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**AFRICAN UNION HUMANITARIAN POLICY FRAMEWORK**

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**Department of Political Affairs: Humanitarian Affairs, Refugees and  
Displaced Persons Division**

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## ABBREVIATIONS

AU	African Union
AUC	AU Commission
ACHPR	African Commission on Human and Peoples' Rights
AEC	African Economic Community
APRM	African Peer Review Mechanism
ARI	African Rehabilitation Institution
ASI	African Solidarity Initiative
ASF	African Standby Force
CAP	Consolidated Appeals Process
CCAR	AU Coordinating Committee on Assistance and Protection to Refugees, Returnees and Internally Displaced Persons
CCHA	Coordinating Committee on Humanitarian Action
CDC	Centre for Disease Control
CENSAD	The Community of Sahel-Saharan States
CERF	Central Emergency Response Fund
CIDO	Civil Society and Diaspora Directorate
COMESA	The Common Market for Eastern and Southern Africa
DCI	Directorate of Communication and Information
DDRR	Disarmament, Demobilization, Rehabilitation and Reintegration
DRR	Disaster Risk Reduction
DPA	Department of Political Affairs
EAC	East African Community
ECOSOCC	Economic Social and Cultural Council
ECOWAS	Economic Community of West African States
FAO	Food and Agriculture Organization
HANDS	Humanitarian Assistance and Natural Disasters Support
ICGLR	International Conference for the Great Lakes Region
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IFRC	International Federation of the Red Cross and Red Crescent Societies
IGAD	Inter-Governmental Authority on Development
IHL	International Humanitarian Law
IOM	International Organization for Migration
IPU	Inter-Parliamentary Union
NEPAD	New Partnership for Africa's Development
OAU	Organization of African Unity
PAP	Pan African Parliament
PCRD	Post-Conflict Reconstruction and Development Policy
PRC	Permanent Representatives Committee
POC	Protection of Civilians
RECs	Regional Economic Communities
SADC	Southern African Development Community



SGBV	Sexual and Gender Based Violence
UMA	Arab Maghreb Union
UN	United Nations
UNDAC	United Nations Disaster Assessment and Coordination
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
WFP	World Food Programme
WGDD	Women, Gender and Development Directorate



## FOREWORD



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## I. INTRODUCTION

1. The Constitutive Act of the African Union takes cognizance of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent. It also recognises the need to promote peace, security and stability as prerequisites for the implementation of Africa's long-term development and integration agenda.
2. The African Union Humanitarian Policy Framework (The Framework) complements the African Peace and Security Architecture (APSA), the African Governance Architecture and various relevant international initiatives on humanitarian activities in Africa. The Framework recognizes extant international norms and standards on the various aspects and scope of humanitarian action. It further recognizes the linkages between humanitarian assistance, peace and security, natural and human-induced disasters and development issues.
3. The Framework provides an overarching framework and a broad intent of the African Union. The policy does not address process and procedural issues. Accordingly, the Framework establishes a strategic approach and guidelines in support of the core aims of humanitarian action: ***to preserve, protect and save lives, alleviate suffering and enhance physical security and human dignity***. The Framework also complements and supports the policies of AU Member States, Regional Economic Communities (RECs), the international community, United Nations (UN) agencies, International Civil Defence Organisation (ICDO), the Red Cross and Red Crescent Movement, national and international NGOs and other humanitarian actors and stakeholders.
4. Africa hosts large numbers of displaced populations and other categories of affected persons as a result of conflicts, natural and man-made disasters, and displacement propelled by development projects are also evident. The AU therefore undertakes, through this framework and in accordance with relevant AU and international Instruments on protection and assistance to:
  - a. *support the efforts of the Member States to protect and assist displaced populations;*
  - b. *strengthen its institutional framework and capacity with respect to protection and assistance to displaced populations and affected populations and other categories of affected populations;*
  - c. *collaborate with, and encourage Member States to collaborate with each other and with international organizations and humanitarian agencies, civil society organizations and other relevant actors in accordance with their mandates;*
  - d. *support measures taken by Member States and RECs to protect and assist displaced and affected populations;*
  - e. *encourage Member States and RECs to share information with the African Union and its relevant Organs on humanitarian situations in their countries especially on the situation of displaced persons in Africa;*



- f. *urge Member States to sign, ratify and enact necessary laws and policies to implement relevant AU protection instruments;*
- g. *encourage Member States to cooperate with and support the Special Rapporteur of the African Commission on Human and Peoples' Rights for Refugees, Returnees, IDPs and Asylum Seekers in addressing issues of displaced persons;*
- h. *encourage all relevant partners to honor their obligations with respect to humanitarian support to refugees, asylum seekers, returnees, stateless persons and IDPs;*
- i. *promote special measures for the protection of women, vulnerable groups especially children, youth, the elderly and people with disabilities in humanitarian situations.*

## **II. CONTEXT AND RATIONALE**

5. Since the establishment of the Organisation of African Unity (OAU), Africa has been seized with humanitarian crises. The African Union has many years remained committed to a progressive migration agenda recognizing the positive contribution of migrants to inclusive growth and sustainable development. In June 1969, the OAU adopted the Convention Governing the Specific Aspects of Refugee Problems, which was anchored on the African culture of hospitality and solidarity as a Pan-African solution to the humanitarian crisis of refugees. The 1979 Arusha Conference and the two international Conference on Refugees in Africa (1991 and 1994) reinforced the basic principles elaborated in the OAU Convention on Refugees. Since the Arusha conference, the OAU/AU has convened more than five high level meetings, including those in Addis Ababa in 1994, Khartoum in 1998, Banjul The Gambia and Ouagadougou in 2006 and Kampala in October 2009. These conferences, extensively deliberated and produced key position documents and declarations on humanitarian crises in Africa.
6. Since then, Africa and the world in general are facing a rapidly changing humanitarian landscape. Africa remains a region where 75% of humanitarian activity is undertaken. The region has continued to face growing humanitarian crises exacerbated by increased effects of climate change.
7. The overall humanitarian situation and response in Africa will therefore remain challenging and of major concern unless effective mechanisms are put in place. This has resulted in a large number of displacement including refugees and internally displaced persons (IDPs) caused by conflicts, development projects, natural and human-induced disasters among others.
8. Mega trends and future projections are also worrying. For example, it is projected that by 2015/25 persons affected by disasters each year will double from 250million per year to over 375million. By 2030, world's population growth will be in urban areas, of low income countries, the urban population will peak 5billion in 2050, from 3.5billion today 737 million in 1950, Africa with 4% urban population in 1950 will have 15% in 2030, 1.3 billion in 2050<sup>1</sup>. These mega trends pose serious threats to human security and will lead to

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<sup>1</sup> World Disaster Report, 2010



humanitarian crises that could erode social economic gains the continent could have registered.

9. In spite of all these challenges and efforts, Africa still lacks a comprehensive and overarching humanitarian policy framework. The existing humanitarian and disaster management mechanisms are however, largely weak and insufficient. These mechanisms require enhancement, coordination and consolidation. This Framework, the first ever such instrument, therefore seeks to fill these gaps.
10. Humanitarian challenges in Africa are exacerbated by the erosion of respect for the core humanitarian principles, which exist in conflict situations, in implementation of development projects, in natural and human-induced disasters. This Framework therefore, aims to support and reinforce respect for and compliance with humanitarian principles and the full respect of international law.
11. The support and reinforcement of humanitarian principles and the enhancement of, coordination and consolidation of these mechanisms require a multi-dimensional coordinated approach. In addition, in light of the necessary role of the military in humanitarian and disaster situations, this Framework also seeks to enhance humanitarian coordination, including civil-military humanitarian coordination.
12. In order to ensure timely and effective humanitarian action, AU activities should be complemented by appropriate coordination mechanisms within the African Union Commission, RECs and Member States; Red Cross and Red Crescent Movement. The Framework therefore, provides the AU and other humanitarian actors and stakeholders with the strategic approach and guidelines for enhanced capacity for prevention, preparedness, response and mitigation that address humanitarian situations.

### **III. STRATEGIC VISION**

13. The core aims of AU's humanitarian action are to: preserve, protect and save lives, alleviate suffering and enhance physical and human security and dignity of affected populations affected humanitarian crises. The thrust of this policy therefore, is to strengthen Africa's humanitarian governance by enhancing the AU's leadership role and mandate through providing strategic approaches and guidelines for African Union led efforts in conformity with African Shared Values, and norms and standards for humanitarian action on the African continent; in full respect of international law; and on the other hand in strengthening the primary responsibility of Member States by strengthening their predictive, preventive, response and adaptive capabilities.

### **IV. PURPOSE, SCOPE AND APPLICABILITY**

14. The purpose of the Framework is to establish a strategic approach and guidelines for coordinating and supporting AU's involvement in its early warning and prevention efforts, in addressing root causes and durable solutions, ensuring adequate preparations to respond to and deal with root causes and the aftermaths of humanitarian challenges on the continent. This will be in conformity with AU's core aims mentioned above.





15. With full respect of the principle of the primary responsibility of State(s) in accordance with principles of International Law, the Framework complements the humanitarian policies of AU Member States, RECs, the international community, including the UN agencies, the Red Cross and Red Crescent Movement, national and international NGOs and other humanitarian actors and stakeholders.
16. This Framework is applicable to all AU humanitarian work and interventions in Africa, involving the Diaspora, Private Sector, and African Philanthropism, in conformity with norms and standards in international law.

## V. OBJECTIVES

17. The objectives of the Framework are to:
  - a. Protect and assist with full respect to national legislations, and support in cases of conflict, development projects and natural and human-induced disasters, persons in need of humanitarian assistance; taking into consideration the special needs of women and vulnerable groups especially, children, youth, the elderly and people with special needs;
  - b. support and promote, the prevention and alleviation of abuses and its effects, and the restoration of dignified conditions of life;
  - c. support the capacity of RECs based on their respective responsibilities and mandates in accordance with international law to build resilience according to particular context of communities against conflicts in a way that does not alter the legal status of those communities, development projects, natural and human-induced disasters, especially those that undermine human security and sustainable development;
  - d. promote dialogue and create enabling space for coordinated humanitarian action and exchange of good practices;
  - e. enhance humanitarian coordination, where appropriate, including AU Member State civil-military humanitarian coordination and with traditional leaders, women groups, faith based organisations and host communities that will create appropriate interaction on peace, security and transition programmes to address root causes of insecurity and vulnerability;
  - a. promote the protection of stateless persons or persons at risk of statelessness, and promote the resolution of statelessness and right to nationality, in accordance with 1954 International Convention on the Reduction of Statelessness; relevant AU Instruments and national laws;
  - f. strengthen planning through research and reliable data; and humanitarian information management and exchange in support of Member States and RECs;
  - g. promote strategies and measures to support host communities to cope with the impact of hosting displaced populations; including specific measures for protection and restoration of the environment in affected areas;



h. enhance partnerships and resource mobilization.

## VI. LEGAL AND INSTITUTIONAL BASIS

18. The interpretation of this framework, the responsibilities, obligations, privileges, authorities and mandates it entails shall be solely based on the principles of international law, including but not limited to International Refugee law, International Humanitarian Law, International Human Rights Law and International Criminal law; including the jurisdiction of States in this context, and the national legislations of Member States. In particular, this Framework takes into consideration relevant regional legal instruments and decisions of the relevant African Union Organs, including, but not limited to:
- a. *The Constitutive of the AU*<sup>2</sup>
  - b. *The Protocol Relating to the establishment of the AU Peace and Security Council (Article 6(b)(e)(f), Article 12(4), Article 13(f) and Article 15)*
  - c. *The African Charter on Human and Peoples' Rights*<sup>3</sup> and its *Protocol on the Rights of Women*
  - d. *The African Charter on the Rights and Welfare of the Child*;
  - e. *The Protocol to the African Charter on the establishment of an African Court on Human and People's Rights*<sup>4</sup>
  - f. *The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*<sup>5</sup>
  - g. *The AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa*<sup>6</sup>
  - h. *AU Guidelines on the Protection of Civilians in Peace Support Operations*
  - i. *The AU Policy on Post-Conflict Reconstruction and Development (PCRD)*
  - j. *Assembly Decision, Assembly/AU/Dec.486 (XXI) On Alternative Sources of Financing the African Union*
  - k. *Assembly Decision, Assembly/AU/Dec.489 (XXI) On the Establishment of an African Capacity for Immediate Response to Crisis*
  - l. *Executive Council Decision, EX.CL/Dec.591 (XVII), July 2010 on Food Security*

<sup>2</sup>The AU Constitutive Act adopted at the 36<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government, 11 July 2000, Lome - Togo in Articles 3 (f), (g) & (h); and Art. 13.

<sup>3</sup> African Charter on Human and Peoples' Rights, (Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986)

<sup>4</sup> Adopted on 10 June 1998 and entered into force on 24 January 2004 in its articles 2 and 3.

<sup>5</sup> Adopted on 10 September 1969, entered into force on 27 June 1974.

<sup>6</sup> Adopted by the Special Summit of the AU held in Kampala, Uganda, on 22 October 2009. Entered into force on 6 December 2012



- m. *Executive Council Decision, EX.CL/734 (XXI), July 2012 on African Risk Capacity (ARC)*
- n. *AU Strategy and Plan of Action on Disaster Risk Reduction (DRR).*

## 19. International Humanitarian Law

The foundation of this Policy Framework is anchored on the principles of International Humanitarian Law (IHL), and other bodies of international law. African Union Member States shall endeavour to domesticate, promote and apply IHL in situations of armed conflict.

## VII. PRINCIPLES AND STANDARDS

20. The implementation of this Framework shall be guided by the following principles:

- a. Humanitarian Principles: humanity, impartiality, independence and neutrality;
- b. State Responsibility: the primary role and responsibility of States to protect and assist affected populations within their territory;
- c. Compliance: Commit to adhere to established international norms and standards including Guidelines and Codes of Conduct recognized by the African Union;
- d. Non-indifference: conformity with the relevant provisions contained in the Constitutive Act of the African Union;<sup>7</sup>
- e. Solidarity: African customary extension of hospitality/egalitarianism and solidarity with persons in situation of need and distress is institutionalized as an integral part of humanitarian response.
- f. Accountability: Transparency and accountability must apply to all humanitarian actions;
- g. Participation and Ownership: Affected populations/communities are the cornerstone of the planning and decision-making processes in humanitarian response.
- h. Subsidiarity and Complementarity: between African Union Commission, other Organs of the African Union, Member States and RECs, the UN and other actors and stakeholders;
- i. Gender mainstreaming: All activities must take into account the gender dimensions of humanitarian action;
- j. Vulnerable Groups and People with Special Needs: All activities must take into account the dimension relevant to women and vulnerable groups especially, children, youth, the elderly and people with special needs;

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<sup>7</sup> AU Constitutive Act, Art 4. h, i & j.



- k. Non-Violability of Humanitarian workers, infrastructure and facilities: Humanitarian workers are to operate in a safe and secure environment, free of threat and/or intimidation; in accordance with national legislations, access and protection and respect for infrastructure and facilities;
- l. Support to host communities: Humanitarian interventions shall take into account the impact on host communities as a result of hosting displaced populations and take such measures to alleviate the impact;
- m. African Union Guidelines in humanitarian action.

## VIII. POLICY STRATEGIC FOCUS

## IX. COORDINATION MECHANISMS

- 21. Coordination of AU's humanitarian action in Africa is multi-dimensional and a shared responsibility and shall be vested with AU, Member States and RECs involving a variety of actors and stakeholders, tools and mechanisms.

### **The PRC and its Sub-Committee on Refugees, Returnees and IDPs**

- 22. The PRC through its Sub-Committee on Refugees, Returnees and IDPs shall play its role in accordance with its mandate including its oversight role.

### **Division of Humanitarian Affairs, Refugees and Internally Displaced Persons**

- 23. The Framework situates Department of Political Affairs-Division of Humanitarian Affairs, Refugees and Internally Displaced Persons (HARDP) as the primary Unit to provide policy, technical and material coordination on humanitarian issues, support to AU Commission Member States and RECs including through:
  - a. advocacy for appropriate training including on emergency preparedness and response at national and regional levels,
  - b. capacity building at national and regional levels,
  - c. use of existing mechanisms of early warning and monitoring systems; and
  - d. support greater Member States legal and policy preparedness to overcome legal and/or regulatory barriers.
- 24. HARDP as main focal point on humanitarian activities in the AU, shall with enhanced resources provide policy guidance, coordination and other functions as necessary.

### ***Coordinating Committee on Forced Displacement and Humanitarian Action***

- 25. The CCoFDHA (formerly the CCAR), comprising Member States, RECs, UN entities, NGOs and other humanitarian actors and stakeholders is the main Advisory Body on humanitarian issues in the AU. The CCoFDHA shall meet biannually and when necessary, and provides technical advice to relevant AU organs. The CCoFDHA shall respect the



nature of the AU as an Organisation of States and its decision-making process shall be based on these principles.

### ***Coordination with Regional Economic Communities***

26. The Framework supports efforts of RECs and provides strategic coherence and coordination for humanitarian activities in Africa and at regional level. The RECs as building blocks of the AU shall develop and maintain their operational capacity to respond to humanitarian crises, while the AU will facilitate interaction and interoperability between the RECs in humanitarian preparedness and response. The AU Liaison Offices within the RECs shall play an important role in facilitating such interaction.

### ***Coordination with the Humanitarian Community***

27. Without prejudice to UN Resolution 46/182, which established the global humanitarian system, the UN Emergency Relief Coordinator (ERC), supported by the UN Office for the Coordination of Humanitarian Affairs (OCHA), plays an important role in humanitarian action worldwide.
28. The functions of the ERC are exercised through the Inter- Agency Standing Committee (IASC) which comprises, among others, relevant operational UN agencies, the Red Cross and Red Crescent Movement, consortia of NGOs and other humanitarian actors and stakeholders as appropriately devolved in relation with the African Union Commission. This Framework provides a strategic interface between the IASC and the AU for coordinated humanitarian action at the national, regional and continental level.
29. The AU will work with, and reinforce, this overall international humanitarian system as part of its leadership role in humanitarian action. This includes ensuring regular contact between the African Union Commission Chairperson and the Emergency Relief Coordinator on humanitarian issues of common concern.

### ***Humanitarian Civil-Military Coordination***

30. Within the African humanitarian context, dialogue and interaction between civilian and military actors shall be established in order to protect and promote humanitarian principles, enable humanitarian access, encourage coordination, and when appropriate pursue common goals. Noting that as a last resort and under civilian leadership, the use of military and civil defence assets (MCDA) may be required to carry out humanitarian activities, particularly within, but not limited to, the framework of the African Standby Force (ASF) and its structures and tools such as Humanitarian Action and Natural Disaster Support (HANDS) Guidelines on the role of the ASF.
31. The AU shall ensure that any use of military and civil defence assets in humanitarian action when necessary and limited in time and scope, shall be guided by the principles of International law and together with and takes place in accordance with the Oslo guidelines, the MCDA guidelines and other relevant applicable norms, frameworks and standards.

### ***African Union Internal Coordination***

32. Internal Coordination of AU's efforts in humanitarian action shall be anchored on its Humanitarian Affairs Division, Department of Political Affairs as the hub. In the event of a



humanitarian crisis, the Department of Political Affairs will coordinate and mobilize collective African Union response; including coordination with the Organs of the Union, such as the Arusha Court on Human and Peoples Rights, the Banjul Commission on Human and People's Rights and the AU Special Rapporteur on Human Rights of Refugees, Returnees and IDPs.

### **Operationalising the Mechanisms**

33. To operationalise these coordination mechanisms at various levels, the following shall be undertaken; **at global level**, the AU shall continue through its Missions and Member States to highlight its humanitarian concerns in international fora, in particular the UN General Assembly, Human Rights Council, ExCOM of UNHCR; **at continental level** shall be through established Organs of the Union such as regular reports to the AU Peace and Security Council, Special/Emergency Appeals and High level platforms by the Chairperson on specific emergency situations, joint assessments and its annual humanitarian symposium, including Member States RECs and RMs. **At national and regional level**, similar synergy and linkages shall be strengthened, including regular meetings between REC and Member States to enhance cooperation amongst them.

## **X. PHASES OF AU's HUMANITARIAN ACTION**

### **EARLY WARNING**

34. In the context of this framework, Early Warning includes monitoring systems in order to achieve enhanced predictability and information gathering on emerging and ongoing humanitarian situations. To this end, the AU Continental Early Warning System and the RECs' mechanisms will be utilized to monitor and assist in developing early warning for disasters and humanitarian situations.
35. The Framework therefore leverages and encourages coordination of early warning and monitoring systems in order to achieve enhanced predictability and information gathering on emerging and ongoing humanitarian situations.
36. The Framework encourages the development and integration of specific humanitarian monitoring and evaluation tools covering all phases of humanitarian action into the Continental Early Warning System that incorporates humanitarian indicators, which should be appropriate to facilitate early action. These efforts shall not rely on one mechanisms. Various levels of early warning shall also be developed at different levels. These monitoring and evaluation tools will include both quantitative and qualitative data and be designed to measure the political and social impacts as well as the administrative performance and results of humanitarian action.
37. In addition, the AU shall:
- a. undertake regular joint assessments with Member States, based on agreed upon criteria and to monitor humanitarian situations in Member States in order to determine the need for a continental solution as required;
  - b. Support Member States and regional structures to develop their early warning capabilities, including in developing such relevant indicators shall be based on the



- respective mandates of RECs in accordance with their obligations under international law and driven by a process of consultation with Member States;
- c. develop national, regional and international networks amongst humanitarian actors and stakeholders for information sharing and reporting system, with full consideration of the sovereignty of Member States and international obligations;
  - d. monitor and implement decisions and recommendations by AU Organs;
  - e. implementation of information system for areas prone to crises;
  - f. develop early warning indicators for early action as a process to be part of humanitarian action.

### PREPAREDNESS AND RESPONSE

- 38. Contingency plans and measures will be put in place to prepare, mitigate and reduce the effects of different forms of disasters. These measures include institutional mechanisms that serve as tools to predict and where possible prevent disasters and mitigate their impact on vulnerable populations. It also includes response mechanisms and building immeasurable resilience for communities to withstand disasters to effectively cope with the consequences of disasters. This notwithstanding, resilience shall not infer resilience of communities to abuse of their human rights and shall not constitute *defacto* solution that affect the legal status of the communities or force them into one durable solution.
- 39. The emergency response teams shall be established and will comprise personnel drawn from established regional, sub-regional and national mechanisms and supported by tools and mechanisms such as the Centre for Disease Control, Disaster Management Guidelines, African Disaster Managers' Platform and Humanitarian Action and Natural Disaster Support, including the sub-regional early warning mechanisms. These institutional mechanisms will establish thematic Emergency Response Teams based on regional and national capabilities to predict, prevent, response and adapt; with emphasis on synergy, while drawing on capabilities of relevant UN Agencies and partners when required.
- 40. The Centre for Disease Control shall be established in collaboration with WHO and other relevant UN Agencies and Organisations, will work with the African Union in responding to epidemics and pandemics and will serve as a platform for Member States to share knowledge, exchange lessons learned, build capacity, and provide technical assistance to each other as mitigation and preparedness measures. The Centre will be guided by the principles of leadership, credibility, ownership, assembly, transparency, accountability, and additive value. It aims to (i) establish event-based surveillance in order to detect potential disease threats from informal, non-structured sources that often circulate outside the official health sector; (ii) assist Member States to address gaps in International Health Regulation compliance, (iii) support public health emergency preparedness and response and (iv) regional and country-level hazard mapping and risk assessments for Member States.
- 41. The HANDS guideline as one of the tools of the African Union Humanitarian Policy Framework provides a framework for the capability of the ASF to rapidly respond and



deploy in emergencies that may arise as a result of either natural or human-induced disasters. The guideline outlines the scope on the use of assets and capabilities drawn from the ASF and provides for rapid deployment in humanitarian and natural disasters in line with the Constitutive Act of the African Union, the Protocol establishing the Peace and Security Council and the Policy Framework for the establishment of the African Standby Force.

## PROTECTION AND ASSISTANCE

42. Protection, in the broadest sense, aims to ensure that authorities and other actors respect their obligations and the rights of individuals in order to preserve the lives, human security, physical and moral integrity and dignity of those affected by armed conflicts and/or other relevant situations of violence as well as natural and human-induced disasters. Protection includes efforts that strive to prevent or stop actual or potential violations of international humanitarian law and other relevant bodies of law or norms that protect human beings. Above all, protection aims to eradicate the causes of violations, or the circumstances that lead to them, by addressing the perpetrators of the violations. This Framework reaffirms the primary responsibility of States for protecting and assisting people affected by conflict, development projects, natural and human-induced disasters, taking into account the specific needs of the most vulnerable, namely refugees, returnees, asylum seekers, Stateless Persons and IDPs.

### ***Protection of Refugees, Asylum Seekers, Returnees, Stateless Persons and Internally Displaced Persons***

As per the 1951 UN Convention relating to the Status of Refugees and the 1969 OAU Convention on Specific Aspects of Refugees in Africa, refugees and asylum seekers are those seeking international protection outside of their countries of origin or residence. In addition, the 1954 UN Convention on the Reduction of Statelessness applies to certain categories of stateless persons who are not considered to be nationals of any state. The AU Convention on the Protection and Assistance of Internally Displaced Persons in Africa, defines Internally Displaced Persons as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict and external occupation, gross violations of human rights which are considered crimes under international law or natural or human-made disasters; and who have not crossed an internationally recognized state border”<sup>8</sup>.

43. All displaced people are entitled to the protection of their human rights and assistance accorded to them by relevant laws, bearing in mind the special protection and assistance needs of particular groups within displaced populations, including women and children, single heads of household, unaccompanied minors, persons living with disabilities and special needs, and the elderly persons, and youth<sup>9</sup>. Special protection needs of these categories of displaced persons include, but are not limited to protection against, sexual and gender-based violence especially against women and children in all forms,

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<sup>8</sup> AU 2009 Convention for the Protection and Assistance of IDPs in Africa.

<sup>9</sup> Addressing Internal Displacement: A Framework for National Responsibility, The Brookings Institution – University of Bern, Project on Internal Displacement, April 2005





statelessness, slavery, recruitment of children and forced conscription in hostilities, forced labour, human trafficking and smuggling.

***Assistance to Refugees, Asylum Seekers, Returnees, Stateless Persons and Internally Displaced Persons***

44. Humanitarian assistance within the context of this framework refers to aid and actions designed to save lives, alleviate suffering and maintain and protect human dignity during and in the aftermath of human-induced crises, development projects and natural disasters, as well as to prevent and strengthen preparedness for the occurrence of such situations, in full respect of the sovereignty of States and international law.
45. AU's humanitarian response mechanisms puts people at the centre of humanitarian assistance. The strategic objective of assistance shall be to save lives, restore hope through effective and timely humanitarian response. Assistance may be divided into three categories -direct assistance, indirect assistance and infrastructure support—to the affected populations and host communities.
46. Humanitarian response to be effective shall be principles-based. Therefore, securing such principled action shall be the primary responsibility of Member States and all humanitarian actors involved in humanitarian action on the continent shall uphold it, in accordance with national legislation and international law.
47. The distinguishing character of humanitarian response from other forms of aid and assistance on the continent shall be guided by African Ideals, Shared Values and doctrine of traditional African hospitality (*Ubuntu*), outlined in paragraph 20 of this Framework above, relevant AU Instruments and the principles of international humanitarian law:
  - a. humanity – saving human lives and alleviating suffering wherever it is found,
  - b. impartiality – acting solely on the basis of need, without discrimination between or within affected populations,
  - c. neutrality – acting without favouring any side in an armed conflict or other dispute where such action is carried out,
  - d. independence – the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.
48. Assistance in situations of armed conflict, shall be guided by IHL, which provides framework for negotiating humanitarian access with all parties to a conflict. The role of CMC and role of the ASF in supporting humanitarian action in natural and conflict situations shall be guided by HANDS Guideline.
49. Response in the event of a humanitarian crises shall be triggered and guided by the levels described in the Disaster Management Guideline and the Scenarios outlined in the ASF Protocol.
50. Hosting displaced populations may have long-term economic and social impact that, if not adequately addressed, can create potential conflict situations and insecurity. Measures shall be put in place to enable the host communities cope with such impact and to ensure co-existence between the displaced population and the host communities.



51. Therefore, assistance extended to displaced populations shall also take into account the concerns of host countries and communities, to enable them cope with the impact of hosting large numbers of displaced populations. Specific measures shall be implemented with the full participation of host communities and local government to mainstream such assistance in existing social service delivery systems and development plans. Every effort shall be made to avoid parallel structures.
52. Humanitarian assistance interventions shall from the initial stages take into account the long-term needs of displaced populations and host communities. There shall be benchmarks and minimum denominators set to achieve this goal from the early stages of humanitarian interventions and shall extend to phases straddling from relief to peace-building and post conflict reconstruction and development.
53. Beyond protection and assistance this Framework recognizes that durable solutions to displacement are an integral part of the overall protection framework to forced displacement. The Framework therefore supports the AU, Member States, RECs and other relevant stakeholders in finding and implementing appropriate durable solutions for the displaced persons.

#### **Protection and Assistance to Women, and Vulnerable Groups in Humanitarian Situations**

54. The majority of displaced populations are women and children who require special measures for protection and assistance and reintegration without affecting their future opportunities of fair, self-determination and durable solutions or reinsertion in areas of former residence in a smooth process by the host countries, and appropriate sustainable solutions. Special attention shall be paid to women and children, in particular girls, who due to particular circumstances and customs frequently face discrimination in obtaining assistance and access to basic social services, opportunities and documents and/or credentials in their own names.
55. Special measures shall also be implemented to specifically protect and assist children, especially those unaccompanied minors, who are particularly vulnerable to the consequences of displacement, including being trafficked, permanently separated from their families, abused and are vulnerable to being recruited and used in hostilities. Their vulnerability is exacerbated by the trauma of conflict and violence.

#### ***Protection and Assistance of Stateless Persons***

56. Stateless Persons require protection and assistance in order to ensure their dignity and to protect them against forced displacement and trafficking, integrate them in their countries of habitual residence and guarantee their return in dignity to their places of habitual residence. As per the 1954 Convention Related to the Status of Stateless Persons, persons are entitled to protection and assistance. The Framework supports Member States in finding appropriate solutions for Stateless Persons, including identification, documentation and other necessary assistance.

#### ***Protection and Assistance in Mixed-Migration***



57. The AU Migration Policy Framework for Africa, adopted in June 2006<sup>10</sup> provides a clear distinction between forced displacement and other forms of population migrations. The phenomenon of mixed-migration movements within and out of Africa poses a challenge with varying humanitarian consequences. Migrants in mixed and/or irregular migratory flows are often faced with denial of asylum, the risk of abuse and exploitation and violation of their basic human rights without access to basic services including food, medical services, and shelter, protection from abuse and exploitation as well as attack by different groups.
58. In this context, the Framework will support Member States and RECs in creating best practices in the area of treatment of asylum seekers as well as other migrants. Such best practices could include sharing of appropriate data and information related to the movement of populations across borders including pastoralists; patterns and characteristics of movements, types of groups, countries of origin, motivation for movement, modes of transport, transit routes and entry points, migrants possession of authentication credentials and access to legal procedures.
59. The African Union Commission will, in collaboration with relevant partners, provide appropriate technical assistance and expertise to Member States and coordinate technology and organisational structures in distinguishing categories of migrants, and create provision for protection and humanitarian assistance to those affected.

#### ***Protection of Civilians in Armed Conflict***

60. The role of the AU Member States and the African Union in protecting civilians in armed conflict is a basic element of international humanitarian law and Constitutive Act of the AU. The specific issue of protection of civilians in armed conflict in the context of this Framework refers to “...all activities aimed at obtaining full respect for the rights of the individual recognized under regional instruments including the African Charter of Human and Peoples’ Rights, the Convention on Internally Displaced Persons, and the Convention Governing the Specific Aspects of Refugee Problems in Africa, and international law including humanitarian, human rights and refugee law based on a multi-faceted and coordinated approach with clear responsibilities for the military, police and civilian components, which recognizes the protection activities of the host State authorities, local communities, humanitarian and other actors [...]”<sup>11</sup>
61. Protection of Civilians is an element to be streamlined across all areas of interventions by the African Union as guided by this Framework. Accordingly, the AU shall:
- a. ensure that military forces and all personnel likely to come in contact with civilians in AU mandated peace support operations are adequately trained on protection issues.
62. In addition, the AU shall remind and support Member States to:
- a. comply with all their obligations under International Humanitarian Law relating to the protection of civilians in armed conflict.

<sup>10</sup> AU Migration Policy Framework for Africa, adopted in Banjul, The Gambia, 29 June 2006 (Ex.Council/276(IX)).

<sup>11</sup>AU Guidelines for the Protection of Civilians in AU Peace Support Operations



- b. ensure the maintenance of the civilian and humanitarian character of refugee and IDP settings.
63. Set other special measures with full respect to relevant existing legal and boundaries in place, including by mandating peace support operations in the area of protection of civilians in conflict zones, according to the mandate of the Constitutive Act of the AU.

## **DISASTER MANAGEMENT**

64. Disaster management of this policy covers the entire cycle from early warning, prevention, preparedness, response, and recovery. It is focused on natural, development induced, conflict and human-induced disasters without prejudice to the authority and jurisdiction of states and mandates of international organisations. It is the management of resources and responsibilities for dealing with all humanitarian aspects of emergencies, in particular preparedness, response and recovery in order to lessen the impact of disasters.
65. The Policy Framework will implement the disaster management, preparedness, and response and recovery components through the African Union Disaster Management Guideline, which is annexed to this Framework, after its adoption by Member States.

## **DISASTER RISK REDUCTION (DRR)**

66. The Framework recognises and aims to link humanitarian action to AU's Disaster Risk Reduction Framework, both at policy and operational level. Disasters are consequences of both natural and human induced hazards. The severity of which depends on how much impact a hazard has on society and the environment. The scale of the impact in turn depends on the preparedness level prior to disaster. The preparedness level determines the level of resilience of communities to cope and withstand.
67. Disaster risk reduction is understood as the practice of reducing disaster risks through systematic efforts to analyse and reduce the causal factors of disasters. Reducing exposure to hazards, lessening vulnerability of people and property, wise management of land and the environment, and improving preparedness and early warning for adverse events; shall constitute a key continuum of AU's humanitarian response.

## **INCLUSIVE PEACE PROCESSES**

68. The Framework acknowledges the role of various existing conflict resolution mechanisms for peaceful settlement of disputes within and amongst Member States, including in respect of consequences of conflicts such as forced displacement. It is therefore, imperative that for an inclusive peace process that is aimed at achieving sustainable peace, affected populations and host communities be part of the process. This inclusiveness, guarantees sustainable peace and promotes the culture of peace building and mechanisms for consolidation of such peace.
69. The inclusive dialogue should promote cessation of hostilities, negotiate humanitarian access and space, create safe havens, ensure the integrity and safe delivery of



humanitarian assistance, as well as engender compliance by all warring factions with their obligations both under the ingredients of the resulting peace.

## **POST CONFLICT RECONSTRUCTION, RECOVERY AND DEVELOPMENT**

70. The Framework recognises the fact that protracted and recurrent conflict situations, which lead to fragility of States are due to lack of the culture of peace and sustainable peace mechanisms. It lays emphasis on the need for redoubling efforts in the post conflict era. To achieve this in a sustainable way, the Framework recognises the development, peace and security nexus and calls for deliberate measures to link humanitarian action with peace building, post conflict and development efforts. Recognising this link is particularly important to ensure sustainability of peace. Therefore, it is important to take cognizance of inclusive peace processes and good governance as key to preventing relapse into fragility of societies emerging out of conflict. This is also consistent with AU's long-term development vision encapsulated in Agenda 2063 and sustainable development goals, which lay emphasis on the inextricable link between development and peace, security and stability as prerequisites for sustainable development.
71. Therefore in line with these goals and the Sendai Framework particularly Pillar three regarding building back better, efforts shall be made to strengthen national reconciliation to strengthen peace and to link humanitarian action and post conflict reconstruction, recovery and development efforts. This mandate is derived from the Protocol Relating to the Establishment of the Peace and Security Council which was created to, *inter alia*, promote and implement peacebuilding and post-conflict reconstruction activities and to consolidate peace and prevent the resurgence of conflict. This mandate is extended to countries affected by violent conflict to include the consolidation of peace agreements, establishing conditions of political, social and economic reconstruction of the society and government institutions, implementation of disarmament, demobilization and reintegration programmes, including those of child soldiers, resettlement and reintegration of refugees and internally displaced persons, and assistance to vulnerable persons, including children , the elderly, women and other traumatised groups<sup>12</sup>.
72. The PCRD shall be the guiding tool for sustainable solutions for transitioning from an emergency to early recovery, stabilisation and development. The objective of the PCRD policy is to improve timeliness, effectiveness and coordination of activities in post-conflict countries and to lay the foundation for social justice and sustainable peace and development, in line with the long-term development goals of the African Union.
73. The PCRD also highlights the imperative for comprehensive and integrated action for the recovery, reconstruction and development of countries emerging from crisis. It includes the development of operational guidelines at regional and national levels, the development of a database of African experts on PCRD and the establishment of an AU Volunteers programme (AUV) to enhance African capacity to respond to recovery and post-conflict reconstruction needs. It further elaborates minimum standards, indicators and benchmarks that can be applied to evaluate a country/sub-region/regions' progress towards reconstruction and development, after consultations with Member States and reaching an agreement on such minimum standards, indicators and benchmarks.

## **ENHANCING CAPACITY AND FOSTERING PARTNERSHIPS**

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<sup>12</sup> Protocol Relating to the Establishment of the PSC, article 14 (3).



74. This policy framework emphasizes that in building humanitarian partnerships, AU shall ensure that such partnerships put the affected people at the centre of partnership efforts and shall be based on mutual trust and transparency.
75. The Framework will enhance the capacities and capabilities of the AU, Member States and the RECs according to their respective responsibilities and mandates under international law and regional instruments, and as well as the Red Cross and Red Crescent Movement in the full spectrum of humanitarian action.
76. The Framework focuses on building partnerships taking into account Assembly Decision **EX CL Dec 668-695 (XX)**, which calls for partnerships taking into account their meaningful and comparative advantage at the international and regional levels, and fosters new and innovative best practices. National, regional, International and local partnerships will be strengthened to secure rapid mobilization of resources and to provide an effective channel to extend widely the impact of AU humanitarian assistance.
77. This Framework encourages relevant local and international partners, academia and research institutions and stakeholders to support the AUC in, amongst others, strengthening the capacity of its staff and Member States in rapid response, contingency planning, simulation exercises, effective humanitarian coordination and early warning systems.

#### **HUMANITARIAN FINANCING AND RESOURCE MOBILIZATION**

78. The framework promotes strategies for enhancing capacities and capabilities in context of whole agreed set of AU policies and positions. Humanitarian action on the continent shall be guided by the doctrine of Africa's resources for Africa's humanitarian action. There shall be a predictable and adequate funding for emergency preparedness and humanitarian response. This is key to an efficient and timely humanitarian action and the implementation of this Framework.
79. The AU funding mechanisms such as the Special Emergency Assistance Fund, and the 4% Member States assessed contribution in accordance with Executive Council Decision EX.CL/591 (XVII), serve as the main basis of funding humanitarian activities on the continent and AU shall endeavour to strengthen them.
80. Member States are invited to allocate resources in their national budgets of 1.5% of GDP, towards humanitarian action in line with their commitments under the Sendai Framework.
81. Without prejudice to this inward-looking African strategy on resource mobilisation, this Framework underlines the need for the international community to abide by its responsibilities, commitments and pledges towards humanitarian action in Africa.
82. It is acknowledged that financing tools under the global humanitarian system are not designed to finance African solutions based on what Member States have defined. However, within the Framework of this policy, the AU, Member States and RECs, shall where necessary exercise leadership in coordinating the effective use of resources mobilised by existing international financing mechanisms such as the REC mechanisms, the United Nations Central Emergency Response Fund, the Consolidated Appeals



Process, and the country-specific Common Humanitarian Funds and Emergency Response Funds, towards humanitarian action on the continent.

83. Accordingly, the AU shall:
- a. use its unique convening power to secure funds and resources for the implementation of humanitarian activities for humanitarian effectiveness.
84. The Framework underlines that no action shall be taken in mobilising alternative resources for humanitarian response without taking full cognisance of Africa's interest, and a thorough study of the impact of such efforts on the independence of the African Union, its character and without consideration of availability of other alternatives, and shall be with approval of Member States.

### **RESEARCH, KNOWLEDGE, COMMUNICATION AND ADVOCACY**

85. Research, communication and advocacy are important in humanitarian response, in raising awareness and evidence based data to inform decision-making.
86. AU, Member States and RECs shall therefore undertake research, extensive communication and advocacy measures. In this regard, the AU shall:
- a. Invest in knowledge generation and innovation
  - b. Reinforce its role as spokesperson on African humanitarian issues;
  - c. Support the production of communication and advocacy tools in support of humanitarian action;
  - d. Promote visibility and awareness of the humanitarian situation and efforts of the Africa Union, Member States and RECs;
  - e. Undertake research and studies to facilitate analysis and evidence based decision-making based on reliable baseline data and indicators;
  - f. Share good practices and knowledge in relation to humanitarian action;
  - g. Undertake humanitarian diplomacy on a regular basis to analyze humanitarian situation on the continent as necessary and conduct advocacy on humanitarian issues with Member States, RECs and the international community;
  - h. Gather, collate, and verify with Member State and publish data on humanitarian issues and produce an annual humanitarian evaluation report that highlights achievements, weaknesses and recommendations;
  - i. Provide a platform for debates, exchange of information and good practices and success stories of Africa's' humanitarian action and partner with institutions, individuals and the private sector to drive African humanitarian agenda.

### **MONITORING, EVALUATION AND REPORTING**

87. The AU Commission will follow-up and evaluate humanitarian efforts and submit annual report to the relevant organs of the AU on the humanitarian situation in Africa. The Framework encourages Member States and RECs to participate in joint assessments and reporting on the **HUMANITARIAN SITUATION** in respective Member States. The follow-up mechanism shall be facilitated by a coordinated system of evaluation and monitoring. The reporting shall also include report on finance on a criteria and procedures that shall be

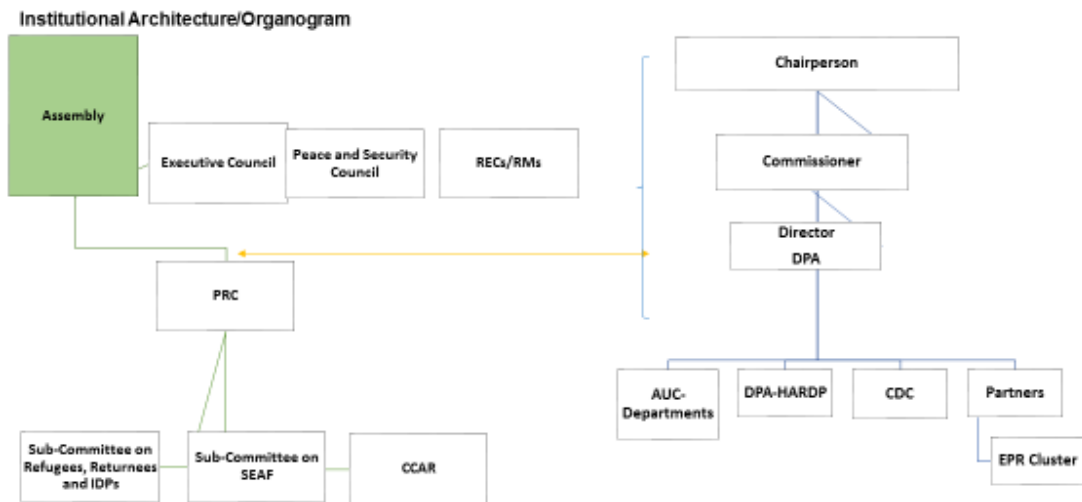
determined with participation of the STC on Migration, Refugees and IDPs, and Member States.

## XI. IMPLEMENTATION

88. This Framework will become operational upon approval/adoption by relevant AU policy Organs. RECs and Member States shall undertake measures in the operationalization of the Framework.

## ANNEXES

### Annex 1: Institutional Architecture/Organogram







## Annex 2: Implementation Plan

<b>Time Frame</b>	<b>Activity</b>	<b>Lead- Responsibility</b>
Phase 1		
December 2016	Presentation to AU Member States Experts and Ministers in-charge of Forced Displacement Matters	AU HARDP Division
Phase 2		



## KEY REFERENCES

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5. Comprehensive Recommendations on Refugees, Returnees and Internally Displaced Persons in Africa
6. AU Policy on Post-Conflict Reconstruction and Development, July 2006
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8. African Charter on Human and Peoples' Rights (1981/1986)
  - a. Protocol on the Rights of Women in Africa (2003/)
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9. African Charter on the Rights and Welfare of the Child (1990/1999)
10. 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol
11. The 1949 Geneva Conventions and the two 1977 additional protocols on the Protection of Civilians in Armed Conflicts
12. UN Guiding Principles on Internal Displacement
13. ICRC: Enhancing Protection for Civilians in armed conflict and other situations of violence
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