

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

1. Background

People have been moving between the Horn of Africa and the Arabian Peninsula throughout history. The outbreak of civil war in Somalia in 1991 and subsequent collapse of governmental structures have forced thousands of Somalis - primarily from the South and Central regions of the country – to seek protection and access to livelihood opportunities across the Gulf. Significant numbers of Ethiopians, many from the Somali region of Ethiopia, are also part of these movements. In addition a small number of Eritreans and persons of other nationalities are also moving across the Gulf. While many in the movement qualify for refugee protection, there is a proportion which is motivated to leave for reasons unrelated to protection.

The points of departure have varied over time, shifting in response to a number of factors. Djibouti, Somaliland and Puntland have all been major departure areas though, in recent years, the most significant hub has been the coastal town of Bosasso, in Puntland (Somalia). Of particular concern is the extreme danger involved in the crossing of the Gulf of Aden which has resulted in a large number of deaths, many -- perhaps even most-- caused by the brutality of the smugglers. While at the end of 2007 the movement briefly shifted to the shorter and relatively safer route from Djibouti to Yemen, the prompt and resolute action of the Djiboutian authorities against the smugglers has shifted the locus of activities back to Bossasso, from where crossings proceed at an ever increasing rate.

Yemen, a regular landing point for boats from the Horn, is considered by many as a temporary destination *en route* to the comparatively richer economies of the Gulf States. Yemen has traditionally maintained an open door policy towards refugees, particularly those from Somalia and is hosting a substantial Somali refugee community. The large number of migrants arriving with the refugees has, however, resulted in pressure from its neighbors to police its borders more vigorously, which risks eroding the Government’s historically generous approach towards those arriving. In light of the considerable resources required to respond to this challenge, Yemen has repeatedly requested more support and assistance from the international community.

International agencies, including UNHCR, have joined Yemen in the call for increased international attention and resources to support the needs of those making the crossing and to establish a strategy for achieving the conditions which will reduce the number of persons prepared to hazard the journey. To help ensure a regionally coherent and coordinated response, it has been suggested that UNHCR’s 10 Point

Plan of Action on Refugee Protection and Mixed Migration¹ be employed as the framework for articulating the comprehensive response required.

In 2007, international agencies working in Somalia joined forces to establish a Mixed Migration Task Force (MMTF),² co-chaired by UNHCR and IOM. Among its activities, the MMTF commissioned the preparation of a strategy paper setting out the main features of the mixed movement through Somalia and the challenges States, international agencies and civil society confront in responding to it. While the conversion of the main recommendations of the paper into a comprehensive regional strategy will involve additional research and analysis in the other affected countries, MMTF member agencies have already begun a number of concrete activities, such as an information campaign to publicize the dangers involved in the crossing and the protection and assistance available for migrants and refugees in Bossaso, including assistance for voluntary return.

In Yemen, UNHCR and its partners have increased reception and registration facilities on the coast over the past several months. Additionally, training and other support has been provided to the Yemeni Coast Guard to encourage rescue at sea operations and to ensure that the more vigorous actions taken to combat smuggling do not endanger the lives of refugees and migrants. Improvements in protection facilities for refugees in Yemen, which are in the process of being implemented, are expected to decrease the number of persons moving onward from Yemen to other destinations.

At the Dialogue on Protection Challenges hosted by UNHCR's High Commissioner Antonio Guterres in December 2007, the mixed migration in the Gulf of Aden was cited as a prominent example of the need to uphold the rights and protect the welfare of all people, whatever their reasons for moving, since all are vulnerable to abuse and exploitation in the course of their journey and after arrival. In this context it was recognized that a coherent, comprehensive and integrated approach reconciling the tasks of refugee protection with those of law enforcement, border control and migration management, was the best way to address irregular migration.

In furtherance of the progress made at the Dialogue and in response to the continuing needs of migrants and refugees in the Gulf of Aden, including elaboration of a regional strategy, UNHCR is convening, in cooperation with the Mixed Migration Task Force, a regional conference in Yemen on refugee protection and international migration. The meeting will be supported by financing from the European Commission as part of its broader assistance to the development and implementation of the 10 Point Plan.

Bearing in mind its multifaceted nature, the conference will benefit from other related initiatives. In particular the results of the workshop on "Interstate and Intra-Regional Cooperation on Migration Management in the IGAD Region" organized jointly by the African Union, IGAD and IOM, 12-14 May 2008 will be drawn into the deliberations.

¹ The 10 Point Plan can be viewed at <http://www.unhcr.org/protect/PROTECTION/4742a30b4.pdf>.

² 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).

2. Objectives of the Conference

The principal objective of the conference is to establish a regional medium and longer term Plan of Action on Refugee Protection and Mixed Migration in the Gulf of Aden. Participants will take stock of the challenges in the main countries of departure, transit and arrival in the region. Based on detailed discussions of current needs and activities, participants will identify and jointly recommend a comprehensive, rights-based and protection sensitive strategy responding to the challenges of the mixed migratory movement across the Gulf of Aden, bearing in mind its significant refugee component. To assist participants in preparing for the discussions, the MMTF strategy paper and the draft strategy tables prepared by UNHCR offices in the region will be shared prior to the meeting,

It is expected that recommendations will range from the resolute tackling of smuggling and trafficking to the increased protection facilities for refugees in countries of transit and destination. Significant emphasis will be placed on the exploration of alternative, legal migration channels as well as opportunities for voluntary return and reintegration. Resource implications, including for institutional capacity-building, will also be explored.

3. Convener and Participants

UNHCR is convening this conference, working in cooperation with the MMTF. The meeting will be opened by the Government of Yemen and the UN High Commissioner for Refugees will make a keynote address. Participants will include:

- Senior level government representatives from Djibouti, Ethiopia, Somalia (including Somaliland and Puntland), Yemen, Saudi Arabia and other Gulf States;
- Representatives from the African Union and Intergovernmental Authority on Development (IGAD);
- Representatives of the European Commission, as the funder of the project, and other interested donors and representative(s) of Coalition Forces;
- Representatives of the MMTF (UNOCHA, UNHCR, IOM, UNHCHR, UNICEF, DRC and NRC) as well as other organizations involved in migration issues in the Horn region;
- Representatives of civil society.

4. Proposed Agenda for the Conference

Monday, 19 May 2008:

Morning: Plenary

Opening session:

Opening address by Government of Yemen

Keynote speech by UN High Commissioner for Refugees, Mr. Antonio Guterres

Mapping the problem:

Presentation of key challenges of mixed migration across the Gulf of Aden:

- from the perspective of countries of origin
- from the perspective of main places of transit (Puntland, Djibouti)
- from the perspective of Yemen as a country of both transit and destination
- from the perspective of countries of destination [for migrants] in the Gulf
- other regional and global perspectives

Afternoon: Working Groups

Searching for solutions

Introduction of key elements around which a strategy could be built, to be discussed in Working Groups:

- Combating smuggling and trafficking
- Rescue at sea
- Reception arrangements at points of departure and arrival
- Mechanisms for profiling, including identification of asylum-seekers and refugees (ensuring opportunity to claim asylum – in Puntland, Somaliland, Djibouti and Yemen)
- Ensuring asylum and protection for refugees
- Legal migration options

Evening:

Reception

Tuesday, 20 May 2008:

Morning: Working Groups

Searching for solutions continued

- Information strategies in countries of origin and transit
- Return migration for non-refugees
- Durable solutions for refugees
- Improved cooperation

Afternoon:

Endorsing key elements of the regional strategy

Chairs of Working Groups will present the respective recommendations. These will be consolidated in a single set of recommendations to assist in the framing of the regional strategy.

UNHCR, April 2008