

ACHPR/RES.210 (EXT.OS/XI) 2012: RESOLUTION ON REFUGEES AND INTERNALLY DISPLACED PERSONS FLEEING THE CONFLICT IN THE NORTH OF MALI

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 11th Extraordinary Session in Banjul, The Gambia, from 21 February to 1 March 2012;

Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Considering the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the 2009 Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa, the 1951 Geneva Convention and its 1967 Protocol, as well as other human rights protection instruments;

Considering, inter alia, Article 1 of the African Charter which stipulates that "The Member States of the Organization of African Unity, parties to the present Charter shall recognize the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them";

Further recalling Article 2 (1) of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa which stipulates that "Member States of the OAU shall use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality";

Deeply concerned by the renewed fighting in the North of Mali, since January 2012, between Tuareg rebels and the Malian armed forces in violation of the 2009 Algiers Accord which had officially put an end to the Tuareg rebellion;

Concerned by the forced and massive displacement of over 130,000 Malians some of whom are fleeing within the country away from areas of fighting, and others to seek refuge in neighbouring countries such as Algeria, Burkina Faso, Mauritania and Niger as a result of the rebellion in the North of Mali;

Also concerned by the potential risk of instability and insecurity in the region as a result of the displacement of populations fleeing from the conflict in the North of Mali;

The African Commission:

- **Strongly condemns** the renewed conflict in the North of Mali and **urges** the Tuareg rebels to put an immediate end to their attacks against innocent civilian populations;
- **Calls on** the Government of Mali and the Tuareg rebels to dialogue towards a peaceful resolution of the conflict, to ensure peace, security, stability and the territorial unity of Mali;
- **Appreciates** the commitment of the States (Algeria, Burkina Faso, Mauritania and Niger) that are already showing hospitality and solidarity with the Malian refugee populations;
- **Calls on** the States with refugees within their territories to take necessary measures towards guaranteeing their security and humanitarian needs, in spite of the difficult nature of such a task;
- **Further calls on** the host States to work closely with UNHCR and other international humanitarian organizations towards providing greater protection, material assistance and management of refugee camps with a view to meeting the needs of the refugee populations in their territories, paying special attention to women and children;
- **Urges** the Government of Mali to take all the necessary measures towards authorizing and facilitating the smooth passage of humanitarian aid to the internally displaced persons in the North of Mali;
- **Urges** the Government of Mali to take all the necessary measures to put an end to the displacement of populations and facilitate the repatriation of refugees and the return of internally displaced persons to their areas of origin once the conditions of security are restored;
- **Calls on** all African States to assist in bearing the costs resulting from the forced displacement of populations from the North of Mali in conformity with the principles of African solidarity and international cooperation as sanctioned by the 1969 OAU Convention;
- **Further calls on** all the Member States of the African Union that have not yet done so to ratify and implement the Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

Done in Banjul, The Gambia, 29 February 2012

