

Resolution on the Implementation of the New York Declaration for Refugees and Migrants - ACHPR/Res. 371 (LX) 2017

The African Commission on Human and Peoples' Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Recognizing its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (African Charter);

Recalling the provisions of Article 12 of the African Charter which guarantee the right to freedom of movement and residence for all individuals and prohibit the mass expulsion of non-nationals;

Recalling the provisions of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and other international instruments on the protection of refugees;

Further recalling its resolutions ACHPR/Res.114 (XXXII) 07, ACHPR/Res.131 (XXXIII) 08 and ACHPR/Res.333 (EXT.OS/XIX) 16 on the situation of migrants, as well as its Statement on the deteriorating situation of migrants in the Mediterranean issued at its 56th Ordinary Session held in Banjul, The Gambia;

Taking into account the massive displacement of migrants and refugees in the past years and the various human rights violations of which migrants and refugees are victims;

Concerned about the huge loss of lives of migrants in the Mediterranean Sea, the magnitude of the phenomenon and the disastrous consequences on African populations in particular;

Considering that response to the refugee and migrant problem has thus far been mainly humanitarian;

Noting the importance of developing a stronger, more orderly and sustainable response to assist refugees and host communities, with respect to their rights;

Welcoming the adoption by the African Union in January 2016 of the Common African Position on Humanitarian Effectiveness;

Further considering the adoption by States, at the UN Summit on Migrants and Refugees held on 19 September 2016 in New York, of the Declaration for Refugees and Migrants;

The Commission:

1. **Recommends** that States Parties should adopt a comprehensive approach to issues relating to population displacement regardless of the cause;
2. **Calls upon** States Parties and the African Union to organize and participate in national, regional and international consultations planned under the New York Declaration; as well as undertake inclusive and participatory consultation with all stakeholders towards the adoption of the Global Compact for safe, orderly and regular migration;
3. **Urges** the African Union, in particular countries of origin as well as host countries, to take ownership of the recommendations contained in the Declaration and adopt the necessary measures for their implementation in order to find concrete solutions to the situation of migrants and refugees;
4. **Calls upon** the African Union to implement, as soon as possible, the Common African Position (CAP) on Humanitarian Effectiveness and to expedite the establishment of the African Humanitarian Agency, which will be responsible for the implementation of the humanitarian action programme at the continental level;
5. **Urges** the African Union to take into account the recommendations of the New York Declaration during implementation of the Common African Position on Humanitarian Effectiveness with the aim of aligning them with the global response strategy emanating from the Declaration.

Done in Niamey, Republic of Niger, on 22 May 2017