulnerable than adults in situations of forced displacement, recognizes that forced displacement, return to post-conflict situations,

integration into new societies, protracted situations of displacement and statelessness can increase child protection risks, taking into account the particular vulnerability of displaced children to forcible exposure to the risks of physical and psychological injury, exploitation and death in connection with armed conflict, as well as the recruitment and use of children by parties to armed conflict in violation of applicable international law, and acknowledges that wider environmental factors and individual risk factors, particularly when combined, may generate different protection needs;

17. *Recognizes* that no solution to forced displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of durable solutions, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

18. *Reaffirms* the conclusion on civil registration adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its sixty-fourth session, held in Geneva from 30 September to 4 October 2013,¹¹ and recognizes the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

19. *Also reaffirms* the conclusion on registration of refugees and asylum seekers adopted by the Executive Committee of the Programme of the High Commissioner at its fifty-second session,¹² notes the many forms of harassment faced by refugees and asylum seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories and, as appropriate, the responsibility of the Office of the High Commissioner or mandated international bodies to do so, reiterates in this context the central role that early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office, as appropriate, to help States to conduct this procedure should they be unable to register refugees on their territory;

20. *Appreciates* the ongoing efforts undertaken by Member States to implement the conclusion on machine-readable travel documents for refugees and stateless persons adopted the Executive Committee at its sixty-eighth session;¹³

21. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight, facilitating durable solutions and supporting vulnerable local host communities;

22. *Acknowledges* the efforts made by the African countries applying the comprehensive refugee response framework, and underscores the importance for the international community of ensuring adequate and predictable humanitarian and development support;

23. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, also reaffirms that assistance and

¹¹ Ibid., *Sixty-eighth Session, Supplement No. 12A (A/68/12/Add.1)*, chap. III, sect. A.

¹² Ibid., *Fifty-sixth Session, Supplement No. 12A (A/56/12/Add.1)*, chap. III, sect. B.

¹³ Ibid., *Seventy-second Session, Supplement No. 12A (A/72/12/Add.1)*, chap. III, sect. A.

protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern with regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

24. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

25. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, calls upon States, in cooperation with international organizations, within their mandates, to take all measures necessary to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character, and encourages the High Commissioner to continue efforts, in consultation with States and other relevant actors, to ensure the civilian and humanitarian character of camps;

26. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all measures necessary to ensure respect for the principles of refugee protection, including the humane treatment of asylum seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

27. *Deplores* the continuing violence and insecurity, which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to the effective fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all measures necessary to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

28. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the protection system for refugees, asylum seekers and internally displaced persons, and encourages African States that have not yet done so to consider ratifying and enforcing the Convention on the Safety of United Nations and Associated Personnel;¹⁴

¹⁴ United Nations, *Treaty Series*, vol. 2051, No. 35457.

29. *Calls upon* the Office of the High Commissioner, the international community, donors and other entities concerned to continue and, where appropriate, to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical, legal and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular to those Governments that have received large numbers of refugees and asylum seekers;

30. *Reaffirms* the right of return, in accordance with international law, and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

31. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity, and urges the High Commissioner to promote sustainable return through the development of durable and lasting solutions, particularly in protracted refugee situations, and to ensure the provision of robust reintegration support packages for those who do voluntarily choose to return;

32. *Calls upon* the international donor community to provide humanitarian and development support which allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

33. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country resettlement needs of African refugees, notes in this regard the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages States, the Office of the High Commissioner and other relevant partners to make full use of the *Three-Year (2019–2021) Strategy on Resettlement and Complementary Pathways*, which is aimed at expanding resettlement pathways in size, scope and quality, where appropriate and feasible;

34. *Expresses serious concern* about the chronic underfunding of the budget allocated to provide humanitarian assistance to refugees and internally displaced persons in the wake of the increasing number of displaced persons;

35. *Also expresses serious concern* about environmental degradation, particularly in refugee hosting areas, and calls upon the international donor community to provide assistance for material, financial and technical support intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum as well as internally displaced persons, where appropriate;

36. *Urges* the international community, in line with the principle of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and other relevant humanitarian organizations and, taking into account the substantially increased needs of programmes in Africa, inter alia, as a result of repatriation possibilities, to ensure that

Africa receives a fair and equitable share of the resources designated for refugees, and recognizes the importance of increased, flexible, predictable and multi-year funding;

37. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including the improvement of international burden- and responsibility-sharing and the realization of durable solutions, within a multilateral context, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

38. *Recalls* the need to reflect on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement, and in this regard encourages the Secretary-General to work with Member States and the United Nations system to explore ways to better address the long-term needs of internally displaced persons, support communities that host them and improve the lives of the many millions of internally displaced persons;

39. *Expresses grave concern* about the plight of internally displaced persons in Africa, welcomes the efforts of African States in strengthening the regional mechanisms for the protection of and assistance to internally displaced persons, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,¹⁵ notes the current activities of the Office of the High Commissioner related to the protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

40. *Welcomes* the efforts by the High Commissioner towards regionalization and decentralization, including to ensure that decision-making is closer to the point of delivery, and towards efficiency gains as efforts continue to advance refugee protection and solutions;

41. *Encourages* African States, together with development and humanitarian actors, to work closely on multi-year strategies for refugees and internally displaced persons, factoring in the subregional dimension of many forced displacement crises;

42. *Invites* the Special Rapporteur of the Human Rights Council on the human rights of internally displaced persons to continue the ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with the Council's mandate, and to include information thereon in all reports to the Council and the General Assembly;

43. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its seventy-fifth session, taking fully into account, inter alia, the situation of their host communities, refugee camps and the efforts expended by countries of asylum and those aimed at bridging funding gaps, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions".

¹⁵ E/CN.4/1998/53/Add.2, annex.