

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

(Excerpts from Summary Report)<sup>1</sup>

## **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

---

<sup>1</sup> The full report and other conference documents can be found at:  
<http://www.unhcr.org/protect/48722c992.html>

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.