

**REPORT OF ACTIVITIES BY COMMISSIONER BAHAME TOM NYANDUGA,
SPECIAL RAPPORTEUR ON REFUGEES, ASYLUM SEEKERS, IDPS AND
MIGRANTS IN AFRICA FOR THE INTERSESSION PERIOD BETWEEN MAY
AND NOVEMBER 2009.**

1. The period under review is characterised by events which continue to underline the importance of consolidating the advocacy role of the Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants in Africa. The displacement situation on the continent has not improved in the previous six months. Africa continues to host more than half the total IDPs, estimated at about 25 million throughout the world.
2. The conflicts in Somalia and DRC continue to create displacement, and the violations of the rights of IDPs. The Displacement in the Darfur remains a humanitarian disaster. More than 2 million people have continued to live in camps for the last six years, and they are likely to continue, as long as the peace agreement to the Darfur conflict is not achieved.
3. The situation in Eastern DRC is a matter of grave concern. The period under review witnessed reported cases of rape of women and young girls, and the insecurity of the civilian population in Eastern DRC, and Kivu province, due to the activities of rebel groups. The LRA continues its madness of causing havoc by kidnapping, terrorising and displacing innocent civilians in Central Africa Republic.
4. The massive violations of human rights and international humanitarian law in Eastern DRC are a matter of grave concern to the Special Rapporteur, and to the African Commission. The Commission is of the strong opinion that the Government of the DRC has yet to take serious measures to apprehend the perpetrators of the war crimes and crime against humanity, against the people of Eastern DRC. I urge the DRC to cooperate with the ICC to hand over indicted war criminals still sheltering in the DRC.
5. The Somalia conflict has witnessed massive violations of the human rights of civilian population, as well as violations of international humanitarian law. The Al Shabaab Islamist Movement has indiscriminately continued to target the civilian population, journalists, and even the AMISOM peacekeepers. They continue to threaten the existence of the Transitional Federal Government, which is itself trying to establish institutions of governance under extremely severe conditions.
6. I urge the international community to continue its support to the Somali people, through increased humanitarian assistance to the civilian population, and assistance to the African Union, to strengthen AMISOM.

Once again, let me commend Burundi and Uganda for the sacrifices they are making on behalf of Somalia, Africa, and the international community. I call upon the Africa Union member states that pledged troops to AMISOM, to do so in order to assist Somalia to restore stability.

KAMPALA CONVENTION

7. It is in the context of these conflicts, and the scourge of displacement on the continent, that I wish to situate the importance of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa, otherwise known as the Kampala Convention, which was adopted by a Special Summit of the African Union, held in Kampala, Uganda, between 22 and 23 October 2009.
8. Between 19 and 23 October 2009, I participated in the meeting of the Executive Council of the African Union, and the Special Summit. The highlight of the Special Summit was the adoption of the Kampala Convention. I had the opportunity to address Ministers and Representatives attending the Special Summit on the role of the Special Rapporteur and the African Commission envisaged in the Kampala Convention, at a luncheon organised by the International Peace Institute based in New York, and the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugees Council.
9. 17 AU member states signed the convention, which is the first international instrument of its kind to provide a binding legal framework for protecting and assisting IDPs. It prohibits all forms of arbitrary displacement. It recognises the right of internally displaced persons to humanitarian assistance, and the civilian character of humanitarian assistance. It recognises the sovereignty of states and reiterates the responsibility of the state to provide protection. It provides also that where the state cannot provide protection or assistance, it should facilitate international humanitarian assistance. In other words, it incorporates the principle of the responsibility to protect.
10. The Kampala Convention incorporates the principles of individual criminal responsibility under domestic and international criminal law regimes. It imposes obligations on armed groups to respect the rights of civilian population.
11. It recognises the right of IDPs to a remedy, under municipal, regional and international mechanisms. In that regard, it has institutionalised the role of the Special Rapporteur on Refugees, Asylum Seekers, IDPs and Migrants, in ensuring that the mechanism and the African Commission play their rightful role to protect IDPs on the continent.

12. Being the Special Rapporteur, on Refugees, Asylum Seekers, IDPs and Migrants in Africa, I had the privilege of serving as one of the AU Legal Experts who drafted the framework paper, the initial zero draft, and assisted the negotiation process of the Convention through its final adoption.

13. I strongly urge all AU member states to sign and ratify it expeditiously. I also urge all stakeholders of the African Commission, namely the NHRIs, NGOs, the Media and all well wishers, to ensure that the Kampala Convention is given maximum publicity, as an advocacy tool for the rights of IDPs, wherever they are on the Continent. IDPs remain vulnerable while there is this instrument and mechanism aimed at their protection and assistance.

14. I once again commend the Kampala Convention to you all. I wish my successor a wonderful term.

Thank you. God Bless Africa, Nkosi Sikeleli Afrika. Mungu Ibariki Afrika.