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ACTIVITIES OF COMMITTEES AND OTHER BODIES

(e) REPORT OF THE COMMITTEE TO PROMOTE RESPECT FOR
INTERNATIONAL HUMANITARIAN LAW

Rapporteur: Ms. B. GADIENT (Switzerland)

Activities of the Committee to Promote Respect for International
Humanitarian Law

1. The Committee to Promote Respect for International Humanitarian Law (IHL) met on Monday, 18 April 2011. The sitting was chaired by Ms. B. Gadient (Switzerland). The participants included representatives of the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

Missing persons

2. The Committee was briefed on developments regarding the publication entitled *Missing Persons: A Handbook for Parliamentarians*, which the IPU and the ICRC had launched at the 121st IPU Assembly in October 2009. The Handbook was recently published in Spanish and Arabic. The Committee welcomed that development and invited all IPU Member Parliaments to make use of the Handbook and disseminate it as widely as possible.

3. The Committee reiterated the importance of developing an adequate legislative framework to prevent disappearances, clarify the fate of missing persons, manage human remains and information on the dead, and provide support to families of missing persons.

Refugee protection, nationality and statelessness

4. The Committee heard from a UNHCR representative about recent developments related to refugee protection, nationality and statelessness. It received a detailed briefing on the situation in the Middle East and North Africa, and in Côte d'Ivoire.

5. Recent events across North Africa and the Middle East had started a process of fundamental political change. As the situation unfolded, the population in those countries faced heightened dangers, risks and suffering. Events in the Libyan Arab Jamahiriya and Egypt had prompted UNHCR and the International Organization for Migration (IOM) to mount an unprecedented joint evacuation initiative. UNHCR was working at both the Egyptian and Tunisian borders to help the two governments manage major flows of people. As of 17 April, well over half a million people had fled the violence in the Libyan Arab

Jamahiriya via the country's land borders, including over 210,000 people of various nationalities to Egypt, over 250,000 to Tunisia, over 40,000 to Niger and smaller numbers to Algeria, Chad and Sudan. Although initially most of the people crossing the border had been migrant workers, over 75 per cent were currently Libyans.

6. In Côte d'Ivoire, recent events had led to the exodus of over 150,000 people, with most of them heading for Liberia. It was estimated that over 200,000 remained displaced in western Côte d'Ivoire.

7. The Committee recalled that 2011 marked the 50th anniversary of the 1961 Convention on the Reduction of Statelessness and the 60th anniversary of the 1951 Convention relating to the Status of Refugees. It stressed the need to remain vigilant at a time when refugee rights were increasingly challenged by changing realities. It voiced support for the IPU Statement to be adopted by the Governing Council to mark those commemorations.

8. The Committee welcomed recent legislative changes in Algeria, Kenya and Tunisia, where women were now able pass their nationality on to their children, thereby reducing statelessness in those countries.

Internally displaced persons (IDPs)

9. The Committee was briefed by Mr. A. Si Afif (Algeria) on the results of the 3rd Conference of African Union Ministers in charge of Forced Displacement Matters, which was held in June 2010 in Ethiopia. Mr. Si Afif, who represented the IPU at the Conference, underscored the absence of parliaments in the discussions and of references to their role and responsibilities. The Conference discussed the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (see Annex).

10. The Committee welcomed the briefing and encouraged IPU Member Parliaments from Africa to ratify the Kampala Convention and take concrete steps to secure its implementation. It also encouraged other IPU Members to draw inspiration from the instrument and take appropriate action to promote and adopt similar legal frameworks on IDPs in their countries.

Cluster munitions

11. The Committee was briefed by the Cluster Munitions Coalition (CMC) on developments with regard to the Convention on Cluster Munitions, which entered into force in August 2010. It reiterated the need for continued ratification and implementation, and urged that the Convention be given the widest possible international support.

Open session on the role of parliaments: *Twentieth-century norms and twenty-first-century realities: Protecting the stateless, refugees, and civilians today*

12. The open session focused on the relevance in today's world of the legal frameworks pertaining to statelessness, refugees and international humanitarian law. It underscored the central role that parliamentarians play, as agents of State accession to international treaties and legal reform, in incorporating international legal obligations into domestic law.

13. The session was opened by Ms. M. Adjami, UNHCR Statelessness Unit, Mr. O. Fantazzini, former member of parliament, Brazil, and Mr. P. Zahnd, ICRC Legal Advisor for Latin America and the Caribbean.

14. In addition to describing UNHCR action in response to the current forced displacement crises in the Libyan Arab Jamahiriya and Côte d'Ivoire, the session emphasized how difficult it was to address the plight of stateless people. It

spotlighted Brazil's recent constitutional reform, which had changed the status of approximately 200,000 stateless children of Brazilian citizens born abroad. An example of best practice, this case underscored the key role parliamentarians play in transforming international standards to prevent statelessness into concrete solutions through national citizenship law reform.

15. The open session also considered the need for States and other parties to armed conflicts to respect and ensure respect for IHL norms, most of which had been adopted in the twentieth century, and for additional treaty-based and customary rules to address the humanitarian consequences of twenty-first-century situations of violence and protect the victims.

Functioning of the Committee

16. The Committee discussed ways of enhancing its work and functioning. It recommended that:

- future open sessions be scheduled separately from *in camera* proceedings;
- the open sessions take place on days when the Assembly was in session;
- it meet at each IPU Assembly, so as to ensure the sustainability of its work;
- its members undertake missions relating to particular issues of refugee and international humanitarian law and report back to the Committee.

17. The Committee deplored the poor attendance at its sessions and proposed that members who failed to attend two consecutive sessions be removed from the Committee and elections held to replace them.

Convention for the Protection and Assistance of Internally Displaced Persons in Africa

The Convention for the Protection and Assistance of Internally Displaced Persons in Africa was signed at a Special Summit of Heads of State and Government on Refugees, Returnees, and Internally Displaced Persons in Kampala, Uganda, on 23 October 2009. In February 2010, Uganda became the first African Union Member State to ratify the Convention. The text is significant for several key reasons:

- It is the first legally binding international instrument on the protection and assistance of IDPs to cover an entire continent;
- It includes a comprehensive legal framework noting the causes of displacement, including conflict, natural disasters and large-scale public projects, and sets forth a full set of rights;
- It affirms the primary responsibility of States to respect, protect and fulfil the rights of their IDPs and find solutions for them; and
- It calls for national and regional action to prevent displacement, and for States to cooperate with each other and with international organizations and civil society in ensuring that IDPs are protected and assisted.

The Convention is also relevant beyond Africa in that:

- It helps to reinforce the key international human rights and humanitarian standards that underpin it, including those drawn from the 2008 Guiding Principles on Internal Displacement;
- It provides a framework for African Members of the IPU to develop national legislation and policies on internal displacement; and
- It provides guidance and inspiration to lawmakers in other countries to take action to protect and find solutions for IDPs in their respective countries and create legal frameworks.

As at April 2011, five countries had ratified the Convention: Gabon, Gambia, Rwanda, Sierra Leone and Uganda.