BACKGROUND NOTE
The Republic of South Sudan’s Accession to the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa


The 2009 African Union Convention on the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa (hereinafter referred to as the Kampala Convention),¹ is the world’s first continental instrument that legally binds governments to protect the rights and ensure the well-being of people forced to flee their homes by conflict, violence, disasters and human rights abuses. The Kampala Convention incorporates the 1998 Guiding Principles on Internal Displacement and develops measures aimed at protecting, assisting and finding solutions to internal displacement, creating obligations to prevent and address the root causes of displacement.

In 2011, at the Ministerial Intergovernmental Event on ‘Refugees and Statelessness Persons’ in Geneva, Switzerland, the Government of South Sudan pledged to accede to both the 2009 Kampala Convention and the Statelessness Conventions and to develop related domestic legal frameworks² with a view to prevent renewed forced displacement.

In 2013, the Government of South Sudan signed the 2009 Kampala Convention on 25th January.

Following the signing of the Kampala Convention, UNHCR focused its advocacy on the ratification and accession to the Kampala Convention together with the 1951 Refugee Convention³, the Statelessness Conventions⁴ and the 1969 OAU Convention. Unfortunately, civil war broke out at the end of 2013.

In 2015, advocacy efforts for the accession to the 2009 Kampala Convention restarted. As a result, the Bill ratifying the Convention was endorsed by the Council of Ministers on 28 September 2015. The committee of Human Rights and Humanitarian Affairs and the committee of Justice and Legislation drafted a report for the first reading of the Bill recommending the TNLA to ratify the Convention without reservations.

In 2016, a task force was established to develop a framework for the implementation of Chapter 3⁵ of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) signed in August 2015. UNHCR was engaged in commenting on the draft framework.

² See page 2, Submission by UNHCR to the Office of the High Commissioner for Human Rights’ Compilation Report, Universal Periodic Review, 2nd Cycle, 26th Session
⁵ Also referred to as the “Humanitarian Chapter.”
produced by the Task Force, by including elements on the implementation of durable solutions. The final draft of the ‘Framework for Return, Resettlement and Reintegration’ was shared with the Transitional Government of National Unity (TGoNU) for further deliberations and adoption.

In July 2016, violent clashes erupted in July, once again interrupting advocacy efforts. The situation remained tense and unpredictable despite the peace initiatives by the Intergovernmental Authority on Development (IGAD) and subsequent creation of a new peace initiative, the High-Level Revitalization Forum (HLRF).

In 2017, the advocacy for accession resumed. In his statement to the 34th Human Rights Council Session in Geneva (Feb-March 2017), the first vice president, Taban Deng Gai stated that the TGoNU endorsed the Framework for Return, Resettlement and Reintegration of displaced persons.

In September 2017, UNHCR organised a roundtable meeting with parliamentarians to advocate for accession to the 1951 Refugee Convention and its Protocol, during which accession to the Kampala Convention was also discussed. During the keynote speech from the Minister of Humanitarian Affairs and Disaster Management, he urged parliamentarians to accede to both Conventions. This led to the Chairperson and Deputy of the parliamentary committee on ‘Human Rights and Humanitarian Affairs’ to locate the previous Bills for the 1951 Refugee Convention and the Kampala Convention to table before Parliament.

In 2018, the two parliamentary committees of ‘Human Rights and Humanitarian Affairs’ and “Legislation and Justice” prepared and submitted a report to the TNLA on the 12th March, for the second and final reading of the Bill to ratify the Kampala Convention.

From 14-16 August 2018, UNHCR co-organized with the Ministry of Humanitarian Affairs and Disaster Management a training and validation workshop on IDP law and policy for senior policy makers in Juba from 14-16 August 2018. The workshop resulted in an outcome document with important issues to take into consideration during the development of a national IDP law.

The 20th anniversary on Guiding Principles on Internal Displacement (GP20) provided a new push to catalyse multi-stakeholder support for a national internal displacement law and policy development in South Sudan. In the lead up to the GP20 anniversary, a high-level event was organised by UNHCR in Juba from 4-5 September 2018. During the event, a draft of the national legislation on internal displacement for South Sudan, “Protection and Assistance to Internally Displaced Persons Act 2018,” was presented by Professor Chaloka Beyani, former United Nations Special Rapporteur on human rights of IDPs. The draft IDP act seeks to domesticate the Guiding Principles and the Kampala Convention to build a complete framework for protection and assistance of internally displaced persons and implementation of durable solutions.

On the 2nd of October 2018, the TNLA unanimously passed and adopted the 2009 Kampala Convention without reservations.

On 31st May 2019, President Salva Kiir signed the instrument thereby effecting accession. The final steps include depositing the accession instrument at the African Union in Addis Ababa, Ethiopia. South Sudan is the 28th State to accede to the 2009 Kampala Convention.

7th June 2019, UNHCR South Sudan

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6 The Task Force comprised of members of RRC, ROSS, as well as the representatives from UNHCR, WFP, UNICEF and UNDP.
7 See “Repot of High-level National Panel on Legislation on Internal Displacement in South Sudan.” 28 September 2018
8 See Annex 2 for report of TNLA of March 2018