



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## **Regional Conference on Refugee Protection and International Migration in the Gulf of Aden, Sana'a, Yemen, 19- 20 May 2008**

### **Summary Report**

The conference was convened by UNHCR in cooperation with the Mixed Migration Task Force Somalia<sup>1</sup> and with funding from the European Commission. Its principal objective was to contribute to the establishment of a regional medium and longer term Plan of Action on refugee protection and mixed migration in the Gulf of Aden region. The Government of Yemen kindly agreed for the Conference to take place in Sana'a. The meeting brought together representatives of Yemen; the Horn of Africa region (Djibouti, Ethiopia, Puntland and Somaliland); the Arabian Gulf (Bahrain, Oman, Qatar, Saudi Arabia and United Arab Emirates); regional organizations including the African Union; donors (EC, France, Germany, Italy, Netherlands, Spain, Japan, US); international agencies; and local and international non-governmental organizations.

There were extended and wide-ranging discussions of the humanitarian challenges involved in the increasing number of refugees and migrants traveling through the Horn, across to Yemen and then, in some cases, onward to third countries. In plenary and eight different working groups, recommendations were elaborated on how best to meet these challenges and how cross regional co-operation could be improved.

Conference participants expressed gratitude to the Government of Yemen for allowing the conference to take place, to the European Commission for financing it and to UNHCR for organizing it in co-operation with the MMTF Somalia. They agreed that the problem of mixed migration is a regional one and must be addressed in a holistic manner. Better cooperation is required at the national and the regional levels.

This report contains a summary of the discussions and the recommendations of the Conference. It is structured along the lines of the topics considered by the eight working groups. An additional first section is devoted to the need to address the root causes motivating migration across the Gulf of Aden, the importance of which was underlined throughout the Conference.

#### **1. Root causes**

Participants acknowledged the efforts of the international community to improve the situation of migrants and refugees in the Gulf of Aden region but underlined that, first and foremost,

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<sup>1</sup> The following agencies participate in the MMTF: International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), United Nations Children Fund (UNICEF), United Nations High Commissioner for Human Rights (UNHCHR), Danish Refugee Council (DRC) & Norwegian Refugee Council (NRC).

the problem needed to be addressed at its root. They urged, in particular, a more sustained effort by the international community towards the resolution of the conflict in Somalia. The resolution of once seemingly intractable conflicts in southern and western Africa was cited as examples that should inspire optimism, provided international commitments to and concrete support for the achievement of solutions are sustained.

Another, often interlinked, root cause of the mixed migratory movement across the Gulf of Aden identified by participants is the lack of access to sufficient livelihood opportunities for many people in the Horn and Somalia in particular. The search for better economic opportunities to support families is thus a key reason for migration from Ethiopia. Due to the complexity of the phenomenon and the fact that migrants are frequently obliged to resort to irregular channels and the assistance of smugglers, the collection of reliable data is difficult.

At the same time, participants stressed that peace and development are long term solutions. Strategies to improve the situation of migrants and refugees and their host communities should not be neglected in the meantime.

## **Recommendations**

- Recognizing that the conflict in Somalia represents a root cause of the refugee and migrant movement and the importance of supporting efforts to achieve peace, countries implicated in the movement, and above all, the Somali parties themselves, were called upon to take all efforts to resolve the conflict and to improve the protection of people's rights in Somalia, and the international community to more vigorously support such efforts.

## **2. Working together and seeking support**

Participants remarked upon the utility of the Mixed Migration Task Force (MMTF) Somalia as an important mechanism for interagency cooperation and exchange. Another platform identified for interagency exchange is the UN Country Team. A third suggestion made was to include migration as a broader topic into the UNDAF and/or World Bank development plans to ensure the intersection between migration and development.

Participants recommended the establishment of a MMTF or other coordination mechanisms in Yemen and other countries in the region, including, where appropriate, at the sub-country level. Participants urged that MMTFs or similar mechanisms should be open to new members and ensure regular information exchange with relevant government counterparts, donor countries and agencies not formally part of the MMTF. Coordination of the various national MMTFs should be facilitated through nomination of focal points and regular meetings on issues of common interest. The CERF process, it was suggested, could be used as a basis for funding life-saving activities proposed by MMTFs or similar entities.

Participants also urged improved cooperation and communication between concerned authorities, particularly in Puntland and Somaliland, Djibouti and Yemen. It was suggested that expert workshops on particular topics could be convened as part of the follow-up to the conference as well as the elaboration of a regional response strategy.

Participants acknowledged already existing regional institutions and processes as important fora for moving the response agenda forward. Highlighted among actors who ought to be or already were pursuing a more prominent role in response to mixed migration through the Gulf of Aden were the African Union (AU) and the Inter-Governmental Authority on Development (IGAD). The AU has adopted four major policy instruments on migration. Governments were encouraged to contribute to their implementation. IGAD meanwhile, at a meeting co-hosted with the AU and IOM the previous week, had agreed to host a regional consultative process on migration (IGAD-RCP). The IGAD-RCP is a venue for Member States and other stakeholders including countries of transit and destination to exchange information on migration and related issues of common interest including mixed flows and refugees. Linkage with and among these fora is also important, to simultaneously prevent gaps and ensure against redundancy. Clearly identified migration focal points at the AU and IGAD would facilitate this objective.

Participants also urged enhanced engagement by the League of Arab States and the Gulf Cooperation Council. These institutions could assist in the development of a regional strategy for migrants and refugees crossing to Yemen via the Gulf of Aden or Red Sea including, possibly, co-ordination functions.

Similarly, participants noted the importance of frameworks developed by different partners, for example, IFRC Societies, and encouraged that all be utilized to increase government and civil society engagement on the Gulf of Aden situation.

Finally, participants urged that discussions at the conference should be followed up with action. Based on the recommendations elaborated at the conference, a comprehensive regional strategy and project proposals need to be crafted. A participant emphasized the need for the international community to examine the option of providing shelter and assistance to the Internal Displaced Persons (IDP's) and the Refugees in Somalia and also in the neighbouring countries. Such activities will require continued and even increased donor support, including from governments in the Gulf, which were encouraged by participants to consider favourably such requests.

## **Recommendations**

### *At national level*

- Establish inter-ministerial committees responsible for the multiple aspects of responding to mixed migration to ensure cooperation within governments.
- Coordination among the various actors should be improved through the creation of appropriate national consultative platforms and the adoption of national strategies. The 'Mixed Migration Task Force Somalia' (MMTF) should be relied upon as an example of good practice and a possible model for replication elsewhere. The consultative platforms, once established, should designate focal points to foster increased regional cooperation.
- Donors should financially and politically support the establishment of MMTFs or similar entities in other countries in the region, especially Yemen.

### *At regional level*

- A regional strategy should be established based on the discussions and recommendations of the conference, fully taking into account the specificities of individual country situations. UNHCR's Ten Point Plan of Action could be a useful framework for the development of protection-sensitive strategies.
- A more in-depth discussion of the various topics of the conference through expert workshops could further regional coherence and contribute to the development of a regional strategy. Expert roundtables could be hosted by different governments in the region.
- Regional organizations, such as the African Union, IGAD, the League of Arab States and the Gulf Cooperation Council are already undertaking important initiatives.
- The newly created IGAD Regional Consultative Process should be used as a mechanism through which through IGAD members and observers could discuss and harmonize regional migration policy.

*At international level*

- The efforts of countries and host communities to respect refugee and human rights are acknowledged and appreciated. The open door policy for refugees of the Government of Yemen serves as a model of good practice.
- Countries hosting refugees and/or IDPs and migrant-hosting countries are encouraged to continue their engagement on protection issues arising out of the mixed migratory flow through the Gulf of Aden while the international community and donor countries were urged to provide more support and substantially increase assistance to refugee-, IDP- and migrant-hosting countries both in the Horn and in Yemen.

### **3. Controlling borders while ensuring protection**

The Yemeni Coast Guard provided an overview of the various security threats which exist in the Gulf of Aden region, piracy, attacks on private and commercial vessels, the smuggling of arms and drugs and the smuggling and trafficking of human beings. A number of speakers described the lawlessness and brutality of the pirates and smugglers, ranging from their use of rocket-propelled grenades on unarmed vessels to over-crowding of boats and throwing of passengers overboard, many of whom cannot swim. In light of its strategic location and the effect these activities have had on the lives of people traveling through the Gulf, enhanced security measures were needed to ensure safety of navigation. Governments referred to the continuing lack of adequate search and rescue facilities in the Gulf which make it virtually impossible for the Coast Guard to rescue people in distress.

Noting that their territories were implicated either as source, transit or destination regions for the mixed migratory movement, Governments expressed concern about their legitimate national interests not being served by the current response to irregular migration in the Gulf of Aden. Ethiopia informed, among other things, on a variety of measures it was taking to combat smuggling and trafficking, including the adoption of various policy instruments to improve access to services in Ethiopia, sanctioning of persons who assisted Ethiopians to

work illegally abroad, and the establishment of a National Task Force on the Trafficking of Women and Children.

Djibouti referred to its considerable efforts to improve control of its coastline and combat smuggling. Yemen advised that it had adopted a Plan of Action to guide activities until 2012. These include completion of additional Coast Guard bases and infrastructure, especially along the coast, implementation of the Vessel Trafficking Service System (VTSS), increasing human resources and procuring larger patrol boats. The Action Plan also includes increased international cooperation in training, the enhancement of reception facilities for new arrivals, and stepped-up attention to human smuggling by the Yemeni Coast Guard.

Despite the variety of measures taken on both sides of the Gulf, Governments have so far been unable to fully address every aspect of this unceasing movement of desperate people. More action is needed to combat smuggling and trafficking. Participants called for better information-sharing and the enhancement of cooperation between governments in the region, especially in light of the apparent multi-country operations of the smugglers and traffickers. In several countries, it will be necessary to amend or establish national legal frameworks in line with the international anti-smuggling and anti-trafficking protocols to more effectively combat the criminal activities of the smugglers and traffickers while ensuring respect for the human rights of those victimized by them. Countries in the region indicated that they would appreciate the support of the international community to increase their capacities in respect of these two vital issues, i.e. search and rescue and the development of legal frameworks for combating smuggling and trafficking.

It was observed that people who arrived without the necessary documentation were sometimes detained for longer periods of time under difficult conditions. While detention can be necessary to enforce return, it was also underscored that detention should be avoided as much as possible and existing human rights standards should be adhered to. UNHCR, its partners and other specifically mandated organizations should be given access to detainees. Voluntary return in safety and dignity was mentioned as the preferred return option. Forced return, where necessary, should comply with relevant international human rights standards.

It was pointed out that the objective of increased law enforcement ought not to be to stop movements as such but to manage them more effectively, with due regard to the international legal rights of those in need of protection. Accordingly, it was recognized that in addressing the security aspects of the movements, the approach should go beyond mere control. A comprehensive approach, addressing all the different aspects of the mixed migratory movement, is preferable and more effective.

### **Recommendations:**

- The security aspects of the movements should be addressed in an approach which goes beyond mere control and addresses all the different aspects of the mixed migratory movement.

#### *Crime prevention and victim protection*

- Countries of origin, transit and destination should take more vigorous action to combat smuggling and trafficking while protecting those who fall victim to smugglers and traffickers, including through:

- the ratification of the UN Convention against Transnational Organized Crime and its Protocols;
  - the implementation of the obligations in the Convention and Protocols into national law and practice;
  - the provision of training on human rights and refugee law for law enforcement officials;
  - the prosecution of smugglers and traffickers and others responsible for criminal acts against migrants and refugees;
  - the protection of those victimized by such crimes, including the addressing of their medical and rehabilitation needs;
  - enhanced information sharing and cooperation.
- Relevant specialized UN agencies should provide the necessary technical and material support to assist governments in establishing the capacity required to combat smuggling and trafficking.

#### *Establishing Search and Rescue facilities*

- Coastal states should ratify maritime Conventions relating to rescue at sea and establish and/or improve their Search and Rescue capacities.
- The international community should provide support for the coast guards of the countries in the region. The International Maritime Organization (IMO) was invited to supplement available technical assistance.

#### *Detention and voluntary return*

- Detention for individuals arriving irregularly should only be resorted to where necessary and should be proportionate to the purpose.
- UNHCR and other agencies with specifically relevant mandates should be given access to detention facilities to identify refugees and others in need of protection.
- Mechanisms for voluntary return, in safety and dignity, should be established, ideally on the basis of bilateral or multilateral agreements.
- Measures for forcible return should be confined to appropriate cases only and ensure compliance with relevant international human rights standards.

## **4. Addressing human rights abuses during travel and transit**

Participants referred to the Background Paper of the Mixed Migration Task Force Somalia (MMTF) as helpful in outlining the human rights abuses that migrants and refugees may be subjected to during their journey. The key protection challenges for migrants, refugees and internally displaced persons (IDPs) identified by the MMTF are: the prevention of human rights abuses in an increasingly insecure environment; poor quality and availability of information upon which to craft protection responses; inadequate livelihoods for displaced persons in Somalia; limited capacity of the authorities to provide protection to migrants,

refugees and IDPs; no or uneven access to clan protection; insufficient numbers of international actors in Somalia; and weak operational linkages at the regional level.

In addition to abuses before or during their journey, it was pointed out that migrants and refugees may face human rights abuses and labor rights violations in countries of destination. These could include forced labor, physical, emotional and sexual abuse, detention, denial of wages or forced return, with obvious grave consequences in the case of refugees. The lack of status for migrants and asylum-seekers in some destination countries was identified as a factor contributing to their vulnerability.

Recommendations to improve the protection of the rights of migrants and refugees included a call for the ratification of relevant international instruments, including the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and support for the implementation of international human rights obligations. It was urged as well that impunity be combated and perpetrators of abuse brought to justice. Achieving these objectives will require strengthening of law enforcement mechanisms, training in human rights for police forces, administrative and judicial officials, and more careful targeting by border control officials of traffickers and smugglers (as opposed to those victimized by them). Other measures might include enhancing rescue at sea capacity and awareness-raising campaigns aimed at the various actors involved (local authorities, migrants, smugglers, humanitarian workers), with particular attention to redressing the common misperception that migrants are necessarily or disproportionately criminals.

### **Recommendations:**

- Deploping the human rights abuses against migrants and refugees and reaffirming the importance of human rights being enjoyed by all people without discrimination, governments were encouraged to take all necessary measures to protect the rights of migrants and refugees, including through:
  - the ratification of relevant international human rights and refugee law instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families;
  - the adoption of relevant national laws and policies protective of rights of refugees and migrants;
  - establishing the necessary capacities to implement the legal obligations and policies and take practical action towards their realization;
  - advocacy and awareness-raising for human rights protection and to redressing the misperception that migrants are necessarily criminals;
  - the prosecution of perpetrators through strengthened law enforcement mechanisms and a targeting of traffickers and smugglers as opposed to those victimized by them.
- Recognizing that robust refugee and human rights protection will help reduce (secondary) irregular movements, the international community, international and national agencies and other actors should provide necessary financial and technical support for the achievement of the objectives set out immediately above.

- Protection alternatives should be provided with the help of the international community to internally displaced persons in Somalia and to refugees in countries of transit so that people do not have to make the perilous journey across the sea for accessing protection.
- Specific measures should be designed and implemented to reduce human rights abuse during travel.
- Rescue at sea capacities should be strengthened.

## **5. Life essentials for new arrivals**

Participants agreed that it is essential to address the basic needs (food, shelter, medical aid) of newly-arrived migrants and refugees in a dignified way. There was recognition beyond this that individuals in different stages of their travel may require different kinds of response and support. Migrants and refugees in transit, particularly in urban areas, have distinct needs requiring distinct responses.

More assistance and more readily available shelter for the displaced in Puntland and Somaliland could provide people with the alternatives to risking their lives in overcrowded boats destined for Yemen. This would also counteract the possibility of assistance provided in Yemen being or becoming a pull factor. Participants urged that the risk of assistance being or becoming a pull factor be addressed – though in a way other than withholding necessary services.

For the initial arrival phase in Yemen following the sea crossing, the provision of services in reception centres has proved to be the most effective approach. A number of gaps however still exist in the delivery of essential services along the coast. There is insufficient capacity in terms of vehicles, first aid medics and staff to cover the entire coastline – that is, to ensure that all arrivals are received and enjoy access to necessary assistance. The means to address needs beyond immediate life-saving interventions are not always available. Obstacles to access to the centres continue to exist. Non-Somali arrivals are, for example, sometimes arrested before they can reach the centre. Conditions in existing reception centres require improvement, notably with respect to preventing and responding to sexual and gender based violence (SGBV) and other specific needs of arrivals. Coordination among partners operating in coastal areas also needs to be strengthened. The capacity of local NGOs needs to be enhanced so as gradually to replace the provision of services currently offered by international agencies.

The importance of establishing a proper burial regime was underscored. This would include the provision of burial grounds for those who died en route and the registration and issuance of death certificates. Currently bodies are buried at the shore with the risk that they are washed back out to sea or otherwise subject to the risk of indignities.

### **Recommendations:**

- All new arrivals should have access to basic services (food, shelter, health) as well as to livelihood opportunities without distinction as to status. At the same time, necessary precautionary measures should be taken to avoid the availability of such services



becoming a pull factor. Non-governmental organizations and civil society representatives are especially important partners in the realization of these twin objectives.

- ‘Integrated reception centers.’ where different services are made available by different providers in a single setting, would help address the basic needs of new arrivals at the coast in Yemen.
- Measures should be taken to better address specific needs, such as those of victims of sexual and gender based violence.
- Proper burial grounds respecting human dignity should be provided for people who died en route.

## **6. Different people, different needs: determining profiles and responsibilities (asylum-seekers, victims of trafficking, separated children, people who wish to return)**

There was general acceptance that mixed movements are composed of people with different backgrounds and needs. It was important that these be identified and addressed soon after arrival. New arrivals should be provided with information in their own language about relevant procedures and their rights and options. Preferably, various actors with the most relevant mandates should be involved in the profiling, channeling and response to new arrivals. The model of cooperation developed by different agencies on the Italian island of Lampedusa was cited as good practice in this respect.

As an illustration of shared responsibility, it was observed that UNHCR could assist, for example, with the identification of refugees and other persons in need of international protection while UNICEF could assist with the identification of unaccompanied/separated minors and their needs. IOM meanwhile has specific expertise with respect to victims of trafficking. In terms of preconditions, cooperative identification and referral mechanisms require a safe environment and staff involved need to be appropriately trained. Participants also referred to the need for identification (and profiling and channeling) criteria in different countries to be harmonized.

Refugee status determination procedures (RSD) have been established in Puntland and Somaliland to identify persons in need of international protection. Nevertheless, more information on the RSD process and protection opportunities in the Horn should be made available to asylum seekers, for example, through information posts along known routes of transit. Such information posts would also facilitate monitoring.

Mechanisms to identify refugees and other groups also exist in Yemen. Cooperation and coordination among all parties concerned, especially in Aden, which is the governorate most affected by the mixed migratory movement, is essential to addressing the major operational challenges. In addition to refugee protection, arrivals may benefit from programs established to achieve other but related objectives (e.g, UNDP’s project to support female migrants.)

Trafficking was identified as a major problem in the region though one which, as of yet, has evaded precise surveying or statistics. One speaker referred to a high number of girls from Djibouti and Ethiopia being trafficked to Yemen. These girls were described as unaware of

their rights and lacking the requisite documentation to facilitate return. Further research was highlighted as being necessary to achieving a more comprehensive picture of the problem.

### **Recommendations:**

- More information on the RSD should be made available in Puntland and Somaliland, for example through information posts along known routes of transit.
- New arrivals should be informed about relevant procedures and be provided with appropriate documentation, e.g. a certificate of registration or an asylum-seeker certificate.
- Cooperation and coordination among all actors concerned is essential. Preferably, various actors with relevant mandates should be involved in the profiling, channeling and response to new arrivals.
- Reception workers should be trained and capacitated to assess the needs of arrivals in a safe environment and refer them to the agency responsible for provision of the service required.
- Further research is necessary to get comprehensive information of the scope of trafficking from the Horn to Yemen.

## **7. Ensuring asylum and protection for refugees, including durable solutions**

Participants underlined the importance of respecting the principle of *non-refoulement*. Refugees and other people in need of international protection should have access to international protection. The primary responsibility for providing effective protection rests with States. However, it was also emphasized that UN agencies, NGOs and all the other actors need to collaborate together and create partnerships in order to find solutions to the mixed migratory movement.

Participants emphasized repeatedly the importance of providing access to protection facilities in the countries in the Horn to, among other things, provide individuals with an alternative to making the perilous crossing. Suggestions included the improvement of existing and the establishment of new camps in the Horn. Increased financial support would be necessary from donor countries for that purpose.

The important role of Yemen in having provided and continuing to provide protection to refugees was specifically emphasized several times. Despite the complexity of the mixed migration phenomenon, Yemen continues to generously receive refugees and migrants from the Horn. The number of refugees registered with UNHCR, while significant, does not represent the actual number of refugees living in Yemen, a figure which is estimated to be in the order of half a million persons. Some speakers indicated that countries neighboring Yemen and the international community at large had not yet paid sufficient attention to the problem and could do more to support Yemen and the other States affected, none of which have the capacity to deal with the high numbers of arrivals.

Temporary and more enduring solutions such as self-reliance and resettlement were identified as important tools to provide recognized refugees with alternatives to dependency and want in displacement. The possibility of voluntary repatriation, on the other hand, may only become a viable option once the root causes of the conflicts in the Horn have been effectively addressed and, most importantly, the restoration of peace has occurred in Somalia. Recognizing that refugee camps should be temporary, training and education should be provided to refugees to enable them to contribute to their host communities as well as help them to reintegrate in their own countries when return becomes possible.

### **Recommendations:**

- While governments have the primary responsibility to identify and provide protection to refugees and to ensure respect of the principle of *non-refoulement*, UNHCR and other agencies may play a supportive role and assist in the reinforcement of the government's capacity.
- Acknowledging the important role Yemen has in providing protection to refugees, countries neighboring Yemen and the international community at large were urged to provide increased support to Yemen.
- Fair and efficient refugee recognition procedures should be established and, where *prima facie* recognition is not appropriate, sufficient resources made available for individual determination.
- Governments of the region are encouraged to adopt a national asylum policy and to establish the necessary institutions and procedures.
- Refugees should be provided with temporary and more enduring solutions such as self-reliance and resettlement.

## **8. Providing legal migration options**

Participants discussed the expansion of legal migration opportunities and how better to match labour needs with migrant labour supply. Participants also considered how already existing labour migration mechanisms could be improved to facilitate access to the labour market for migrants and refugees.

Increased legal migration opportunities could contribute to reduce the number of people moving irregularly. Caution was however called for in developing new migration channels out of concern that abrupt changes could become an additional pull factor. It was also urged that the development of such additional legal migration opportunities should not absolve countries of origin from responsibility for taking preventive measures against irregular migration.

Participants underscored the importance of integrating labour migration possibilities into national development plans and international development programs. It was suggested by some delegates that the international community should create initiatives to support countries of origin and transit countries to create job opportunities.

In addition, a suggestion was also made that bilateral labour agreements with countries of destination could be concluded to create more legal labour opportunities, even if such agreements were of a temporary nature. Participants encouraged countries of destination to consider the inclusion of expanded migrant worker opportunities in their development of domestic labour migration policies, based on a thorough assessment of domestic needs. It was acknowledged however that many migrants do not possess --or do not currently possess-- the skills required by countries of destination. Appropriate training in countries of origin and transit could redress this deficit to some extent and increase the number of those qualifying for labour migration schemes.

Reference was made to the proposal made at the workshop on migration hosted by IOM in Sana'a the previous week to create a labour migration agency within the Yemeni administration. The agency would be tasked with developing a database on employment vacancies in the sub-region and providing potential migrants with information about legal migration opportunities. Similar agencies could be established in other countries, of both origin and transit, at the sub-regional level. These entities would, working with the proposed enhancement of regional institutions on migration, improve information exchange between employment supply and demand markets. Academic analysis and research on migration trends were also identified as requiring strengthening.

Participants took note of the different initiatives that States in the region have taken regarding workers' rights and recommended that receiving countries ratify relevant international conventions pertaining to the labour and migrants' rights. Concerned States were encouraged to review national legislation to ensure its conformity with international human rights norms. The duty of migrants and refugees to respect the laws of the host country, including those on labour and migration, was given particular emphasis.

### **Recommendations:**

- Governments are encouraged to develop comprehensive migration policies and integrate migration into national development plans (including UNDAFs).
- Governments are encouraged to replicate models pursued in West and North Africa with assistance from IOM and other agencies, including bilateral and/or multilateral agreements matching labor supply and demand, training opportunities for identified migrant worker skill gaps, and greater engagement by migrant and refugee diasporas.
- Possibilities for expanding temporary legal migration opportunities should be explored.
- Refugees should be integrated into labor migration opportunities.

## **9. Sharing information and improving understanding**

Recognizing that migration is a regional phenomenon, participants agreed that accurate and detailed information was necessary in order to develop common policies and appropriate responses. While data is already being collected, for example, at the UNHCR reception centre on the Yemeni coast, more systematic collection and fuller data analysis is needed. The Somalia model of tracking population movements was mentioned as an example of good

practice which could be replicated in other countries. Participants also recognized the background and strategy paper prepared by the MMTF as a good departure point for a more comprehensive regional study.

Exchange of information among different agencies in and across the region could be improved, for example through the designation of focal points. Joint reports, newsletters and publications could be pursued to raise awareness of the issues in the Gulf among the international community.

Similarly, the need to raise awareness among refugees and migrants was also emphasized. Key messages could include information about the dangers and difficulties encountered in each part of the travel: for example, awaiting the crossing, the crossing itself, life in the refugee camp in Yemen, the risks involved in onward movement through the desert towards the Gulf countries, and the likelihood of exploitation or detention and expulsion from countries of destination. Prospective voyagers need to have access to accurate information about the limited possibilities in the countries of destination. Parents especially need to be warned about the appalling risks faced by children sent on the journey unaccompanied.

A further topic receiving attention in discussion by participants was the need to raise awareness among the general public in transit and destination countries, to combat the perception that all migrants and/or refugees are criminals and to confront and discourage xenophobia and human rights violations. The media are a crucial potential partner in this respect.

## **Recommendations:**

### *Information about the mixed migration situation*

- A regional study should be undertaken along the lines of the MMTF Somalia study shared with participants at the conference. The regional study should include, among other things, a mapping of agencies' current and planned activities, size of the migratory movement, main motivations, major push and pull factors. It should also provide further data on the size of the trafficking from the Horn to Yemen and other destination countries.
- The Somalia model of 'displaced population tracking,' an initiative begun in mid-2006 through which local NGOs (trained and supported by UNHCR) monitor key locations for IDPs and report regularly on their movement using a standardized form, could be replicated in other countries.
- Information-sharing mechanisms between agencies and Governments should be enhanced, possibly through joint participation in MMTF or similar consultative structures.

### *Improving access to information for refugees and migrants*

- Interagency information campaigns should be developed for different target groups (communities in countries of origin; elderly, new arrivals and host communities). Key messages could, depending on the target group, include information about the dangers

and difficulties encountered in each part of a migrant or refugee's travel and the situation in countries of transit and destination.

- Broader awareness-raising campaigns should be organized to combat the perception that migrants are criminals and to prevent and better address xenophobia and human rights violations.
- Enhanced partnership with media should be pursued to reinforce desired messaging and expand the audience(s).

UNHCR, July 2008

## **Annex I: Conference Recommendations**

### **Root causes**

- Recognizing that the conflict in Somalia represents a root cause of the refugee and migrant movement and the importance of supporting efforts to achieve peace, countries implicated in the movement, and above all, the Somali parties themselves, were called upon to take all efforts to resolve the conflict and to improve the protection of people's rights in Somalia, and the international community to more vigorously support such efforts.

### **Working together and seeking support**

#### *At national level*

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- Coordination among the various actors should be improved through the creation of appropriate national consultative platforms and the adoption of national strategies. The 'Mixed Migration Task Force Somalia' (MMTF) should be relied upon as an example of good practice and a possible model for replication elsewhere. The consultative platforms, once established, should designate focal points to foster increased regional cooperation.
- Donors should financially and politically support the establishment of MMTFs or similar entities in other countries in the region, especially Yemen.

#### *At regional level*

- A regional strategy should be established based on the discussions and recommendations of the conference, fully taking into account the specificities of individual country situations. UNHCR's Ten Point Plan of Action could be a useful framework for the development of protection-sensitive strategies.
- A more in-depth discussion of the various topics of the conference through expert workshops could further regional coherence and contribute to the development of a regional strategy. Expert roundtables could be hosted by different governments in the region.
- Regional organizations, such as the African Union, IGAD, the League of Arab States and the Gulf Cooperation Council are already undertaking important initiatives.
- The newly created IGAD Regional Consultative Process should be used as a mechanism through which through IGAD members and observers could discuss and harmonize regional migration policy.

### *At international level*

- The efforts of countries and host communities to respect refugee and human rights are acknowledged and appreciated. The open door policy for refugees of the Government of Yemen serves as a model of good practice.
- Countries hosting refugees and migrant-hosting countries are encouraged to continue their engagement on protection issues arising out of the mixed migratory flow through the Gulf of Aden while the international community and donor countries were urged to provide more support and substantially increase assistance to refugee- and migrant-hosting countries both in the Horn and in Yemen.

### **Controlling borders while ensuring protection**

- The security aspects of the movements should be addressed in an approach which goes beyond mere control and addresses all the different aspects of the mixed migratory movement.

### *Crime prevention and victim protection*

- Countries of origin, transit and destination should take more vigorous action to combat smuggling and trafficking while protecting those who fall victim to smugglers and traffickers, including through:
  - the ratification of the UN Convention against Transnational Organized Crime and its Protocols;
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  - enhanced information sharing and cooperation.
- Relevant specialized UN agencies should provide the necessary technical and material support to assist governments in establishing the capacity required to combat smuggling and trafficking.

### *Establishing Search and Rescue facilities*

- Coastal states should ratify maritime Conventions relating to rescue at sea and establish and/or improve their Search and Rescue capacities.
- The international community should provide support for the coast guards of the countries in the region. The International Maritime Organization (IMO) was invited to supplement available technical assistance.



### *Detention and voluntary return*

- Detention for individuals arriving irregularly should only be resorted to where necessary and should be proportionate to the purpose.
- UNHCR and other agencies with specifically relevant mandates should be given access to detention facilities to identify refugees and others in need of protection.
- Mechanisms for voluntary return, in safety and dignity, should be established, ideally on the basis of bilateral or multilateral agreements.
- Measures for forcible return should be confined to appropriate cases only and ensure compliance with relevant international human rights standards.

### **Addressing human rights abuses during travel and transit**

- Deploing the human rights abuses against migrants and refugees and reaffirming the importance of human rights being enjoyed by all people without discrimination, governments were encouraged to take all necessary measures to protect the rights of migrants and refugees, including through:
  - the ratification of relevant international human rights and refugee law instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families;
  - the adoption of relevant national laws and policies protective of rights of refugees and migrants;
  - establishing the necessary capacities to implement the legal obligations and policies and take practical action towards their realization;
  - advocacy and awareness-raising for human rights protection and to redressing the misperception that migrants are necessarily criminals.
  - the prosecution of perpetrators through strengthened law enforcement mechanisms and a targeting of traffickers and smugglers as opposed to those victimized by them.
- Recognizing that robust refugee and human rights protection will help reduce (secondary) irregular movements, the international community, international and national agencies and other actors should provide necessary financial and technical support for the achievement of the objectives set out immediately above.
- Protection alternatives should be provided with the help of the international community to internally displaced persons in Somalia and to refugees in countries of transit so that people do not have to make the perilous journey across the sea for accessing protection.
- Specific measures should be designed and implemented to reduce human rights abuse during travel.

- Rescue at sea capacities should be strengthened.

### **Life essentials for new arrivals**

- All new arrivals should have access to basic services (food, shelter, health) as well as to livelihood opportunities without distinction as to status. At the same time, necessary precautionary measures should be taken to avoid the availability of such services becoming a pull factor. Non-governmental organizations and civil society representatives are especially important partners in the realization of these twin objectives.
- ‘Integrated reception centers.’ where different services are made available by different providers in a single setting, would help address the basic needs of new arrivals at the coast in Yemen.
- Measures should be taken to better address specific needs, such as those of victims of sexual and gender based violence.
- Proper burial grounds respecting human dignity should be provided for people who died en route.

### **Different people, different needs: determining profiles and responsibilities (asylum-seekers, victims of trafficking, separated children, people who wish to return)**

- More information on the RSD should be made available in Puntland and Somaliland, for example through information posts along known routes of transit.
- New arrivals should be informed about relevant procedures and be provided with appropriate documentation, e.g. a certificate of registration or an asylum-seeker certificate.
- Cooperation and coordination among all actors concerned is essential. Preferably, various actors with relevant mandates should be involved in the profiling, channeling and response to new arrivals.
- Reception workers should be trained and capacitated to assess the needs of arrivals in a safe environment and refer them to the agency responsible for provision of the service required.
- Further research is necessary to get comprehensive information of the scope of trafficking from the Horn to Yemen.

### **Ensuring asylum and protection for refugees, including durable solutions**

- While governments have the primary responsibility to identify and provide protection to refugees and to ensure respect of the principle of *non-refoulement*, UNHCR and

other agencies may play a supportive role and assist in the reinforcement of the government's capacity.

- Acknowledging the important role Yemen has in providing protection to refugees, countries neighboring Yemen and the international community at large were urged to provide increased support to Yemen.
- Fair and efficient refugee recognition procedures should be established and, where *prima facie* recognition is not appropriate, sufficient resources made available for individual determination.
- Governments of the region are encouraged to adopt a national asylum policy and to establish the necessary institutions and procedures.
- Refugees should be provided with temporary and more enduring solutions such as self-reliance and resettlement.

### **Providing legal migration options**

- Governments are encouraged to develop comprehensive migration policies and integrate migration into national development plans (including UNDAFs).
- Governments are encouraged to replicate models pursued in West and North Africa with assistance from IOM and other agencies, including bilateral and/or multilateral agreements matching labor supply and demand, training opportunities for identified migrant worker skill gaps, and greater engagement by migrant and refugee diasporas.
- Possibilities for expanding temporary legal migration opportunities should be explored.
- Refugees should be integrated into labor migration opportunities.

### **Sharing information and improving understanding**

#### *Information about the mixed migration situation*

- A regional study should be undertaken along the lines of the MMTF Somalia study shared with participants at the conference. The regional study should include, among other things, a mapping of agencies' current and planned activities, size of the migratory movement, main motivations, major push and pull factors. It should also provide further data on the size of the trafficking from the Horn to Yemen and other destination countries.
- The Somalia model of 'displaced population tracking,' an initiative begun in mid-2006 through which local NGOs (trained and supported by UNHCR) monitor key locations for IDPs and report regularly on their movement using a standardized form, could be replicated in other countries.

- Information-sharing mechanisms between agencies and Governments should be enhanced, possibly through joint participation in MMTF or similar consultative structures.

*Improving access to information for refugees and migrants*

- Interagency information campaigns should be developed for different target groups (communities in countries of origin; elderly, new arrivals and host communities). Key messages could, depending on the target group, include information about the dangers and difficulties encountered in each part of a migrant or refugee's travel and the situation in countries of transit and destination.
- Broader awareness-raising campaigns should be organized to combat the perception that migrants are criminals and to prevent and better address xenophobia and human rights violations.
- Enhanced partnership with media should be pursued to reinforce desired messaging and expand the audience(s).

Annex II: Conference Participants

## LIST OF PARTICIPANTS - REFUGEE PROTECTION AND INTERNATIONAL MIGRATION IN THE GULF OF ADEN CONFERENCE, SANA'A

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## Annex III: Conference Agenda



# Regional Conference on “Refugee Protection and International Migration in the Gulf of Aden,” Sana’a, Yemen, 19 – 20 May 2008

## C O N F E R E N C E   A G E N D A

### SUNDAY, 18 MAY 2008

20.00                      Reception

### MONDAY, 19 MAY 2008:

8.00 – 9.00                Registration of Participants

#### *Morning Session: Plenary*

**Co-Chairs:**    **George Okoth-Obbo**, Director of the Division of International Protection Services, UNHCR;  
                  **H.E. Abdulmawla Saeed**, Deputy Chief, Legal Department, Ministry of Foreign Affairs, Government of Yemen;  
                  **Peter Klansoe**, Danish Refugee Council on behalf of the Mixed Migration Task Force (MMTF), Somalia.

**Rapporteur:**    Nabil Othman and Shana Kaninda

9.00 – 9.10                **Welcome by the Chair**

9.10 – 9.20                **Opening addresses**  
*His Excellency Dr. Abubakar Al Qirbi, Minister of Foreign Affairs, Government of Yemen*

9.20 – 9.30                *Mr. Michele Cervone D’Urso, Charge d’Affaire of the European Commission in Yemen*

9.30 – 9.45                **Refugee Protection and International Migration in the Gulf of Aden Region – Challenges and Responses**  
*António Guterres, United Nations High Commissioner for Refugees*

9.45 – 10.15              **Coffee Break**

- 10.15 – 12.00**            **MAPPING THE PROBLEM I: Presentation of key challenges of mixed migration across the Gulf of Aden**
- 10.15 – 10.30            “The Martyrs of the Gulf of Aden,” *Daniel Grand Clément* (film)
- 10.30 – 10.45            Migrants, refugees and IDPs in Puntland  
*Hon. Hassan Moh’d Jibril, Minister for Planning and International Cooperation, Puntland*
- 10.45 – 11.00            Migrants and refugees in Somaliland  
*Mr. Mohamed Omer Arteh, Senior Policy Advisor, Ministry of Interior, Somaliland*
- 11.00 – 11.15            Combatting smuggling and trafficking  
*Mr. Hassan Omar Mohamed, Secrétaire-Général du Ministère de l’Intérieur et Secrétaire Exécutif de l’ONARS, Djibouti*
- 11.15 – 11.30            Protection Gaps  
*Peter Klansoe, Danish Refugee Council, representing the MMTF Somalia*
- 11.30 – 11.45            Protection and Care for all Migrants  
*Monseigneur Giorgio Bertin, Archbishop of Djibouti*
- 12.00 – 13.30**            **Lunch break and time for prayers**

### *Afternoon Session: Closed Working Groups*

- 13.30 – 15.00**            **SEARCHING FOR SOLUTIONS I: Working Groups**
- Working Group A:** Controlling borders while ensuring protection  
**Chair:** Representative of the Government of Djibouti + Stefan Liller, UNODC  
**Chairs’ Assistant:** Alistair Boulton  
**Rapporteur:** Johannes van Gemund + Nouf Al-Hashimi
- Working Group B:** Addressing human rights abuses during travel and transit  
**Chair:** Honorable Ahmed Hassan Ali, Minister of Justice, Somaliland + Frej Fenniche, UNOHCHR  
**Chairs’ Assistant:** Samer Haddadin  
**Rapporteur:** Christine Chamoun + Aisha Saeed
- Working Group C:** Life essentials for new arrivals  
**Chair:** Representative of the Government of Puntland + Monseigneur Giorgio Bertin, Archbishop of Djibouti  
**Chairs’ Assistant:** Christian Baureder  
**Rapporteur:** Bediako Buahene (OCHA) + Myra Sabongi

**Working Group D:** Different people different needs: determining profiles and responsibilities (asylum-seekers, victims of trafficking, separated children, people who wish to return).

**Chair:** Aboudou Karimou Adjibade, UNICEF + Meera Sethi, IOM

**Chairs' Assistant:** Anja Klug

**Rapporteur:** Sophie Hofbauer + Firas Kayal

**15.00 – 15.30**            **Coffee Break and time for prayers**

### ***Afternoon Session: Plenary***

**Co-Chairs:**    **George Okoth-Obbo**, Director of the Division of International Protection Services, UNHCR;

**H.E. Abdulmawla Saeed**, Deputy Chief, Legal Department, Ministry of Foreign Affairs, Government of Yemen;

**Peter Klansoe**, Danish Refugee Council on behalf of the Mixed Migration Task Force (MMTF), Somalia.

**Rapporteur:** Nabil Othman and Shana Kaninda

**15.30 – 17.00**            **Report from Working Groups A – D and discussion**

**17.00**                    **End of first conference day**

## **TUESDAY, 20 MAY 2008:**

### ***Morning Session: Plenary***

**Co-Chairs:**    **George Okoth-Obbo**, Director of the Division of International Protection Services, UNHCR;

**Mr. Hussein Al-Kebssi**, Deputy Manager for Refugee Affairs Immigration & Passport Authority, Government of Yemen;

**Peter Klansoe**, Danish Refugee Council on behalf of the Mixed Migration Task Force (MMTF), Somalia.

**Rapporteur:** Leila Nassif + Fatima Mohamed

**8.00 – 8.10**            **Introduction to second day by Chair**

**8.15 – 9.15**            **MAPPING THE PROBLEM II: Presentation of key challenges of mixed migration across the Gulf of Aden**

**8.15 – 8.30**            Labour Migration to the Gulf States  
*Mr. Mekonnen Shewarega, Head of Programme Coordination and Implementation, Administration for Refugees and Returnees Affairs (ARRA), Ethiopia*

- 8.30 – 8.45            Hosting refugees and addressing the challenges of irregular migration  
*Colonel Shuga'a Al-Mahddi, General Manager of Operations at Coastal Guards, Government of Yemen*
- 8.45 – 9.00            Migration to the Gulf States  
*Dr. Khaled Louhichi, Director of the Population Policy and Migration Department, League of Arab States*
- 9.00 – 9.15            Refugee Protection and Migration – Perspective of the African Union  
*Mr. Mehari Taddele Maru, Programme Officer*
- 9.15 – 9.45            Coffee Break**

***Morning Session: Closed Working Groups***

**9.45 – 10.30            SEARCHING FOR SOLUTIONS II: Working Groups**

**Working Group E:** Ensuring asylum and protection for refugees, including durable solutions

**Chair:** Major Hussain Al-Kibssi, Representative of the Government of Yemen + Ilunda Ngandu, Representative UNHCR Ethiopia

**Chairs' Assistant :** Nabil Othman

**Rapporteur:** Christine Chamoun + Nouf Al-Hashimi

**Working Group F:** Providing legal migration options

**Chair:** Meera Sethi, IOM

**Chairs' Assistant:** Firas Kayal

**Rapporteur:** Nicolas Brass

**Working Group G:** Sharing information and improving understanding

**Chair:** Demeke Atnafu, Ministries of Foreign Affairs, Ethiopia + Asraf El Nour Regional Representative, IOM Nairobi

**Chairs' Assistant:** Abeer Etefa

**Rapporteur:** Catherine Weibel + Myra Sabongi

**Working Group H:** Working together and seeking support

**Chair:** Phillipe Royan, Head of Regional Office, ECHO + Michiel van Campen, Embassy of The Netherlands Yemen

**Chairs' Assistant :** Guillermo Bettocchi

**Rapporteur:** Johannes van Gemund

**10.30 – 10.45            Coffee Break**

**10.45 – 12.00            Working Groups continued**

**12.00 – 13.30            Lunch Break**



## *Afternoon Session: Plenary*

**Co-Chairs:** **George Okoth-Obbo**, Director of the Division of International Protection Services, UNHCR;  
**Dr. Yahya Yahya Al-Hayfi**, General Secretary of Yemen Red Crescent;  
**Peter Klansoe**, Danish Refugee Council on behalf of the Mixed Migration Task Force (MMTF), Somalia.

**Rapporteur:** Sophie Hofbauer + Samer Haddadin

**13.30 – 15.00**            **Report from Working Groups E – H and discussion**

**15.00 – 16.00**            **Adoption of recommendations, summary and closing**  
*Radhouane Nouicer, Director of the Bureau for the Middle East and North Africa, UNHCR + Mengeshe Kebede, Deputy Director, Africa Bureau, UNHCR*

**16.00 – 16.30**            **Coffee Break and time for prayer**

**16.30**                      **Press conference**

**17.30**                      **End of conference**

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