



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

Sana'a, Republic of Yemen

External Report

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Summary:

The Regional Conference on Asylum and Migration, hosted by the Government of Yemen in Sana'a in November 2013, facilitated and supported by UNHCR in coordination with IOM, brought together four Governments from the Horn of Africa - Ethiopia, Eritrea, Somalia and Djibouti -, the six Gulf Cooperation Council (GCC) members - Bahrain, Oman, the Kingdom of Saudi Arabia, Kuwait, the United Arab Emirates, and Qatar -, as well as the Arab League, the GCC representatives missions in Yemen, the African Union, other regional agencies and International Non-Governmental Agencies (INGOs) into a government owned dialogue on the challenges of irregular migration movements in the region. It comprised two distinct working phases: The Expert Meeting (11–12 November) and the Ministerial Meeting (13 November).

Representatives of the ten participating countries, while noting the asylum and migration changing context since the preceding 2008 Regional Conference, recognised that the effective management of migration and refugee issues in the region would contribute to its peace and stability; that further action and a follow-up mechanism based on international and regional cooperation would be required, including addressing root causes, progress on law enforcement, cooperation on protection-sensitive return programmes and on employment opportunities, awareness-raising, enhancing migrants' rights and the refugee protection system, data collection and analysis, and strengthening the role and support of inter alia UNHCR and IOM.

The Conference was a success for Yemen and the region: It resulted in a constructive and comprehensive dialogue between the four countries of the Horn of Africa, Yemen and the GCC countries, which for the first time expressed their willingness to actively address the challenges related to irregular migration movements in cooperation and coordination with the concerned countries; Besides, it produced the Sana'a Declaration containing a list of significant recommendations that the ten participating countries resolved to adopt. The Sana'a Declaration is an important first step in a process aiming to jointly address issues related to migration and asylum in the region.¹

¹ During the Conference it became evident that there is a need to agree on a common terminology among regional and national stakeholders. In this report and in line with the terminology applied in the Sana'a Declaration the terms *irregular migration* and *irregular migratory movements* will be used instead of *illegal migration* and *illegal flows* to define "movements that take place outside the regulatory norms of the countries of origin, transit and destination" (IOM, *Glossary on Migration, International Migration Law*, 2004, available at: http://publications.iom.int/bookstore/free/IML_1_EN.pdf [accessed 10 January 2015]). Contemporary irregular migration is mostly "mixed", meaning that it consists of individuals or groups travelling together but for different reasons and with varying needs and profiles and may include asylum-seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants (UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in Action*, February 2011, available at: <http://www.unhcr.org/refworld/docid/4d9430ea2.html> [accessed 07 October 2014]).

Irregular migration presents particular challenges to States in determining which non-nationals may enter their territory and under what conditions, but also because the persons involved in these movements are more likely to be subject to hardship, human rights violations and discrimination, and thus require special and individualized assistance (IOM, *Irregular Migration and Mixed Flows: IOM's Approach*, 19 October 2009, MC/INF/297, available at: http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/98/MC_INF_297.pdf).

Context:

Yemen is the only Arab country in the Arabian Peninsula that is a party to the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. It is also a member of the United Nations High Commissioner for Refugees' (UNHCR) Executive Committee and a member state of the International Organization for Migration (IOM). Yemeni authorities estimate that since the beginning of the 1990s Yemen has hosted over one million refugees and irregular migrants – 434'000 alone between 2008 and 2013. According to UNHCR, Yemen has provided in the same period shelter and protection to up to one quarter of a million Somali asylum-seekers, granting them *prima facie* refugee status.

The context of irregular migration and the profile of those arriving to the shores of Yemen have altered significantly in recent years. Since 2011, the majority of new arrivals involve Ethiopian nationals passing through Djibouti, across the Red Sea or the Gulf of Aden, attempting to transit through Yemen to reach the Gulf States. The number of new arrivals somewhat decreased in 2013 but migrants continue to be smuggled or trafficked and often end up stranded in Yemen. In the process, migrants, asylum-seekers and refugees suffer serious human rights abuses.

The Conference built on earlier commitments undertaken at the 2008 Regional Conference of Refugee Protection and International Migration in the Gulf of Aden which have largely been left unfulfilled. It took into consideration that the context of asylum and migration from the Horn of Africa to Yemen and beyond has significantly changed since 2008. It was organized at a critical juncture for Yemen, while the National Dialogue was addressing major challenges following the Arab Spring.

Objectives:

The Government of Yemen called for a regional conference on asylum and migration in order to enhance regional co-operation and induce a burden-sharing arrangement. The original objective of the Conference was to develop a Regional Plan of Action to address irregular migration and its impact on Yemen and the Gulf States. Instead, the ten participating countries eventually adopted a list of recommendations summarized in the Sana'a Declaration. They agreed to assist Yemen with the necessary resources in order to confront the large burden of hosting an increasing number of refugees and irregular migrants. They also decided to designate focal points to follow-up on the implementation of the Declaration and to establish a regular review mechanism to assess progress and to identify obstacles and find common solutions to overcome them.

Organizational Process:

The Yemeni Government developed a high level of ownership over all aspects of the organization: In early 2013, the Government of Yemen had established three entities to work with UNHCR and IOM on the organization of the Regional Conference: the Organizational Committee, the Secretariat and the Technical Committee. Chaired by the Foreign Minister's Adviser, the Technical Committee met on a bi-monthly basis and comprised members of different ministries, the UNHCR Assistant Representative (Protection) and the IOM Chief of Mission in Yemen.

Following joint consultations, a Memorandum of Understanding was signed on 15 June 2013, detailing areas of collaboration and responsibilities.

On UNHCR side, a pool of Focal Points in each of the UNHCR offices in the region was created to assist in the process. Regular teleconferences including UNHCR Headquarters were held to keep all informed on the developments. Close coordination with IOM and regular updates to the Regional Mixed Migration Secretariat (RMMS) in Nairobi were maintained.

UNHCR-Yemen provided the first draft of the Conference's concept note which was reviewed by the Technical Committee members and IOM before being jointly finalized and translated. The final version was shared with all concerned countries and UNHCR offices. It detailed a set of agreed objectives, which served as the basis for the Expert Meeting agenda. The Annotated Agenda and the Draft Sana'a Declaration were also jointly developed and translated.

Prior to the Conference, the Government of Yemen produced a paper articulating its views on challenges and plans on asylum and migration as well as a short document providing its vision of a regional agreement, which was useful in developing a solid basis for the discussions and negotiations to take place during the Conference.

Conference Proceedings:

The Expert Meeting (2 days) was organized around two Working Groups, chaired by the representatives of the Kingdom of Saudi Arabia and the Federal Democratic Republic of Ethiopia respectively, which aimed at reaching consensus on a set of items related to the challenges and consequences of irregular migration from the Horn of Africa through Yemen and beyond, while the Ministerial Meeting (1 day) intended to allow Ministers to express their views and adopt the Sana'a Declaration.

Expert Meeting (11-12 November 2013):

Opening Ceremony:

In his opening speech, H.E. Dr. Abu-Bakr Abdullah Al-Qirbi, Minister of Foreign Affairs of the Republic of Yemen, stressed the economic, security and social challenges Yemen faces, but also expressed great concern about the numerous dangers, risks and abuses, particularly those related to human trafficking, irregular migrants and refugees are confronted with while on the move. He pointed out that the combined interventions of the Government of Yemen, IOM and UNHCR were not sufficient to address all the needs of the migrant and refugee populations in Yemen.

Mr. Amin Awad, Director of the UNHCR Bureau for the Middle East and North Africa, called on States to respect basic human rights and ensure access to international protection for asylum-seekers, refugees and migrants when defining their migration policies. He particularly emphasized aspects related to law enforcement against smugglers and traffickers; the need to strengthen refugee protection mechanisms, enhance awareness-raising efforts and support return programs, and to boost regular migration options as realistic alternatives to irregular migration.

Mr. Pasquale Lupoli, IOM Regional Director, Office for the Middle East and North Africa, indicated that the decreased numbers of irregular migrants during 2013 might be partly attributed to the Ethiopian and Yemeni governments' efforts to address the issue jointly, pursue smugglers, curtail irregular migration and ensure arrangements for return and long-term reintegration. He called for further collective initiatives, such as pursuing traffickers; pro-active border management, monitoring entries and exits; regular alternatives to irregular migration; and collection and exchange of data.

Mr. Christopher Horwood, Regional Mixed Migration Secretariat (RMMS) Coordinator, emphasized inter alia the need to uphold the rights of migrants, asylum-seekers and refugees and the importance of encouraging and assisting State officials in recognizing and implementing those rights. He called for increased efforts to apply the rule of law which should prompt a decrease in the number of abuses and disrupt any sense of impunity human trafficking actors might feel, as well as robust anti-trafficking laws, and the ratification of relevant international instruments.

Following the opening session, participants were asked to split into two Working Groups to begin negotiations (all countries being represented in each group).

Working Groups:

Discussions on Root Causes were particularly lengthy leading the Declaration to re-iterate the need to address the conflicts and the economic and social challenges countries of origin face, but also the importance of making available accurate information about the realities of irregular migration to migrants and refugees.

The Law Enforcement chapter on issues related to irregular migration, including smuggling and trafficking, and the importance of joint action particularly on information exchange, capacity building and strengthening Rescue- and Protection-at-Sea mechanisms represents one of the most encouraging and progressive elements in the Declaration.

On the chapter related to Increased Support for Return Programs, delegates agreed on a phrasing broadly referring to burden sharing and support for Yemen. UNHCR and IOM took the opportunity of this debate to clarify the difference between the IOM Assisted Voluntary Return and the UNHCR Voluntary Repatriation programs.

On Employment Opportunities delegates agreed on exploring possibilities for bilateral and/or multilateral employment agreements between countries of origin and destination, suggesting however that countries of origin should at the same time be supported in their economic development.

The Refugee Protection System in the Region was discussed among the delegates in view of the need for enhancing burden-sharing arrangements.

Finally, on Awareness-raising Campaigns delegates agreed with the necessity to disseminate information especially within countries of origin. Similarly, a general agreement was expressed with regards to the chapters on Regional and International Co-operation and Data Collection and Analysis.

Based on the discussions and negotiations in and around the working groups, the Draft Sana'a Declaration was agreed upon and submitted for adoption at the Ministerial Meeting.

Ministerial Meeting (13 November 2013):

Opening Ceremony:

In his opening speech, H.E. Mr. Mohammed Salem Basindwa, Prime Minister, Government of the Republic of Yemen, expressed his satisfaction with the Expert Meeting's results and hoped that the adoption of the Sana'a Declaration would contribute to better stability and development in the region and in Yemen. He called on the participants to collectively tackle challenges, emphasized the importance of awareness-raising campaigns, and the need to provide funding for the return programs.

Mr. Hassan Omar Mohamed, Minister of Interior of the Republic of Djibouti, referred to his country's status as a transit country where migrants are regularly misled and mistreated by smugglers and traffickers and live in difficult conditions. This situation represents an important challenge for Djibouti given its limited resources. He called for broader support from donors in order to continue sustaining voluntary returns.

For his part, H.E. Mr. Mohialden Mohamed Kalmui, Minister of Public Work of the Federal Republic of Somalia, stated that the Conference was organized at an opportune moment, when his country focused on building conditions for return. He thanked UNHCR and IOM for their assistance and called on the international community to maintain its support.

H.E. Amb. Berhane Gebre-Christos, State Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia, stressed that countries of origin should spread awareness about life-threatening dangers that migrants and refugees might face during their journeys. He reiterated that ensuring safe and decent working conditions, while protecting all Ethiopian workers abroad, is a priority for his government. Following a series of reports on abuse of Ethiopian workers, his government had temporarily suspended travel-for-work permits. He asserted the importance of developing better monitoring systems for employment agencies.

Mr. Hamad Ahmed Abdulaziz Al Amer, Deputy Minister for Regional and Gulf Cooperation Council Issues in the Ministry of Foreign Affairs, Kingdom of Bahrain, spoke on behalf of the GCC Presidency, calling on the international community to assume its responsibility and alleviate the burden borne by Yemen. He also referred to the need to enhance bilateral and multilateral cooperation with the support of IOM and UNHCR; the potential positive impact of voluntary repatriation of Somali refugees; the necessity to meet humanitarian needs by means of international coordination and bilateral agreements, and to launch development projects likely to reduce irregular migration. Finally, he re-affirmed the GCC countries' commitment to supporting Yemen.

Amb. Laura Thompson, IOM Deputy Director General, reflected on how to bring together the needs of States with the protection of individual rights and freedoms. She highlighted four key elements that should be part of the regional solution: (i) devise migration and border management systems to combat irregular migration while providing care, return and protection mechanisms for migrants not allowed to remain in a country; (ii) expand at the same time regular migration channels and decent employment opportunities to increase positive links between migration and development; (iii) strengthen cooperation and coordinated actions in the fight against human trafficking; (iv) ensure adequate

protection of the human rights of all migrants and the wide recognition that people do not lose any of those rights when they decide to migrate.

For his part, Mr. Volker Türk, Director of International Protection at UNHCR, emphasized six key areas for further action: (i) continued commitment to working in partnership (including with NGOs) to establish regional mechanisms for saving lives, particularly a comprehensive, regional Rescue-at-Sea protocol that could establish joint search and rescue services and serve as a positive example of regional response mechanisms; (ii) commitment to differentiated processes and procedures (such as protection-sensitive entry systems), depending on the reasons behind departure or vulnerabilities developed *en route*, while ensuring specific protection safeguards for asylum-seekers and refugees; (iii) commitment to the protection of children on the move; (iv) increased cooperation in halting the exploitation and abuses inherent in movements by sea and land, particularly through training of law enforcement officials and the judiciary, and accession to and implementation of the Palermo Protocols; (v) closer cooperation in addressing root causes, by supporting first the work of the RMMS and the national Mixed Migration Task Forces in collecting and analysing data, and then the IOM Assisted Voluntary Return and Reintegration Program as an important solution for stranded migrants that can help decongesting refugee protection systems; (vi) commitment to supporting local communities which often play key roles in monitoring and reporting new arrivals and in providing initial assistance.

Ministerial Discussion on the Sana'a Declaration:

Following the opening discussions on the Sana'a Declaration, the representative of the Sultanate of Oman highlighted the growing challenge of irregular migration that impacts on the economy and security of all countries. He explained that Oman and other countries have developed mechanisms to distinguish migrants from asylum-seekers/refugees and accommodate the latter in camps. He considers the Sana'a Declaration as being an important first step towards a road map and a regional plan of action for the region.

Sheikha Hessa Bint Khalifa Al-Thani, Special Envoy of the Arab League Secretary General on Humanitarian Affairs and Relief, emphasized the importance of follow-up mechanisms to show the willingness to translate words into reality. She explained that such mechanisms should include more than just meetings behind closed doors. She urged the delegates to adopt a more humanitarian perspective when dealing with migrants, refugees and asylum-seekers.

Following these statements, the Sana'a Declaration and the Sana'a Statement were formally adopted.²

In the afternoon, a Press Conference was organized where views on the Conference's achievements were presented by: H.E. Mr. Abdul Qader Qahtan, Minister of Interior, Republic of Yemen; Dr. Ali Muthana Hassan, Vice-Minister of Foreign Affairs, Republic of Yemen; Amb. Laura Thompson, IOM Deputy Director General; Mr. Amin Awad, UNHCR Director of the Bureau for the Middle East and North

² Both documents are annexed to this report. The text of the Sana'a Declaration (in English and Arabic) is also available at: <http://www.refworld.org/docid/530483644.html> [accessed 15 June 2014].

Africa; and Mr. Volker Türk, UNHCR Director of International Protection. The large media presence ensured wide dissemination of information.

The Conference Outcomes:

A Work in Progress:

The Regional Conference on Asylum and Migration served to focus international attention on asylum-seekers, refugees and migrants in the region. Gathering for the first time all affected countries from the Arabian Peninsula and the Horn of Africa in Yemen to debate the challenges of increasing migration movements in the region over three days is to be considered an achievement in its own right and a step towards a common understanding of the migration phenomenon in the region.

Concrete Outputs:

The Sana'a Declaration and its follow-up mechanism are direct outputs of the Conference, as well as the Sana'a Statement, which expressed appreciation to the Government of Yemen for the organization of the Conference.

Other outputs include:

- The Yemen Country Paper in Arabic and English;
- The Conference Program and Annotated Agenda in Arabic and English;
- A short video on mixed migration to Yemen (UNHCR-Yemen Public Information Unit).
- An Op Ed article signed by both the UNHCR Representative and the IOM Chief of Mission in Yemen was published online and on paper media outlets in Arabic and English (titled: "Global Migration and Refugee Protection: a major issue of our time").
- Major media coverage (press articles and TV reports in Yemen and the Region in Arabic and English).
- News stories on the main UNHCR website as well as a dedicated web page on the UNHCR website in Arabic: <http://www.unhcr-arabic.org/pages/5284832a6.html>

Follow-up Mechanism:

UNHCR and IOM in Yemen are working with the Yemeni authorities on the follow-up modalities, including all Ministries involved in the Technical Committee set up for the conference organization.

An interesting indication of the value attached to the Sana'a Declaration by the Government of Yemen was provided at the Third Africa – Arab Summit, where the Yemeni President, H.E. Mr. Abdu Rabbo Mansour Hadi, talked in details about the Regional Conference, the Sana'a Declaration and called on all participants to follow-up on the issue of irregular migration in the region on that basis.³

³ The Kuwait Declaration" (20 November 2013) and the Resolution on Strengthening the Africa-Arab Partnership on Migration resulting from this Summit made direct references to Yemen and the Sana'a Declaration (<http://pages.au.int/documents/afroarab>).

Participation:

The conference brought together over 100 participants, including Ministers, Deputy Ministers, government experts and other senior officials as well as representatives of regional organizations, international, inter-governmental and non-governmental organizations.

In addition to the Republic of Yemen, the following States participated in the Regional Conference: Kingdom of Bahrain, Republic of Djibouti, State of Eritrea, Federal Democratic Republic of Ethiopia, State of Kuwait, Sultanate of Oman, State of Qatar, Kingdom of Saudi Arabia, Federal Republic of Somalia, United Arab Emirates.

The following Yemeni governmental agencies were involved in the Conference:

- Ministry of Foreign Affairs, Ministry of Planning and International Co-operation, Ministry of Defense, Ministry of Interior, Ministry of Human Rights, Ministry of Justice, Ministry of Health, Ministry of Social Affairs and Labour, Ministry of Education, Ministry of Technical Education and Vocational Training, National Supreme Committee for Refugee Affairs, National Sub-Committee for Refugee Affairs.

The Yemeni authorities invited non-state actors to attend the opening ceremonies of the Expert and the Ministerial Meeting and the Press Conference. They also agreed that some Donor organizations and Non-Governmental Organizations (NGOs) could participate in the working groups.

A meeting co-chaired by the Ministry of Foreign Affairs and the UNHCR and attended by IOM was also organized at the UNHCR premises two weeks prior to the Conference where NGOs were invited to prepare a joint statement for the Expert Meeting opening session, which was finally delivered by Mr. Horwood (RMMS).

The following regional institutions and coordination platforms participated in the Conference:

- Arab League, Gulf Cooperation Council, African Union, Executive Secretariat of Sana'a Forum, Intergovernmental Authority on Development, Regional Mixed Migration Secretariat (RMMS) and Mixed Migration Task Force (MMTF) in Yemen.

The following Donor Countries and Organizations participated in the Conference:

- Denmark, Department for International Development (UK), European Union, European Community Humanitarian Office, France, Germany, Italy, Japan, Netherlands, Sweden, Swiss Agency for Development and Cooperation, United Kingdom and Northern Ireland, United States of America.

The following UN agencies, intergovernmental and international organizations also attended:

- International Committee of the Red Cross, International Organization for Migration, Office for the Coordination of Humanitarian Affairs, United Nations High Commissioner for Refugees, United Nations Children's Fund, United Nations Development Program, United Nations Population Fund.

The following non-Governmental Organizations participated in the Conference as observers:

- CARE, Charitable Society for Social Welfare, Danish Refugee Council, Human Rights Watch, Interaction in Development Foundation, International Rescue Committee, INTERSOS, Médecins Sans

Frontières, Norwegian Refugee Council, Qatar Charity, Refugee and Migration Study Center at Sana'a University, Society for Humanitarian Development, Yemeni Red Crescent.

Appendices:

- Agenda of the Regional Conference on Asylum and Migration, 11-13 November 2013, Sana'a, Republic of Yemen
- Sana'a Declaration, Regional Conference on Asylum and Migration, 11-13 November 2013
- Sana'a Statement, Sana'a, 13 November 2013

**Agenda of the Regional Conference on Asylum and Migration
11-13 November 2013, Sana'a, Republic of Yemen**

(Mövenpick Hotel)

Sunday 10 November 2013

17:00-19:00: Registration of Expert Meeting Delegates at the Mövenpick Hotel

Expert Meeting – Day One: Monday 11 November 2013
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08:30-09:00: Registration of Expert Meeting Delegations and representatives of NGOs (continued) and Registration of Media Representatives

09:00-13:00: MORNING SESSION

09:00-09:45: **Opening of the Expert Meeting**

- Welcome Message by His Excellency Dr. Abu-Bakr Abdullah Al-Qirbi, Minister of Foreign Affairs of the Republic of Yemen
- Statement by Mr. Amin Awad, UNHCR Director of the Bureau for the Middle East and North Africa (MENA)
- Statement by Mr. Pasquale Lupoli, Regional Director, Office for the Middle East and North Africa, IOM
- Statement by Mr. Christopher Horwood, Coordinator of the Regional Mixed Migration Secretariat (RMMS)

09:45-10:15 Coffee Break

10:15-13:00: **First Session**

- Opening Statement by the Chairman of the Expert Meeting, Dr. Ali Muthana Hassan, Vice-Minister of Foreign Affairs of the Republic of Yemen
- Selection of the Bureau for the Expert Meeting and Selection of the Chairmen of the two Working Groups
- Adoption of the Programme of Work and the Agenda for the Expert Meeting

Working Group 1: Root causes; Law enforcement; Awareness-raising campaigns; Strengthening the refugee protection system in the region; follow-up mechanism

Working Group 2: Increased support for return programmes; Employment opportunities; Regional and international co-operation; Data collection and analysis

13:00-15:00: Lunch

15:00-18:00: AFTERNOON SESSION

15:00-16:15: **Two Parallel Working Groups on the Sana'a Declaration (continued)**

- Working Group 1 (continued) and Working Group 2 (continued)

16:15-16:45: Coffee Break

16:45-18:00: **Two Parallel Working Groups on the Sana'a Declaration (continued)**

- Working Group 1 (continued) and Working Group 2 (continued)

Expert Meeting – Day Two: Tuesday 12 November 2013

09:00-12:00: MORNING SESSION

09:00-10:15: **Two Parallel Working Groups on the Sana'a Declaration (continued)**

- Working Group 1 (continued) and Working Group 2 (continued)

10:15-10:45: Coffee Break

10:45-12:00: **Two Parallel Working Groups on the Sana'a Declaration (continued)**

- Working Group 1 (continued) and Working Group 2 (continued)

12:00-15:00: Lunch (Drafting Committee works on the Finalization of the Sana'a Declaration)

15:00-17:00: AFTERNOON SESSION

15:00-17:00: **Plenary of the Expert Meeting**

- Report from the Chairmen of the Working Groups
- Finalization of the Draft Sana'a Declaration to be presented to the Ministerial Meeting

19:00-20:30 **Reception for Conference Delegates**

Ministerial Meeting: Wednesday 13 November 2013
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08:30-09:00: Registration of Ministerial Delegates, Diplomatic Corps and Media Representatives

09:00-13:00: MORNING SESSION

09:00-10:15: Opening of the Ministerial Meeting

- Welcome Statement and Opening Remarks by His Excellency Mr. Mohammed Salem Basindwah, Prime Minister, Government of the Republic of Yemen
- Statement by His Excellency Mr. Abdul Qader Qahtan, Minister of Interior, Government of the Republic of Yemen
- Statement by Mr. Hassan Omar Mohamed, Minister of Interior of the Republic of Djibouti
- Statement by Mr. Mohialden Mohamed Kalmui, the Minister of Public Work of the Federal Republic of Somalia
- Statement by Dr. Berhane Gibr Christoph, the Minister of Foreign Affairs of the Republic of Ethiopia
- Statement by Mr. Hamad Ahmed Abdulaziz AlAmer, Deputy Minister for Regional and Gulf Cooperation Council Issues in the Ministry of Foreign Affairs, Kingdom of Bahrain on behalf of the Presidency of the Cooperation Council for the Arab States of the Gulf (GCC)
- Statement by Amb. Laura Thompson, IOM Deputy Director General
- Statement by Mr. Volker Türk, UNHCR Director of International Protection
- Video on asylum and migration in the Republic of Yemen

10:15-10:45: Coffee Break

10:45-13:00: Discussion Session

- Adoption of the Ministerial Meeting Agenda
- Report on the Results of the Expert Meeting its Chairman, Dr. Ali Muthana Hassan, Vice-Minister of Foreign Affairs of the Republic of Yemen
- Presentation and general discussion of the Sana'a Declaration
- Adoption of the Sana'a Declaration
- Adoption of the Sana'a Statement

- Group Photo

13:00-15:00: Lunch

15:00-16:30 AFTERNOON SESSION

15:00-16:30 Press Conference

- His Excellency Mr. Abdul Qader Qahtan, Minister of Interior of the Republic of Yemen
- Dr. Ali Muthana Hassan, Vice-Minister of Foreign Affairs of the Republic of Yemen
- Amb. Laura Thompson, IOM Deputy Director General
- Mr. Amin Awad, UNHCR Director of the Bureau for the Middle East and North Africa (MENA)
- Mr. Volker Türk, UNHCR Director of International Protection will address protection related questions.

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 instruments⁴ 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:

- (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;

⁴ 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.

(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, 13th November 2013

Sana'a Statement

The Ministers, heads of delegations and experts participating in the Regional Conference on Asylum and Migration from the Horn of Africa to the Republic of Yemen, held in the Yemeni capital Sana'a on November 11th -13th, 2013 expressed their gratitude to the Government of the Republic of Yemen for its hospitality and warm reception, and for the competent administration of the conference.

The participants praised the progress and achievement made in this conference, which will contribute to meet the challenges and burdens borne by the Republic of Yemen as well as contribute to the reduction of risks and abuses that some refugees and migrants could be exposed to.

The Ministers and heads of delegations have approved Sana'a Declaration which contains a set of recommendations in the following fields:

- Addressing the root causes of asylum and migration.
- Strengthening law enforcement in cases irregular migration.
- Increasing support for irregular migrants' return programs.
- Enhancing cooperation in the employment opportunities field.
- Raising-awareness campaigns on the risks of irregular migration.
- Enhancing protections systems in asylum issue.
- Regional and international cooperation on addressing asylum and migration issues.
- Collecting and analyzing data on refugees and migrants.

The Participants agreed on adopting a follow up mechanism for the implementation of the recommendations included in the declaration which involve designating national focal points and convening regular meetings in order to evaluate the progress achieved, indicate the obstacles as well as find out the adequate solutions.

For its part, the Government of the Republic of Yemen expressed its thanks and appreciation to the participating states and organizations for their efforts in the success of the conference as well as gratitude for the efforts by the UN High Commissioner for Refugees and the International Organization for Migration in the preparation for this important conference.

The Ministers, heads of delegations and experts expressed their high appreciation for the exerted efforts by the Republic of Yemen in hosting and assisting the refugees on its territories.

The Ministers, heads of delegations and experts expressed their thanks to His Excellency President Abdu Rabbo Mansour Hadi, President of the Republic, for his interest and support for the issues of asylum and migration, they also appreciated the opening speech of the Prime Minister, His Excellency Mohamed Salem Basendwah which constituted a valuable contribution to the success of this conference.

Sana'a, 13 November 2013