

Cooperation among key partners

CHAPTER 1



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Introduction

The principle of international cooperation, and related concepts such as burden and responsibility sharing and international solidarity, are important parts of the international refugee regime: the Preamble of the 1951 Convention itself recommends that States address refugee challenges collectively, sharing responsibilities to balance the burdens.

Such cooperation – between States, but also among other stakeholders including relevant international organisations and NGOs – is particularly vital in order to address mixed movements in an effective and coherent way. Mixed movements, by definition, involve various categories of persons travelling along similar routes and using the same methods of transport but with different needs, profiles and motivations. Because mixed movements regularly affect several countries falling along a particular migration route, they usually cannot be addressed by any one State alone. Further, due to the different profiles of the individuals involved, responses also do not fit solely within the mandate or expertise of UNHCR or any other organization.

In the context of the 10-Point Plan, a key objective of cooperative arrangements among key partners is to ensure that migration policies are both effective and “protection-sensitive”, that is, they take into account the needs of all persons who travel as part of mixed movements, including asylum-seekers, refugees, trafficked persons, unaccompanied and separated children and other groups.

As opposed to the other action points of the 10-Point Plan, which outline tools for developing practical, protection-sensitive responses to mixed movements within a particular subject area, the theme of this Chapter, “Cooperation among Key Partners”, provides an overarching methodology for addressing mixed movements. Most of the examples in this Compilation involve more than one actor and demonstrate how cooperation can be operationalized to address mixed movements in that specific area. By contrast, the examples presented in this Chapter focus broadly on cooperation at the national, regional and international levels across several or all aspects of mixed movements.

Every mixed movement situation is different. It is not feasible to develop tools for cooperation in the abstract without regard to the particular situation and the needs and interests of all persons involved. Further, as indicated above, relevant partners in any particular situation will be determined by several factors, such as the travel routes (implicating different States), the profiles of persons on the move (implicating agencies with different areas of expertise), and the mandate and resources of government ministries, international organizations and NGOs with an actual or potential presence in the affected State or region. Stakeholders may also vary depending on the phase of the response (arrival, medium-term stay, long-term solutions). A cooperative approach will maximize the different capacities and expertise available among the various States and other partners involved. However, it also requires that the perspectives of all partners be taken into account, whether these perspectives are overlapping and complementary or divergent. The examples outlined in this Chapter provide some indication of ways in which this can be achieved.

Operationalizing cooperation among key partners: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Identify key partners/stakeholders at national, regional and international levels to participate in a collaborative response.
- Raise awareness of specific needs, human rights and refugee protection issues, and highlight gaps for appropriate intervention.
- Encourage a multi-agency approach, and respect institutional differences, including mandates and perspectives, cultures, approaches, operating parameters and priorities.
- Create a platform for dialogue and information exchange, ensure transparent decision making and engage in effective networking after meetings.
- Promote the creation of national and regional coordination structures, including cross-border cooperation, involving all relevant partners/stakeholders, as well as civil society and academia.
- Include asylum-migration issues on the national agenda of governments, UN Country Teams and UN Development Assistance Framework (UNDAF), develop recommendations for action plans and mobilize donor support.
- Divide responsibilities according to mandates and expertise of each partner, taking into account available capacity and resources. Adequate leadership and accountability assists to ensure that the collaborative approach is consistent, systematic and predictable.
- Coordinate national, regional and transnational initiatives, and establish communication channels at both working and policy levels.
- Ensure consistency in responses as well as flexibility in order to adapt to changing realities.
- Review the effectiveness of interventions and highlight lessons learnt.

Support UNHCR can provide to partners

- Provide partners with protection expertise and training.
- Participate, on various levels, in burden-sharing and cooperation agreements.
- Promote and coordinate dialogue among relevant actors.
- Serve as a partner in initiatives or projects involving refugee protection, access to asylum and durable solutions.
- Provide technical assistance to develop comprehensive, cooperative and protection-sensitive responses to mixed movements.
- Enhance use of the 10-Point Plan as a strategic tool for advocacy, government liaison and cooperation.
- Encourage State commitment based on the principles of international solidarity and burden sharing to assist host countries experiencing large numbers of mixed arrivals or frequent influx of asylum-seekers.

1.1. Cooperation at the national level

Cooperation between partners at the national level provides the foundation for an effective, comprehensive and protection-sensitive response to mixed movements in a particular State. Core partners usually include local and national government, local offices of relevant international organizations and NGOs, with support from States and other stakeholders from within and outside the region as appropriate. Cooperation can be aimed at developing capacity in a particular country to improve responses to mixed movements in general, or with regard to a particular element or phase of the response, such as reception and processing arrangements.

MAURITANIA: REINFORCEMENT OF NATIONAL CAPACITIES TO MANAGE MIXED MIGRATION MOVEMENTS 2008 – 2009 (TO BE RE-SUBMITTED FOR 24-MONTH FUNDING IN 2010)

A. Background and Rationale

The first phase of Reinforcement of National Capacities to Manage Mixed Migration Movements (“the Project”) was implemented in 2008 and 2009. The Project addressed mixed movements from and through Mauritania to the Canary Islands.

The objectives of the Project were to:

- consolidate the asylum space in Mauritania;
- reinforce the understanding of international standards relating to migration and refugee protection in order to promote the compliance of national laws with these standards; and
- enhance institutional management capacities in the field of migration and implementation of refugee law through national asylum and eligibility procedures, clarification of responsibilities, enhanced coordination mechanisms, and easier access to relevant information.

The second phase of the Project was submitted to the EC for funding, and follow-up activities will be implemented over a period of 24 months. In addition to the above objectives, the second phase of the Project includes a fourth objective to:

- support the self-reliance of refugees as a means to strengthen protection, reduce the risk of irregular secondary movements and facilitate the identification of the most appropriate durable solutions.

B. Actors

The first phase of the Project involved collaboration among several agencies:

- EC;
- Fondation Internationale et pour l’Ibero Amérique d’administration et politiques publiques (FIIAPP) (The International and Ibero-American Foundation of Public Administration and Policies);
- IOM;
- local implementing partners (namely the Mauritanian Red Crescent, Spanish Red Cross and French International Technical Cooperation Police Service); and
- UNHCR.

The second phase of the Project will involve UNHCR and its partners:

- The Ministry of Interior and Decentralization, Mauritania (MIDEC); and
- Association pour la Lutte contre la Pauvreté et pour le Développement (ALPD).

C. Actions

Activities implemented under the first phase of the Project aimed at reinforcing the national asylum capacity and emergency humanitarian response to meet the needs of refugees, asylum-seekers and migrants.

FIIAPP, in collaboration with the Spanish Red Cross and the Mauritanian Red Crescent:

- managed humanitarian assistance for residents in the Nouadhibou reception centre;
- provided training to Mauritanian authorities at temporary reception centres; and
- conducted capacity building for the Mauritanian authorities in border surveillance.

UNHCR, in cooperation with NGOs:

- provided assistance to refugees;
- promoted a better understanding of mixed movements in Mauritania;
- reinforced national asylum procedures and supported the Migration/Protection Unit in the Ministry of Interior;
- prepared legal studies to support the review process of Mauritania's migration and asylum legislation;
- organized regional training workshops on asylum and refugee law; and
- supported the Working Group on Migration Flows in Nouakchott.

IOM, in cooperation with the Mauritanian Red Crescent:

- provided assistance for the voluntary return of irregular migrants with specific needs in Mauritania;
- provided technical assistance to better equip several border posts to manage entry and departure from national territory (in coordination with the French International Technical Cooperation Police Service); and
- conducted study visits and training courses in document fraud, biometrics, and management of border posts.

During the second phase of the project, UNHCR aims to extend the activities mentioned above for an additional 24 months. An additional objective is to:

- assist refugees, particularly those with specific needs, while encouraging self-reliance to decrease dependence on humanitarian assistance.

D. Review

The project promotes cooperation between UNHCR, the Mauritanian authorities, NGOs and other civil society organizations. The better coordination of responses has helped to resolve situations of risk faced by migrants, asylum-seekers and refugees. A national migration strategy was developed in 2009 for submission to the Mauritanian Council of Ministers, and UNHCR commented on the draft of law on Aliens and Asylum under discussion at the Parliamentary session of May 2010. The project also built on previous activities on mixed movements in the country such as the “*Groupe d’Etude des Flux Migratoires*” (GEFM), which was set up by the Ministry of Interior in 2005 and involved interested diplomatic missions, relevant ministerial departments, UN agencies and IOM.¹

Cooperation between UNHCR, IOM, and FIIAPP was enhanced during the first phase of the project. In the second phase of the project, UNHCR will develop further strategies to enhance asylum, protection and durable solutions, complementing the work of the new Inter-ministerial Committee on Migration established by IOM in cooperation with the Mauritanian Government and funded separately by the EC.

MOROCCO: UN THEME GROUP ON MIGRATION 2007 – 2011



A. Background and Rationale

Thematic groups within the UN Country Team in Morocco contribute to the implementation of the UN Development Assistance Framework (UNDAF). The thematic groups serve as fora for information exchange and analysis, development of common strategic frameworks, and promotion of joint action by UN agencies to enhance national policies, programmes and capacities.

Among the thematic groups is the UN Theme Group on Migration, which supports the Moroccan authorities and civil society in developing policies and strategies in order to better address mixed migratory movements in accordance with the UNDAF 2007-2011.

The Theme Group on Migration has five main objectives:

- support the Moroccan authorities in developing and implementing migration policy;
- promote respect for the rights of migrants, refugees and asylum-seekers, and improve their living conditions;
- contribute to improved management of regular migration;
- develop socio-economic alternatives to irregular migration, reinforcing the linkages between migration and development, including assisted voluntary return (AVR); and
- contribute to the fight against migrant smuggling and trafficking in human beings.

B. Actors

- Food and Agriculture Organization (FAO);
- ILO;
- IOM;

¹ Although the GEFM has not met since 2006, two of its Thematic Working Groups were recently reactivated.

- Joint UN Programme on HIV/AIDS (UNAIDS);
- UNDP;
- UN Educational, Scientific and Cultural Organisation (UNESCO);
- UN Population Fund (UNFPA);
- UNICEF;
- UN Industrial Development Organisation (UNIDO);
- UNIFEM; and
- UNHCR.

C. Actions

- Adopt a common strategic framework on migration to address the protection and/or assistance needs of migrants, refugees and asylum-seekers in Morocco, in support of efforts by national authorities to develop comprehensive strategies for managing mixed migratory flows;
- conduct bi-monthly meetings to ensure follow-up and coordination in implementing a common strategic framework;
- coordinate with donors on the identification and implementation of migration and asylum-related projects;
- establish working groups for the exchange of information, analysis and good practices;
- participate in conferences, seminars and academic exchanges;
- support the implementation of research projects as well as data collection and analysis;
- participate in joint UN programmes (e.g. Gender Programme for Empowering Women to Reduce Sexual and Sexist Violence under the Millennium Development Goals);
- coordinate the EU-UN Joint Initiative on Migration and Development (e.g. capacity building of NGOs to address the protection and assistance needs of refugees and migrants), which consists of 16 target countries including Morocco;
- provide practical assistance to support women and minors with specific needs, facilitate the voluntary return of irregular migrants and rejected asylum-seekers to countries of origin, increase public awareness about the plight of refugees and migrants, and develop research on related issues (e.g. human trafficking); and
- provide assistance to governmental and non-governmental national partners to implement activities relating to the UN Theme Group's mandate.

D. Review

The UN Theme Group developed the common strategic framework on migration in September 2007 to address the challenges faced by Morocco as a country of emigration, transit and destination. The framework promotes comprehensive migration management strategies and includes a number of elements related to UNHCR's 10-Point Plan. The framework has been the subject of extensive bilateral discussions with institutional partners and civil society organizations, resulting in the implementation of a number of migration and asylum-related projects, including within the framework of the EC-UN Joint Migration and Development Initiative.

The Government, however, has not yet adopted a comprehensive, protection-sensitive policy framework for managing mixed movements. With IOM in the lead, a study, co-signed by the Ministry of Justice, was issued in August 2009 on the transnational dimensions of human trafficking in Morocco. This included a number of recommendations to reinforce the legislative, institutional and operational framework of the response to human trafficking in Morocco, with due attention to protection concerns.

The UN Theme Group could benefit from the participation of government representatives in working group sessions and the establishment of technical working groups to strengthen inter-agency cooperation. The challenge for the UN, and the UN Theme Group in particular, is to ensure that the development of a comprehensive migration policy is placed on the national agenda, and to support various stakeholders in their efforts to implement such an agenda.

E. Further information

Annex 1 – “Groupe Thématique Migrations, Cadre stratégique”, September 2007

Annex 2 – UNDAF Framework 2007-2011 for Morocco

Annex 3 – Traite transnationale des personnes – Etat des lieux et analyse des réponses au Maroc, Ministère de la Justice et IOM, August 2009

SOMALIA: MIXED MIGRATION TASK FORCE 2007 – PRESENT

A. Background and Rationale

In April 2007, several UN agencies, IOM, and NGOs formed a Mixed Migration Task Force (MMTF) in Somalia under the auspices of the Protection Cluster of the Inter-Agency Standing Committee (IASC),² with UNHCR and IOM acting as co-chairs. Providing a forum for country-level policy setting and information exchange, the purpose of the MMTF is to develop a comprehensive and coordinated response to the protection and humanitarian needs of refugees and migrants transiting through Somalia. Where necessary and appropriate, IDPs from Somalia are also included in the MMTF’s activities.

The MMTF has three principal objectives:

- develop an inter-agency framework for humanitarian intervention on mixed movements to Somalia;
- engage in advocacy and capacity-building efforts at the national level; and
- promote regional coordination.

B. Actors

- Danish Refugee Council (DRC);
- ICRC;
- IOM;
- Norwegian Refugee Council (NRC);
- UNICEF;
- UNDP;
- UNHCR;
- UNOCHA;

² The IASC is an inter-agency forum for coordination, policy development and decision making in situations of internal displacement, involving key UN and non-UN humanitarian partners.

- OHCHR;
- UN Office on Drugs and Crime (UNODC); and
- WFP.

C. Actions

- Prepare a background paper on mixed movements through Somalia and the Gulf of Aden,³ and organize a regional conference on mixed movements in the Gulf of Aden in 2008;⁴
- develop regular joint information sheets and joint donor briefings, and submit project proposals;
- establish a mechanism for intra-regional information exchange;
- establish an emergency response team in Bossasso to facilitate immediate response to emergency cases and provide emergency support;
- provide training on international refugee protection, monitoring, reporting and response to MMTF members and protection partners;
- establish a Migration Response Centre in Puntland to collect and analyse migration data and reduce irregular migration through information sharing and referral services to actual and potential migrants;
- launch a radio campaign to prevent mixed migratory movements through Somalia, targeting migrants, refugees and host communities (further discussed in Chapter 10); and
- appoint a Mixed Migration Coordinator in 2010 to proactively coordinate the activities of the MMTF at the local level, liaise with the Nairobi Mixed Migration Task Force, assume responsibility for the collection, consolidation and analysis of mixed migration data, assist local MMTF members to develop new proposals and funding strategies, and act as a liaison focal point between the MMTF and the Puntland government-operated Migration Response Centre.

D. Review

The MMTF model has been replicated in Yemen, and regular exchanges have been established between both task forces. The MMTF has improved information sharing and inter-agency coordination and also enabled the development of joint strategies to address mixed movements in Somalia. The consolidated efforts between partners to manage mixed movements resulted in the launch of the Migration Response Centre in Puntland in April 2009. While partner agencies have agreed on a comprehensive list of implementation activities, the difficult security situation has delayed the implementation of some of their activities.

³ See Mixed Migration Task Force Somalia, *Mixed Migration through Somalia and across the Gulf of Aden*, April 2008, available at: www.unhcr.org/refworld/docid/484d44ba2.html.

⁴ The "Regional Conference on Refugee Protection and International Migration in the Gulf of Aden" was held on May 19-20, 2008 in Sana'a, Yemen. The Conference documents are available at: <http://www.unhcr.org/4a252c786.html>.

In July 2009, the MMTF commissioned the Centre for Migration and Refugee Studies (CMRS) of the American University in Cairo (AUC) to produce a Regional Study entitled Mixed Migration Flows: Somali and Ethiopian Migration to Yemen, Syria and Turkey.

E. Further Information

Annex 4 – IASC Somalia Protection Cluster: Mixed Migration Task Force, Terms of Reference

Tanzania: Ministerial Task Force on Irregular Migration 2008 – Present

Following the High Commissioner's Dialogue on Protection Challenges in 2007, the Minister for Home Affairs of Tanzania formed a Ministerial Task Force to assess various aspects of irregular migration. A secretariat was established at the Centre for the Study of Forced Migration (CSFM) and a two-year project entitled "Access to Protection in Mixed Migration Flows" (APMMF) was initiated, based on a tripartite agreement between UNHCR, the Ministry of Home Affairs and the CSFM.

The Task Force incorporates elements of the 10-Point Plan and seeks to address refugee protection and mixed movements in Tanzania. Some recommendations from the Task Force's reports were taken up by the Government of Tanzania, and some undocumented new arrivals were released from detention centres. Border officials reacted positively to trainings.

Annex 5 – The Ministerial Task Force on Irregular Migration: Report on the situation of irregular migration in Tanzania, Dar es Salaam, April 2008

Annex 6 – Information Note: Access to Protection in Mixed Migration Flows (APMMF)

1.2. Cooperation at the regional level

The development of effective regional responses to mixed movements relies on regional cooperation based on the principles of international solidarity and burden sharing. Regional cooperation can be developed through multilateral forums for dialogue, information sharing and policy development, as well as burden-sharing arrangements. Regional cooperation should be complementary to, and not a substitute for, national efforts to address mixed movements and protect and find durable solutions for refugees and other persons in need of international protection. Effective regional policies and strategies include negotiated political consensus among concerned countries and the development of a well-defined and coordinated plan of action. They may also draw on support from countries from outside the region to ensure, for example, political momentum and adequate funding.

1.2.1. Americas

REGIONAL CONFERENCE ON MIGRATION (PUEBLA PROCESS): RAISING AWARENESS ON PROVIDING INTERNATIONAL PROTECTION TO REFUGEES WITHIN MIXED MIGRATORY FLOWS 1996 – PRESENT

A. Background and Rationale

The Regional Conference on Migration (Puebla Process) (RCM) is a multilateral forum for the exchange of experiences and development of regional policies to address mixed movements. It also focuses on the link between development and migration, and the human rights of migrants and refugees. The RCM has generated a number of technical assistance projects that are being operationalized.

B. Actors

- Member States (namely Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the USA);
- Observer States (namely Argentina, Colombia, Ecuador, Jamaica, and Peru);
- International Organizations with Observer Status (namely the Inter-American Commission on Human Rights, IOM, UN Economic Commission for Latin America and the Caribbean, Latin American Demographic Centre, Central American Integration System (SICA), the UN Special Rapporteur on the Human Rights of Migrants, UN Population Fund (UNFPA), and UNHCR); and
- Regional Network of Civil Organizations on Migration (RNCOM), a network of over 65 NGOs working on migration issues in Member States.

C. Actions

- The revised Plan of Action of the Regional Conference on Migration includes specific reference to the importance of identifying those in need of protection within broader migratory flows;
- a training module on refugee protection is part of a regional training programme for border, migration and consular officials, in cooperation with the Governments of Canada, the USA, and Mexico;

- a seminar on migration legislation was organized jointly by UNHCR and IOM in February 2007; and
- a workshop on “Protection and Durable Solutions in the Context of Mixed Migratory Flows” was organized by the Governments of Canada and Costa Rica, with the support of UNHCR in June 2008.

D. Review

RCM has generated a greater awareness of mixed movements in North and Central America and of the importance of identifying and distinguishing refugees and other persons in need of international protection from migrants. RNCOM meets in parallel with the RCM and is recognized as the official interlocutor between civil society organizations and the RCM. It has evolved into a proactive coalition with its own regional human rights agenda. The open dialogue and cooperation with the RCM is seen as a model to be replicated in other migration fora.

E. Further Information

Available on RCM's official website: <http://www.rcmvs.org/> (in English).

UNHCR's position papers submitted to the RCM are available at: http://www.acnur.org/index.php?id_pag=6253.

THE MEXICO PLAN OF ACTION FOR LATIN AMERICAN COUNTRIES 2004 – PRESENT

A. Background and Rationale

The Mexico Plan of Action for Latin American Countries (“the Mexico Plan of Action”) was adopted in 2004 to promote concrete actions for the protection of primarily Colombian refugees, IDPs, and other migrants in Latin America. The Mexico Plan of Action is built on the principles of regional solidarity, international cooperation and responsibility sharing, and focuses on issues relating to both protection and durable solutions.

B. Actors

- All Latin American States;
- over 100 NGOs, representatives of civil society, and academia; and
- UNHCR.

C. Actions

The protection component of the Mexico Plan of Action focuses on reinforcing the legal and operational framework for the protection of refugees and IDPs in the region, including through the following measures:

- adopt and revise refugee legislation and amendments to migration legislation;
- establish public policies and indicators on the treatment of IDPs in Colombia;
- recognize different protection needs based on age, gender, and diversity;
- reinforce national commissions for the determination of refugee status by providing funding and building capacity;

- reinforce national and regional protection networks, such as the Ombudsman's Offices and civil society organizations that work in the field of human rights, forced displacement and migration;
- provide legal counselling to asylum-seekers, refugees and IDPs; and
- promote and provide training in refugee law.

The durable solutions component includes three specific programmes:

- Cities of Solidarity, which prioritizes the exercise and enjoyment of rights and aims to improve the quality of protection and to foster local integration in border and urban areas;
- Borders of Solidarity, which strengthens border monitoring and designs protection responses, such as RSD procedures, registration and documentation, community mobilization projects and income-generating projects for refugees, IDPs, and host communities; and
- Solidarity Resettlement, which is a regional resettlement programme, mainly for Colombian refugees living in Costa Rica and in Ecuador.

D. Review

The Mexico Plan of Action brings together a wide variety of actors (governments, international organizations, academia, and civil society) and proposes a range of initiatives to help achieve its common goals.

Effective implementation is challenging, however, due to a lack of financial resources. Furthermore, the political commitment and the momentum to implement the Mexico Plan of Action have been altered by changes of government in a number of Latin American countries.

E. Further Information

Annex 7 – Mexico Declaration and Plan of Action of November 2004

Annex 7bis – Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas, November 2010

1.2.2. Asia and Pacific

ASIA PACIFIC REFUGEE RIGHTS NETWORK 2008 – PRESENT

A. Background and Rationale

The Asia Pacific Refugee Rights Network (APRRN) was established in 2008 to create a platform for information sharing, capacity building and joint advocacy amongst NGOs and individuals committed to advocate for the rights of refugees. APRRN adopts a rights-based approach and aims to increase the refugee protection space in the Asia Pacific region.

B. Actors

- Asian Forum for Human Rights and Development (FORUM-ASIA);
- NGOs, including legal aid organizations, service providers, human rights advocacy groups, refugee community-based organizations, and research institutions; and
- interested individuals.

C. Actions

- Develop joint action plans through four geographical working groups (South Asia, South-east Asia, East Asia, and Australia and the Pacific) and five thematic working groups (Immigration Detention, Legal Aid and Advocacy, Women and Girls at Risk, the Right to Health and International Advocacy);
- advocate for changes in legislation, policies and administrative practices in the Asia Pacific region in order to strengthen the rights of refugees, stateless persons and forcibly displaced persons in accordance with international law;
- organize annual consultations and sub-regional symposiums on refugee protection and facilitate multilateral and bilateral collaborations between members;
- facilitate the participation of APRRN members in regional and international forums, such as the UNHCR Annual Consultations with NGOs and the High Commissioner's Dialogue;
- facilitate civil society dialogues with UNHCR and governments in the Asia Pacific region on key issues, such as alternatives to detention and the 10-Point Plan;
- publish joint statements on abuses experienced by refugees and call upon governments to allow UNHCR to have access to refugees; and
- draft recommendations to the international community, and promote the development of regional solutions for the protection of refugees.

D. Review

APRRN builds on the solidarity amongst civil society actors to advocate for the rights of refugees in the Asia Pacific region. In consultation with UNHCR, APRRN is considering to use the 10-Point Plan as an advocacy tool for the development of a cooperative framework to address mixed movements in the region. The absence of legislative frameworks and the lack of awareness of refugee rights are key challenges. APRRN members advocate for their governments to strengthen refugee protection, and recently requested the newly established ASEAN Intergovernmental Commission on Human Rights to include refugee protection in the scope of its work.

E. Further Information

Available at: <http://refugeerightsasiapacific.org>.

INTERGOVERNMENTAL ASIA-PACIFIC CONSULTATIONS ON REFUGEES, DISPLACED PERSONS AND MIGRANTS 1996 – PRESENT

A. Background and Rationale

The Intergovernmental Asia-Pacific Consultations Process on Refugees, Displaced Persons and Migrants (APC) was established in 1996 to provide a forum for countries in the region to discuss the challenges raised by mixed movements. The APC are coordinated on a rotating basis by the various countries in the region, with the chair appointed for a one-year, renewable term.

B. Actors

- All countries in the Asia-Pacific region;
- IOM; and
- UNHCR.

C. Actions

- The APC are organized at plenary, sub-regional and working-group levels. Plenary meetings are held once a year and are intended as a platform for selecting the themes to be discussed during the calendar year. Sub-regional meetings and working groups convene on a regular basis to discuss more specific topics.
- The APC Plenary meeting in 2006, chaired by the People's Republic of China, drew up a Xiamen Action Plan that established the modalities of future coordination.
- The issues addressed in the APC include: causes and consequences of population movements, data collection and information sharing, prevention and preparedness, reintegration and sustainability, comprehensive and durable solutions for refugees, trafficking of women and children, illegal immigrants/workers, people-smuggling and irregular migration, emergency responses, and contingency planning.
- A permanent Secretariat was established in January 2007 in Apia, Samoa, to provide operational and administrative support to the coordinating country.

D. Review

The APC platform provides a comprehensive overview of the challenges posed by mixed movements in the Asia Pacific region. One of the main challenges posed by regional cooperation efforts that involve a large number of actors is to ensure that the discussions have concrete results either in the form of common objectives or clearly defined implementation measures. Given the large size of this forum, strong chairmanship is important to ensure that all discussions result in action.

E. Further Information

Available at: www.apcprocess.net.

UNHCR PACIFIC PROJECT: BUILDING PROTECTION CAPACITY IN THE PACIFIC REGION 2008 – 2010

A. Background and Rationale

The UNHCR Pacific Project is based on the 10-Point Plan. Its objective is to build the protection capacity of 13 Pacific Island Countries (PICs), to create a protection space for refugees travelling within mixed movements and to assist the PICs to develop legal frameworks for refugee issues.

UNHCR uses a combination of tools in working with PICs. These include: promoting leadership and good practices by PICs that already have substantial experience in protecting refugees; exploring links between regional and sub-regional initiatives; and examining refugee protection in relation to the histories of each PIC and the knowledge of mixed movements in each respective region (particularly forced displacement as a result of natural disasters and climate change and, increasingly, principles of protection for persons with specific needs).

B. Actors

- Thirteen Pacific Island Countries (namely Federal States of Micronesia (FSM), Fiji, Cook Islands, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu);
- partners (namely the Department of Immigration And Citizenship (DIAC), Australia, Pacific Immigration Directors Conference (PIDC), Pacific Islands Forum Secretariat (PIFS), Pacific Protection Cluster (PPC), IOM, Immigration New Zealand (INZ), OHCHR and UNDP); and
- UNHCR.

C. Actions

- Promote international standards and best practices through high-level dialogues and coordination meetings at the regional level, as well as awareness-raising workshops, presentations, policies and legislative consultations;
- provide technical advice on the implementation the 1951 Convention and the RSD process, including in the context of mixed movements;
- design and implement training programmes to improve awareness on refugee protection issues;
- work in close coordination with the PICs to identify and undertake processing of asylum-seekers, determine their need for refugee protection and explore durable solutions in host States and resettlement countries;
- create a network of contacts by engaging key organizations at the regional level including, inter alia, IOM, the PIDC, the PIFS, the PPC and the South Pacific Regional Environment Program (SPREP);
- provide operational guidance to assist States with individual case management and to facilitate cooperation with key actors;
- implement a 24/7 hotline to encourage dialogue on protection-related issues and to provide real-time UNHCR assistance to the PICs;

- encourage the utilization of regional mechanisms on migration and bilateral consultations on protection-related issues, including emergency and disaster scenarios, as well as climate induced migration;
- facilitate communication with national authorities at all working levels;
- assist the PICs to incorporate protection considerations into emergency coordination, disaster management, disaster relief, recovery and reconstruction, forced displacement and post-disaster monitoring, and assist in managing the impacts of climate change, border control and safety and security-related activities;
- engage with the PICs to provide technical cooperation and tailor-made support to persons in need of international assistance consistent with UNHCR’s Strategy for the Pacific; and
- comment on draft immigration legislation and review immigration policies and border management systems.

D. Review

The UNHCR strategy for the Pacific assists PICs through targeted capacity-building activities and technical support, consistent with their size and available resources. Awareness-raising activities and training programmes have resulted in the review of immigration policies and the development of draft domestic legislation that includes international refugee law in a number of countries. PICs increasingly acknowledge the importance of humanitarian obligations both as a component of good governance and an element of sound border and migration management. Temporary protection has been provided to asylum-seekers in Palau, Vanuatu, Tonga and Fiji, and a number of PICs are taking other positive steps toward implementing refugee-protection strategies. The 24/7 hotline has assisted in identifying and managing individual asylum cases and acted as a platform for discussion between governments, UNHCR and other partners on wider immigration issues, leading to better cooperation and coordination between these stakeholders. Discussion at the regional level has also been enhanced. The PIDC, for example, now prioritizes refugee and asylum issues in addition to its core functions of immigration and border management.

The geographical spread of the Pacific region remains a challenge, making the mobilization of States and stakeholders (e.g. through common activities such as workshops, training and focus group seminars) resource intensive.

1.2.3. Europe

CROSS-BORDER COOPERATION PROCESS (“SÖDERKÖPING PROCESS”) 2001 – PRESENT

A. Background and Rationale

The Cross-Border Cooperation Process (“Söderköping Process”) was established in 2001 as a proactive initiative to respond to challenges posed by the EU’s enlargement and to promote better cooperation on asylum, migration and border-related issues among countries situated along the EU Eastern Border.

B. Actors

- Ten countries situated along the enlarged EU Eastern Border (Belarus, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia and Ukraine);
- EC;
- IOM;
- NGO partners;
- Swedish Migration Board (SMB); and
- UNHCR.

C. Actions

- The Söderköping Process focuses on: border security and management; capacity building on asylum and migration management; international refugee and human rights law; information sharing on neighbouring country legislation and structures; the rights of asylum-seekers, refugees and migrants; irregular migration; trafficking (adopting and harmonizing legal standards); and awareness raising on the reality of the new borders.
- National coordinators have been appointed in each member country and are responsible for coordinating information sharing, participating in training events and organizing research and thematic workshops on topics such as judicial practice in the field of migration and durable solutions for refugees.
- Senior-level Review Meetings provide an overview of the legislative and administrative developments in the field of asylum, migration and border management in the 10 countries; report on the progress achieved in implementing suggestions made during previous meetings; review the relevance of the activities for the period until the next Senior-level Review Meeting; evaluate the activities of the Secretariat as a coordination and resource centre and set priorities for the Process.
- The governments involved in the Söderköping Process agreed to carry out a feasibility study, which commenced in March 2010, to assess the cost and benefit of applying various modules of the European Asylum Curriculum in Belarus, Moldova and Ukraine.

D. Review

The Söderköping Process has facilitated cooperation among new EU Member States, candidate countries and the Western Newly Independent States (NIS) to address asylum, migration and border management. It has also created a platform for legislative support, network facilitation and regional harmonization. To ensure responsibility sharing and active participation of countries, the Söderköping Process was transformed into a government-led initiative during the period of 2009-2010.

E. Further Information

Available at: www.soderkoping.org.ua.

EC-UN JOINT MIGRATION AND DEVELOPMENT INITIATIVE (JMDI) 2008 – 2011

A. Background and Rationale

The EC-UN Joint Migration and Development Initiative (JMDI), launched in 2008, aims to promote the potential positive impact of migration for development in countries of origin, transit and destination by using an innovative “bottom-up” approach to support the capacity building of local authorities and civil society and to enhance the protection of migrants and refugees.

B. Actors

- Consortia of non-State actors linking host, transit and sending countries, each consortium includes a partner based in the EU and one in either of the 16 target countries (Algeria, Cape Verde, Ecuador, Egypt, Ethiopia, Georgia, Ghana, Jamaica, Mali, Morocco, Moldova, Nigeria, Senegal, Sri Lanka, Tunisia, and the Philippines);
- EC;
- International Centre for Migration Policy Development (ICMPD);
- ILO;
- IOM;
- UNDP;
- UNHCR; and
- UN Population Fund (UNFPA).

C. Actions

- Foster networking and enhance cooperation between actors at the local level;
- reinforce the role of civil society to enable it to better inform good practices and shape policies;
- support capacity-building initiatives covering four themes (capacities of migrants as a valuable resource for growth, development and poverty alleviation in countries of origin, communities of migrants including diasporas, men, women, asylum-seekers, refugees, and related organizations in countries of origin and destination, remittances to channel resources of diasporas, and the rights of migrants in countries of origin prior to departure and in countries of destination upon arrival);
- establish a Migrant Advisory Board, comprised of six experts with recognized academic and practical expertise in the field of migration and development to provide substantive advice to the JMDI and technical support to successful applicants for capacity project funding;
- develop a Local Authorities Network to respond to local needs and priorities and to engage in the global debate on migration and development;
- create a web-based Migration for Development (M4D) Knowledge Management Platform providing an open global forum to share news, exchange information and collate documentation on existing migration and development initiatives;
- organize interventions and dialogue through Annual Stakeholder Fairs and online roundtables, including M4D Virtual and M4D TV; and
- identify and disseminate good practices and contribute to policy-making.

D. Review

The JMDI demonstrates the importance of inter-agency collaboration in gathering the necessary funds and technical support to increase the institutional knowledge, expertise and networking of local actors. Community-based projects contribute to development strategies in countries of origin, transit and destination and are an essential tool for empowering migrants and refugees to become self-sufficient in countries of destination. Projects which have received funding include, inter alia, community development projects and projects that facilitate migrant and refugee self-sufficiency.

E. Further Information

Available at: <http://www.migration4development.org/>.

1.2.4. Gulf of Aden

REGIONAL CONFERENCE ON REFUGEE PROTECTION AND INTERNATIONAL MIGRATION FROM AFRICA TO THE GULF OF ADEN 2008

A. Background and Rationale

In May 2008, UNHCR in cooperation with the Mixed Migration Task Force Somalia (as outlined in the example earlier in this Chapter) convened a regional stakeholder conference on refugee protection and international migration in Sana'a, Yemen. The objective of the Conference was to discuss the challenges of mixed movements from Africa to the Gulf of Aden and to gather support for the establishment of a regional Plan of Action on Refugee Protection and Mixed Migration in the Gulf of Aden region, based on the 10-Point Plan.

B. Actors

- Representatives of Yemen, the Horn of Africa region (Djibouti, Ethiopia, Puntland and Somaliland), and the Arabian Gulf (Bahrain, Oman, Qatar, Saudi Arabia and United Arab Emirates);
- regional organizations, including the African Union (AU);
- international organizations;
- local and international NGOs; and
- donors (EC, France, Germany, Italy, Netherlands, Spain, Japan, USA).

C. Actions

Discussions focused, inter alia, on the humanitarian challenges posed by the increasing number of migrants and refugees moving through the Horn of Africa region, across to Yemen and, in some cases, onward to third countries.

A plenary session and eight different working groups were held to consider the application of the 10-Point Plan in the region. The recommendations that emerged from these sessions included the following:

- Establish inter-ministerial committees at the national level to ensure cooperation within governments;

- create consultative fora and adopt strategies at the national and regional levels; and
- build on and coordinate the pre-existing regional consultative process on migration.

D. Review

The Conference provided a unique opportunity to discuss the challenges posed by mixed movements in and across the Gulf of Aden on the basis of the 10-Point Plan. It brought together representatives of countries of origin, transit and destination, and provided them with a platform to discuss their concerns and recommendations.

The Conference acknowledged the importance of regional and sub-regional cooperation for addressing mixed movements and identified some gaps where action is required by key partners. These findings have been used for the development of a regional Plan of Action.

UNHCR and IOM, together with partners, convened similar regional conferences in Dakar, Senegal in November 2008, in San José, Costa Rica in November 2009, and in Dar es Salaam in September 2010, to address the particular protection challenges and opportunities in these regions. A fifth conference of this series is scheduled to take place in March 2011 in Central Asia.

E. Further Information

Annex 8 – Concept note of the Regional Conference in the Gulf of Aden. The Conference report and all conference materials are available at: <http://www.unhcr.org/4a252c786.html>.

See also the conference material for the Regional Conference in West Africa, available at: <http://www.unhcr.org/4a27be466.html>; and for the Regional Conference in the Americas, available at: <http://www.unhcr.org/4bfb2ad9.html>.

Additional Examples of Regional Cooperation

Regional consultative processes (RCPs) play a particularly useful role in facilitating dialogue amongst key partners at the regional level. Although generally non-binding and informal in nature, they are important fora for exchanging information, addressing issues of mutual concern, identifying priorities, and developing coordinated responses. Even though the results may not always be measurable in absolute terms, the consultative processes lay the groundwork for developing common policies and strategies, complement bilateral approaches, and facilitate open cooperation and exchange on sensitive issues that could lead to concrete results.

The Bali Process is a regional consultative process among States in the Asia-Pacific region that focuses on combating smuggling, trafficking in persons and related transnational crimes.

See: www.baliprocess.net.

The Budapest Process, which started in 1993, includes EU Member States, countries from the wider European region and international organizations. It aims to develop cooperative strategies on migration based on common principles.

See: <http://www.icmpd.org>.

The Western Mediterranean Migration Dialogue (“5+5 Dialogue”) is an informal dialogue among countries bordering the northern and southern shores of the Western Mediterranean region on the complexities of migration in the Mediterranean.

See: www.5plus5.tn.

Further information on other examples of Regional Consultative Processes:

Annex 9 – IOM, Overview of Principal Regional Consultative Processes on Migration, 2009 (last update)

Annex 10 – IOM Assessment of Principal Regional Consultative Processes on Migration, 2010

The 10-Point Plan Implementation Matrix



The 10-Point Plan Implementation Matrix is a template which has been developed by UNHCR to assist Offices to:

- take stock of existing developments at the national and regional levels and outline projects/initiatives on the various points of the 10-Point Plan;
- act as a strategic planning tool for the creation of better responses to, and development of, regional strategies on mixed movements; and
- provide an overview of the country-specific situation, highlight good practices, and give a step-by-step guide on the main activities to be carried out by key actors, including UNHCR.

For further details, see:

Annex 11 – 10-Point Plan National Matrix

1.3. Cooperation at the global level

Cooperation at the international level provides an opportunity to bring together many different actors, including from the national and regional levels, to develop comprehensive and coordinated responses to mixed movements. This may include the development of common principles or guidelines, or the sharing of various experiences and challenges facing different countries and regions. In appropriate circumstances, international solidarity and burden sharing between States on the international level may be necessary to address specific mixed movement situations that affect a particular region as part of a comprehensive approach.

THE BERNE INITIATIVE AND THE INTERNATIONAL AGENDA FOR MIGRATION MANAGEMENT 2001 – 2007

A. Background and Rationale

The Berne Initiative, a State-owned consultative process, was launched in 2001 by the Federal Office for Migration of the Government of Switzerland following an International Symposium on Migration (entitled “Berne I”). A second International Symposium on Migration was organized in 2004 (entitled “Berne II”). The initiative aimed to enhance cooperation for managing migration at the national, regional and global levels. It allowed governments and interested stakeholders to share their priorities and identify common goals based on the notions of cooperation, mutual understanding, partnership, comprehensiveness, balance and predictability.

B. Actors

- Berne I (80 government officials and experts from international agencies, NGOs and academia); and
- Berne II (300 participants representing 120 governments).

C. Actions

- Berne I established common goals and interests for all participating States. Its broad consultations led to the development of a framework of guiding principles for effective practices in managing migration.
- Following the symposium, four regional consultations were convened in Africa, Europe and Central Asia, Asia and the Americas on issues related to demographic developments, the impact of globalization on migration, demand for foreign labour, irregular migration, trafficking in human beings and gender-related issues of migration.⁵
- The regional consultations led to the finalization of a framework document called the International Agenda for Migration Management (IAMM), a non-binding reference system and policy framework with the aim of facilitating cooperation among States in managing the movement of persons in a humane and orderly way.
- The discussions at the regional consultations informed the talks leading to the International Conference on Migration (“Berne II”), which focused on inter-State cooperation on migration and further elaborated the scope of the IAMM.

⁵ The four regional consultations are as follows: the Intergovernmental Consultations on Asylum, Refugee and Migration Policies; the Budapest Process; the Puebla Process on Migration; and the Migration Dialogue for Southern Africa (MDSA).

D. Review

The Berne Initiative demonstrates the advantages of comparing policy frameworks on migration-related issues among participating States. As countries of origin, transit and destination, States recognized that it is possible to identify common interests and perspectives on migration while retaining distinct national priorities.

The IAMM is a valuable resource for policy makers in addressing the challenges of international migration. It has been used as an evaluation tool to review and develop national migration policies and as a training and capacity-building tool for government practitioners. It has also served as an instrument to facilitate inter-agency cooperation at the national level and provided a basis for inter-State cooperation on international migration.

E. Further Information

Further information on the IAMM Initiative, the regional consultations and other workshops organized as a result, is available at the Government of Switzerland's website at: www.bfm.admin.ch.

COMPREHENSIVE PLAN OF ACTION FOR INDO-CHINESE REFUGEES 1988 – 1997

A. Background and Rationale

The Indo-Chinese Comprehensive Plan of Action (CPA) was based on the principles of cooperation, solidarity and responsibility-sharing between countries of origin, countries of first asylum and resettlement countries. It was developed as a mechanism to address the large influx of Vietnamese Boat People in South-east Asia.

The objectives of the CPA included to:

- develop an Orderly Departure Programme to prevent clandestine departures from Vietnam;
- guarantee temporary asylum by countries of first asylum in the region;
- facilitate reception and individual status determination (screening) for all new arrivals in the region;
- organize resettlement to third countries for recognized refugees; and
- facilitate the return of non-refugees to their countries of origin.

The CPA provided an international framework to manage a large influx of mixed flows and to find durable solutions for recognized refugees, as well as appropriate outcomes for persons who are not refugees in accordance with international standards.

B. Actors

- IOM;
- representatives of 75 States, including countries of origin, countries of destination and resettlement countries; and
- UNHCR.

C. Actions

- Implement regular departure procedures and migration programmes under the Orderly Departure Programme to prevent clandestine departures and irregular movements from Vietnam;
- conduct mass media campaigns, and facilitate consultations between countries of origin and countries of destination;
- raise awareness of the dangers of irregular movement through mass information campaigns targeted at persons travelling within mixed flows;
- negotiate the granting of temporary asylum and individual RSD (screening) for all new arrivals in countries of first asylum in the region;
- negotiate readmission agreements, and promote partnerships between countries in the region;
- facilitate the conclusion of a MOU between UNHCR and Vietnam on the repatriation of persons found not to be in need of international protection;
- encourage voluntary repatriation of persons found not to be in need of international protection, and implement orderly returns;
- screen and identify unaccompanied/separated children, and conduct pre-return assessments and post-return monitoring, including home visits;
- organize and facilitate resettlement in third countries for recognized refugees; and
- mobilize political support for development initiatives and reintegration activities in Vietnam, including the monitoring of reintegration activities.

D. Review

The CPA was the first international process to provide comprehensive outcomes for persons travelling within mixed flows. It was also one of the first examples where the country of origin became a key player in negotiations. With the support of UNHCR, the CPA increased access to international protection and provided resettlement as a durable solution for recognized refugees. The Orderly Departure Programme promoted regular migration as an alternative to irregular departures from Vietnam. The involvement of UNHCR and IOM in the return of rejected asylum-seekers and post-return monitoring was integral to the achievement of the objectives of the CPA.

The CPA was not, however, without complications. The CPA was one of UNHCR's most labour-intensive operations. This was compounded by the challenge of transposing refugee concepts (e.g. voluntariness of return) to non-refugee situations which, in turn, resulted in unnecessary and prolonged delays. Moreover, there were instances of non-voluntary return challenging UNHCR's humanitarian mandate. Notwithstanding the challenges, the CPA demonstrated that active involvement of actors at all stages in the displacement cycle can contribute to the protection of refugees and the integrity of the asylum process.

E. Further Information

Annex 12 – UN General Assembly, Declaration and Comprehensive Plan of Action of the International Conference on Indo-Chinese Refugees. Report of the Secretary-General, A/44/523, 22 September 1989

See also Towle, R. “Processes and Critiques of the Indo-Chinese Comprehensive Plan of Action: An Instrument of International Burden-Sharing?”, *International Journal of Refugee Law*, Vol. 18, 2006, p. 537.

Additional Examples of Global Cooperation on Migration

- **Global Migration Group**
(www.un.int/iom/GMG.html)
- **Global Forum for Migration and Development**
(<http://www.gfmd-fmmd.org/>)
- **UNHCR High Level Dialogue in 2007**
(<http://www.unhcr.org/pages/4a12a6286.html>)
- **IOM Dialogue on International Migration**
(<http://www.iom.int/jahia/Jahia/policy-research/international-dialogue-migration/lang/en>)

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<http://www.unhcr.org/3ae68c6e10.html>

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<http://www.migrationinformation.org/feature/display.cfm?ID=173>

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