



## **Sana'a Declaration**

### **Regional Conference on Asylum and Migration, 11-13 November 2013**

**The Government of the Republic of Yemen called for a regional conference on Asylum and Migration from the Horn of Africa to Yemen, with the participation of the Kingdom of Bahrain, the Republic of Djibouti, the State of Eritrea, the Federal Democratic Republic of Ethiopia, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia, the Federal Republic of Somalia, the United Arab Emirates, in addition to the Arab League, the Cooperation Council for the Arab States of the Gulf (GCC), the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migrations (IOM);**

All participants,

**Recognizing with appreciation** that Yemen continues to maintain its humane and generous approach towards refugees, asylum seekers and migrants in spite of the challenges Yemen faces;

**Recalling** the 2008 Regional Conference on Refugee Protection and International Migration in the Gulf of Aden held in Sana'a, that the United Nations High Commissioner for Refugees organized in co-operation with the Mixed Migration Task Force in Somalia;

**Recognizing with satisfaction** that the 2008 Regional Conference has raised the international profile of the asylum and migration situation in Yemen and in the region, as part of an effort to encourage greater solidarity and burden sharing;

**Having reviewed** the relevant issues related to mixed migration flows from the Horn of Africa to Yemen;

**Noting** that, since 2008, the context of asylum and migration to Yemen has significantly altered, with significant change in nationality of origin and large increases in arrivals due to the increase of smuggling and human trafficking activities and networks;

**Aware** that individuals continue to leave their countries of origin for a variety of reasons, including conflict, persecution, poverty, unemployment and natural disasters;

**Alarmed by mounting evidence that** a large number of such individuals are at serious risk of becoming victims of smuggling, trafficking and other human rights abuses and face risks while on the move;

**Recognizing with satisfaction** the progress achieved towards better management of refugee issues and migration by various bilateral and multilateral meetings held between the parties concerned prior to the Regional Conference on Asylum and Migration;

**Recognizing** that effective management of refugee issues and migration requires further action based on international and regional co-operation, and enhancing the role and support of UNHCR, IOM, Non-governmental organizations (NGOs) and other stakeholders;

**Acknowledging** that further actions must be taken – in the context of national laws, regional agreements and international standards – to make progress in the following key areas:

- a. Law enforcement against smuggling and trafficking networks in sending, transit and receiving countries;
- b. Public sensitization efforts in communities of sending, transit and receiving countries to raise awareness of the risks associated with irregular migration and possible alternatives to it;
- c. Working to provide necessary support for the implementation of return programmes addressing irregular migration flows;

**Recognizing** that addressing the refugee and migration issues could contribute positively to peace and stability in the region and vice-versa;

**Commending** efforts exerted by countries in the region to address root causes of asylum and migration and encouraging further efforts in this regard;

**Have solemnly resolved** to adopt the following recommendations.

### **I. Root causes**

1. Countries of origin of migrants, with the support of the international community, will continue to strive to address the root causes of mixed migration of asylum seekers, refugees and migrants from the Horn of Africa to Yemen, particularly the conflicts, economic and social challenges as well as deceptive information through, inter-alia:

- (a) Supporting the peace and stability process in Somalia as well as in other conflict-affected areas;
- (b) Addressing economic and social challenges through concrete support to countries of origin in their efforts at fostering comprehensive and equitable development thus helping people to overcome poverty, achieve resilience and settle in their own countries;
- (c) Redoubling efforts to create conditions conducive to safe and sustainable voluntary return;

(d) Ensuring that accurate information about the realities of irregular migration is available, including in curricula.

2. International support to anti-poverty programmes in countries of origin, including safety nets and job creation schemes, should be increased in order both to facilitate the sustainable reintegration of returning migrants and address the root causes of irregular migration.

## **II. Law enforcement**

3. Law enforcement on issues related to irregular migration, including smuggling and trafficking, will be strengthened in sending, transit and receiving countries, through the following measures:

(a) Emphasizing the importance of international instruments<sup>1</sup> on migration, asylum and related issues of smuggling and trafficking for States signatories;

(b) For States signatories, translating the obligations contained in the international instruments on asylum, migration, rescue at sea and other related issues into national laws, strategies and practices;

(c) Strengthening regional co-operation and existing mechanisms to combat the phenomena of smuggling and human trafficking in the region, including through enhanced coordination among the security and legal apparatus resulting in the effective prosecution of perpetrators and the protection of victims;

(d) Establishing and implementing a capacity-building strategy to improve national law enforcement mechanisms in sending, transit and destination countries, including the strengthening of an effective border police force and of a fair and well-functioning judicial system, within a protection sensitive border management system;

(e) Increasing international support and strengthening Rescue- and Protection-at-Sea mechanisms by further improving Search and Rescue Capacities in the Gulf of Aden, the Red Sea and the Arabian Sea, expanding the operational effectiveness of Coast Guards and maritime forces of Yemen and other countries, raising awareness of international maritime agreements and conventions and of the human rights of migrants. This should also include development of national action plans, improving procedures-at-sea for life-saving, disembarkation, identification, assistance and referral.

## **III. Increased support for return programmes**

4. Increased regional and international support for Yemen and other affected countries is necessary to alleviate the burden related to the flows of migrants as well as to ensure effective implementation of humane and orderly return arrangements in a humane and orderly manner, including:

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<sup>1</sup> The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; the 2000 United Nations Convention against Transnational Organized Crime; the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the 2000 Protocol against Smuggling by Land, Sea and Air; The maritime conventions relating to rescue at sea, including the 1948 International Maritime Organization Convention (IMO Convention) and its amendments; the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and the 1988 amendments; as well as the 1979 International Convention on Maritime Search and Rescue (SAR Convention); The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- (a) Developing a communication strategy that includes measures designed to raise the international profile of the asylum and migration situation in Yemen and in the region to increase donor support;
- (b) Providing necessary regional and international support and appropriate programmes in order to facilitate the implementation of voluntary repatriation for Somali refugees in a safe and dignified manner with the coordination of the Somali and Yemeni governments and UNHCR;
- (c) Encouraging donors' future support to Yemen and countries in the region;
- (d) Providing necessary contributions, including logistical assistance, to fund return programmes of irregular migrants;
- (e) Conducting regular institutionalized meetings among affected countries with donors and relevant international agencies.

#### **IV. Enhancing cooperation in Employment Opportunities**

5. Particular attention will be devoted to the following measures:

- (a) supporting economic development projects in countries of origin while focusing on the sectors where there appears to be significant demand for labour;
- (b) Exploring possibilities for bilateral and/or multilateral agreements between countries of origin and destination in the employment sector and developing related areas based on regulations and needs of each state.

#### **V. Awareness-raising campaigns**

6. Mass information campaigns amongst communities are essential to spread awareness of the dangers of irregular migration. This must be complemented with information on the possibilities of legal migration and/or job opportunities. In this regard, the following measures will be taken:

- (a) Enhance awareness-raising strategies to sensitize potential migrants in countries of origin, transit and destination, on the risks at sea as well as human rights violations committed by smugglers and traffickers, with a view to reducing the likelihood of people taking life-threatening risks;
- (b) At the same time, campaigns should include clear messages to reflect the realistic opportunities abroad and available legal migration paths, so as to inform potential migrants on possible alternatives to irregular migration;
- (c) The content of the campaigns should include testimonies of returned migrants and victims of human rights abuses, to break the cultural taboo at admitting failure;
- (d) National and regional media should be more strongly engaged and their co-ordination increased with a view to having joint and effective messages on both sides of the Gulf of Aden, the Red Sea, the Arabian Sea and to ensuring the availability of more information en route for migrants and asylum seekers.

## **VI. Strengthening the refugee protection system**

7. It is critical that the core principle of refugee protection, i.e. non-*refoulement* as indicated in the 1951 Refugee Convention is respected and duly implemented. Burden-sharing arrangements in the region should be further enhanced.

In this context, States that ratified the 1951 Refugee Convention and its 1967 Protocol intend to:

(a) Develop protection-sensitive entry systems which ensure that practical protection safeguards are put in place and that as appropriate border management system is taken into consideration;

(b) Enhance knowledge by border authorities of the nature of migratory flows, which could include persons in need of protection (i.e. refugees and asylum-seekers);

(c) Consider functional reception arrangements that enable the identification of asylum-seekers and refugees amongst mixed migratory flows and facilitate their access to asylum;

## **VII. Regional and international co-operation**

8. Regional and international co-operation will be strengthened through the following measures:

(a) Enhancing regional co-operation to reduce irregular migration flows, with the support of UNHCR and IOM;

(b) Increasing the level of co-operation, co-ordination and information-sharing amongst all national, regional and international actors, in particular through strengthened national Mixed Migration Task Forces (MMTFs) and heightened participation by United Nations agencies, non-governmental organizations and government counterparts in their work;

(c) Strengthening regional contacts between MMTFs and an enhanced role and capacity for the Regional Mixed Migration Secretariat (RMMS) and the Regional Committee on Mixed Migration;

(d) Continuing regional and international support to Republic of Yemen with the necessary resources in order to assist Yemen to confront the large burden of hosting irregular migrants. This fund will be specially intended to developing a national data-base, supporting local capacity building initiatives as well as contributing towards programmes aimed at fostering the socio-economic development of host-communities of those migrants and affected areas.

## **VIII. Data collection and analysis**

9. As part of regional and international co-operation, data collection and analysis is important to facilitate understanding of migration trends and thus to enable the adoption of more effective measures/mechanisms to manage and address mixed migration flows. In this regard, the following measures will be taken:

(a) Studying establishment of a regional research center on issues related to asylum and migration with effective cooperation between the concerned countries and international organizations;

(b) Working towards developing national database through implementing statistical surveys and networking as well as providing regional data on the new arrivals (asylum seekers, refugees and migrants) and their whereabouts in accordance with the international standards and mechanisms of data exchange.

#### **IX. Follow-up mechanism**

10. The implementation of the Sana'a Declaration will require continued co-ordination through the following:

(a) Designating national focal points to follow-up on the implementation of the Declaration;

(b) Establishing a regular review mechanism to assess progress and to identify obstacles and find solutions to overcome them.

Sana'a, 13<sup>th</sup> November 2013