



UNHCR

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

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**Regional Conference on Refugee Protection and International Migration:
Mixed Movements and Irregular Migration from the
East and Horn of Africa and Great Lakes Region to Southern Africa
Dar es Salaam, 6 September 2010**

Honourable Minister of Home Affairs, Mr. Masha,
Distinguished Representative of IOM,
Colleagues,
Ladies and Gentlemen,

I would like first of all to express my appreciation to the Honourable Minister of Home Affairs and the Government of Tanzania for the warm welcome extended to all of us. UNHCR has been delighted to have been able to contribute to the organization of this meeting, in cooperation with the International Organization for Migration.

From the time of President Julius Nyerere, Tanzania has been a generous host to hundreds of thousands of refugees fleeing conflict and persecution in neighbouring countries. Some of the largest and most dramatic refugee emergencies in UNHCR's history unfolded on the soil of this country, and the Government of Tanzania has been among our most constant partners.

Mwalimu Nyerere was awarded the prestigious Nansen Refugee Award in 1983. His tradition of inspired leadership remains very much in evidence today, notably through Tanzania's most welcome gesture in naturalizing more than 160,000 Burundian refugees as new Tanzanian citizens over the past two years. It is also reflected in the Government's initiative to convene this Conference on Refugee Protection and International Migration, which should serve to promote protection-sensitive regional migration strategies.

The presence on the podium IOM's Director for Migration Management, Ms. Irena Vojackova-Sollorano, is welcome. Collaboration between UNHCR and IOM on this conference demonstrates the shared conviction of both organisations that the challenges presented by mixed movements can best be tackled through partnership. The presence of our sister UN agencies – UNICEF, UNODC, UNDP, OCHA and the Office of the High Commissioner for Human Rights – should be understood in the same light.

Cooperation among governments is, of course, even more crucial. It is encouraging to see strong delegations from each country along the regions's transit routes – from Ethiopia and the Democratic Republic of Congo to South Africa – as well as from the African Union and the concerned regional economic communities, the East African Community, COMESA, IGAD and SADC.

The participation of non-government organizations here in Dar es Salaam is also particularly welcome. UNHCR sees civil society engagement as an essential component of the response

to mixed movements. NGOs are key service providers but of course partners in their own right, including when it comes to protection. I hope they will be a visible force during our discussions.

Finally, I acknowledge the presence of the diplomatic community. The interest and support of the governments represented here is not only important when it comes to donor support for the conference itself but also for effective follow up on the outcomes of this Regional Conference.

Ladies and gentlemen,

Let me begin by placing UNHCR's mandate interests and role in relation to mixed movements in context.

UNHCR is a refugee protection agency. We do not have – and we are not seeking – a mandate for migration management. But it is also a fact that refugees and asylum-seekers are often only one component of broader population movements. Ensuring their protection in the context of today's people movements has required us to adopt broad perspectives and to anchor our efforts within a more comprehensive framework.

This is in the refugees' interests. It is also in UNHCR's. Failures in migration management often land at our doorstep and we are under regular pressure to take on responsibilities for persons on the margins of our mandate, deflecting attention away from our core beneficiaries.

As we meet today, people are on the move along routes leading from the Horn of Africa and Great Lakes region toward Southern Africa. A number are seeking new opportunities and a better perspective for the future. Many others are refugees and asylum-seekers. Endemic conflicts, human rights abuses, poor governance, extreme poverty and the lack of development – not to mention climate change and environmental degradation – lie variously at the root of outward movements.

Persons who comprise these mixed movements by and large have no ill intentions. Many are vulnerable, regardless of how one labels them. They may be in need of medical care, be survivors of sexual violence or other trauma experienced at home or along the route. Vulnerability is of course not an argument against vigilance. In an era where the threat of terrorism is real and present, as the tragic events in July in Kampala have again served to underscore, Governments are legitimately concerned to manage population movements in a manner which minimizes security risks.

Security risks do, though, carry with them a certain temptation for over-reaction. But borders closures, arbitrary detention and mass expulsions do not stop the movement: more often, they push it further underground, and thereby give a strong impetus to people smuggling, while placing the victims in a sort of double jeopardy situation.

Mixed movements involve – as our agenda reflects – different people with different needs. This calls for differentiated responses. Over the past three years, UNHCR has promoted the inclusion of refugee protection in broader migration management strategies through our 10-Point Plan on Refugee Protection and Mixed Migration. This Plan is now widely recognized as a valuable tool for use by governments, international organisations and civil society partners. Its goal is to help structure activities which ensure that people who need protection

receive it, persons who do not are enabled to return and that all people are treated with dignity while appropriate solutions are found. The Plan has helped to enhance planning, advocacy, and has already proved a catalyst for more coordinated planning and response strategies in the Gulf of Aden, North Africa and West Africa, as well as in Eastern Europe and parts of Asia.

Countries in this region are starting to work with the 10-Point Plan. Tanzania, for example, has developed an interesting set of approaches based on the Plan. They include standard operating procedures on border management, profiling and referral for responses, implementation of information campaigns and proposals designed to reduce resort to detention.

I have with much interest followed the extensive process of preparations for this Conference through national consultations. Aside from being a valuable 'good practice' in and of itself, this process has generated some very interesting suggestions for action backed by solid analysis of national and regional situations. These suggestions could well provide the building blocks for the action plan it is hoped this Conference will generate.

Ladies and gentlemen,

More generally, our meeting follows regional conferences on refugee protection, international migration and the 10-Point Plan held in Sana'a in May 2008 – focusing on movements across the Gulf of Aden – and in Dakar in November of that year – which considered mixed movements within West Africa. A similar conference took place in San José, Costa Rica, in 2009, and another is planned for Astana, Kazakhstan later this year.

The present Conference can also build upon earlier regional discussions, including the Bi-regional Workshop on Irregular Migration Flows through East and Southern Africa, held in Blantyre in February 2009 and the Migration Dialogue in Southern Africa (MIDSA) process.

Ladies and gentleman,

UNHCR's interest in this meeting derives not the least from the significant refugee dimension of mixed movements from the Horn of Africa and Great Lakes region toward southern Africa. Many people on the move are Somalis from the southern and central areas of the country where violence has continued to escalate throughout 2010. Since the beginning of the year, an estimated 200,000 people have been displaced internally and tens of thousands of others have fled across borders into neighbouring countries as refugees, with some then continuing on southward.

We have seen a detectable and disturbing hardening of government attitudes toward Somalis. Kenya has formally closed its border to the entry of Somali asylum-seekers, although many still succeed to enter. Within the past week, Djibouti has taken a stronger line when it comes to young Somali men. Last year, Botswana began returning Somalis who had settled in towns – and who had achieved self-reliance – to Dukwi camp, attributing the decision, in part, to security concerns. In UNHCR's understanding, Somalis from south and central regions are refugees, wherever they are and whatever their means of travel.

The onward movement from refugee camps is not limited to Somalis. Even as we are entering the final phase of voluntary repatriation from Zambia to Katanga Province in the DRC, people are continuing to flee violence and brutality in provinces further north. After

long years exiled to an unproductive existence in refugee camps, and with the outlook for return uncertain, many Congolese refugees and refugees of other nationalities also move on from their countries of asylum looking for a better future, settling in camps in other countries or moving to the cities of South Africa.

While protection concerns do drive the secondary movement of some refugees, this is not the case for all. UNHCR is concerned by the potential for mixed secondary movements to damage the asylum space in the region. Thousands of people are transiting through the region each year, using refugee camps for rest and recuperation before continuing their journey. Last year, IOM estimated that sixty percent of the Ethiopians and eighty percent of the Somalis en route to South Africa pass through Dzaleka camp in Malawi. During the first half of 2010, 2,197 Somalis arrived by boat along the northern coast of Mozambique and were brought to Marratane camp. By the end of June, only 205 remained. The others had presumably moved along to South Africa.

Transiting through the camps in this way can deplete scarce humanitarian resources and may even destabilise the camp population, while also undermining official and public support for refugees. Transit migration has the potential to seriously disturb relations with surrounding communities. In Malawi, tensions emerged when hungry Ethiopian migrants began taking crops from farms and granaries belonging to local people. Hostility was not only directed at them but also at the presence of the camp and the refugees in it.

Mixed movements can place overwhelming strains on national asylum systems. In South Africa, for example, more than 200,000 people lodged applications for refugee status in each of the past two years. This is more than four times the number of applications received in the United States. Many applicants apply for refugee status primarily because it is seen as their best option to remain legally in South Africa.

It is migration management problems which are placing South Africa's asylum system under strain. The South African Deputy Minister for Home Affairs, in a speech on World Refugee Day in June, called for an "extensive immigration policy review." He acknowledged that, currently, people who do need asylum just cannot get through the clogged up system.

As worrying is the potential for unmanaged mixed movements to contribute to build-up of intolerance and xenophobia, which can poison the protection environment. Frustration over economic hardship and the lack of services is usually directed first at government instrumentalities. But it can quickly turn into resentment – and sometimes violence – against foreigners, including refugees. The May 2008 xenophobic violence in South Africa targeted African migrants, refugees and asylum-seekers alike, leaving more than sixty persons dead, hundreds injured and tens of thousands displaced from their homes.

Over the past few days, concern has risen that xenophobia may be emerging as a feature of the recent unrest in Maputo. While the protests began over an increase in the price of bread, refugees have begun receiving threats from neighbours that their houses will be burned if they do not leave. We have also received reports that ten shops belonging to Rwandese refugees and 23 belonging to Burundians have been looted, in addition to other foreign-owned shops, for example some belonging to Mozambican nationals.

Mixed movements and the negative situations they can generate call for collaborative and inter-disciplinary responses. For example, UNHCR leads the Protection Working Group in

South Africa, which provides a forum for broadest possible range of UN and other international agencies and civil society actors. The Protection Working Group also serves as a platform for coordination with the South African government. Here in Tanzania, we can also look to the Ministerial Task Force on Irregular Migration – in which the UN, IOM and civil society organizations have participated – as a model.

Mechanisms for coordination within governments are singularly important. The cross-cutting nature of the mixed migration phenomenon is reflected in the range of ministries represented around the table at this Regional Conference. National responses that focus solely on the refugee dimension of mixed movements or on migration or social affairs or law enforcement or national security will necessarily be incomplete.

Coordination between States is also extremely important. Unilateral actions, such as border closures and push backs, may deflect or divert mixed movements, only to shift the problems elsewhere and often only temporarily. In 2007, when Malawi closed its northern border with Tanzania for six months, the move did not stop the flow and only led to the opening up of new clandestine routes along Lake Malawi.

Coordination also has a regional dimension. The AU and the regional economic communities have an important role to play in providing a platform for dialogue among States. The AU and the regional economic communities indeed have created important legal and policy frameworks directed at better migration management, their potential for enhanced refugee protection could well be discussed at this conference.

For example, the EAC Common Market Protocol and its freedom of movement provisions could facilitate access to livelihoods, opportunities for self-reliance and durable solutions for refugees from EAC Member States. The similar ECOWAS freedom of movement framework has served as the foundation for comprehensive solutions strategies for refugees from Sierra Leone and Liberia. This needs to function, of course, without prejudice to the right to seek and enjoy asylum, including by EAC nationals.

To conclude:

Against the background of the sort of challenges I have outlined, the 10-Point Plan has, we believe, particular utility which, I hope, the Conference will fully explore. The Plan rests on some basic precepts. A fundamental one is that the institution of asylum should be given meaningful context. People in mixed movements who are seeking asylum have to be identified, admitted to safety and given access to fair and efficient refugee status determination procedures. They must not be refused admission, prosecuted for their irregular entry or presence or otherwise treated in an arbitrary manner that fails to take into consideration their protection needs. This being said, comprehensive approaches are needed. Refugee protection systems must be complemented by broader migration management structures that provide differentiated processes and procedures.

It is first and foremost at borders, at protection begins, and sometimes ends. Border guards and immigration officers should never be compelled to work in a vacuum, without the procedures, training or resources needed to do their jobs properly. Small *baksheesh* to underpaid border guards can become an issue of collusion with corrupt officials, breeding, not controlling, the lucrative criminal networks moving people southward. The protection-

sensitive entry systems envisaged in the 10-Point Plan only work when they are implemented by a professional and well-trained cadre of border and immigration officials.

Reception arrangements and improved mechanisms for profiling and referral are promoted in the Plan and come out as a clear need in the region. When visiting Musina at South Africa's border with Zimbabwe last year, I was confronted by a devastating scene with thousands of people living in the open. Only a lucky few had constructed makeshift shelters of plastic sheeting and cardboard to ward off the flooding rain and wind flows. The registration of asylum-seekers was slow and disorganized, and the presence and response of UN agencies and NGOs was very limited.

Conditions in Musina have since been transformed through strengthened coordination and partnership. The South African Department of Home Affairs and Department of Social Development, UNHCR and IOM have all scaled up their engagement, working closely with a range of local and international NGOs and faith-based organizations. Shelter facilities and the availability of other services have improved significantly. Critical gaps do remain, however, particularly in relation to the care and protection of separated children and support for the many women raped or subjected to sexual exploitation and abuse.

Ladies and gentlemen,

During 2010 and 2011, UNHCR will mark its 60th anniversary and the 60th anniversary of the 1951 Refugee Convention, as well as the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. We are not only commemorating the historical significance of these foundation protection instruments but are also affirming the continuing vitality of the core principles and values they contain. This anniversary will also offer an opportunity to identify new approaches and address gaps in the international protection system. The efforts during this Conference and its follow up to work on innovative regional responses and burden sharing could well be used as an important example for these discussions on international level.

We hope that this Regional Conference on Refugee Protection and International Migration will stand squarely in support of the 1951 Convention and the 1969 OAU Refugee Convention. For our part I confirm our commitment to work with states to pursue responses which respects the dictates of national security and social harmony, which resolutely address the problems of secondary movements and which move the debate on all the issues you will be addressing from rhetoric to pragmatic solutions enabling you all to continue the long-standing tradition on this continent of hospitality and generosity toward refugees from other countries.

Thank you very much.