

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, Tanzania, 6-7 September, 2010

Summary Report

Introduction

Background

On 6 and 7 September 2010, the Government of the United Republic of Tanzania, with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), hosted the *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* in Dar es Salaam, Tanzania. The conference brought together over 120 participants, including government officials from Burundi, the Democratic Republic of the Congo, Ethiopia, Kenya, Malawi, Mozambique, Rwanda, Somalia, South Africa, Tanzania, Uganda, Zambia and Zimbabwe, and representatives of civil society organisations, international and regional organizations, development partners and the diplomatic community in Dar es Salaam.

The Government of Tanzania convened this conference to discuss the growing phenomenon of mixed movements and irregular migration from the East, Horn, and Great Lakes sub-regions to Southern Africa, an issue of increasing concern to States. The objectives of the conference were to better understand the nature, underlying causes and scale of these southbound movements of refugees and migrants; to examine the main challenges in responding to these flows in a protection-sensitive manner, both with regard to individual protection needs and rights under international refugee and human rights law; and to identify actions that can be taken to address these challenges at both the national and regional levels.¹

This meeting followed three previous regional conferences organized by UNHCR, two of them in partnership with IOM, on the issue of refugee protection and international migration in San José, Costa Rica, Dakar, Senegal and Sana'a, Yemen. These gatherings proved to be an important forum for States and other stakeholders to discuss mixed migratory movements in their regions and to identify the approaches and partners needed to respond to them. A key tool in this regard has been UNHCR's 10 Point Plan of Action on Refugee Protection and Mixed Migration, which has provided a practical framework for the development of protection-sensitive migration strategies.

¹ See Concept Note: *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* (Annex 1).

The Regional Conference also benefited from a conference organized by IOM and the Government of Malawi in February 2009 on the issue of mixed migratory flows from the East and Horn of Africa to Southern Africa. That conference brought together a wide range of stakeholders, including delegates from ten states to discuss issues of mutual concern and to seek common solutions with regard to the complex nature of these movements.

National consultations

Prior to the Regional Conference in Dar es Salaam, national consultations were convened in most of the participating countries to discuss the key themes and issues for discussion at the Regional Conference. These consultations were organized to allow a broader gathering of government officials, members of civil society and representatives of regional and international organizations to exchange views on the main conference themes from a national perspective and to discuss their expectations from the conference itself. The meetings at the national level allowed for focused, fruitful and substantive discussions at the Regional Conference. They also created, in some countries, a potential platform for further discussions on mixed migration matters at the national level. The outcomes of the national consultations informed the final agenda of the Regional Conference and were compiled into thematic guidelines for the various conference working groups.

Conference programme

The Regional Conference was opened with statements from Irena Vojackova-Sollorano, Director, Migration Management Services, IOM, Erika Feller, Assistant High Commissioner for Refugees (Protection), UNHCR and the Honourable Lawrence K. Masha, Minister of Home Affairs, Government of the United Republic of Tanzania. In his remarks, Minister Masha acknowledged that mixed movements from the East, the Horn and the Great Lakes region are both complex and growing and pose challenges to both the individuals and countries that are involved. Minister Masha set the tone for the Conference by reminding participants of the potential for better identification and protection of persons with different needs through enhanced cooperation amongst all relevant stakeholders. He emphasized the need to ensure that the right to seek asylum and the principle of *non-refoulement* are respected. Minister Masha also stressed that migrants can be an engine of development, both in host countries, as a source of labor, and in countries of origin, as a source of remittances.

The conference itself comprised a series of plenary and working group sessions. Plenary sessions included opening addresses, a presentation and discussion of the conference background paper, discussions of national, regional and extra-regional efforts to address mixed migration movements, and discussions of working group findings and recommendations.

Working groups were broken down into eight themes, generally corresponding to the themes discussed during the national consultations. These included: (1) respecting the human rights of people on the move, irrespective of legal status; (2) enhancing legal migration as an alternative to irregular migration; (3) ensuring protection of refugees within mixed migratory movements; (4) managing borders and addressing security concerns while ensuring protection; (5) establishing differentiated processes and procedures and defining roles and responsibilities; (6) addressing the return of persons not in need of international protection; (7) identifying and filling gaps in data

collection and analysis; and, (8) enhancing cooperation and coordination at national and regional levels. For each working group, a thematic background document was prepared to help guide the discussions, with each working group tasked to return to the plenary with specific recommendations for discussion by the larger group.

Conference outcomes

The following sections of this report provide details on the main issues that were discussed during the conference and the recommendations that were proposed. In general, four main themes emerged from the two days of conference discussions. First, there was a clear call for strengthened national, bi-lateral and regional cooperation on refugee protection, mixed migration and irregular migration issues. At the national level, many noted the need for the establishment of inter-ministerial task forces to ensure communication between different government agencies, as well as “mixed migration task forces” to bring together government officials, civil society and international organizations. At the regional level, the role of the African Union (AU) and the Regional Economic Communities as platforms for coordination was emphasized. Second, many of the discussions pointed to the need for improved national policy and legal frameworks to address the challenges of mixed migration flows, in particular on such issues as national asylum procedures, detention of irregular migrants and asylum seekers, and local integration/livelihoods opportunities for refugees and migrants. Third, participants reiterated the need to strengthen national capacity, in particular with regard to border management, to respond to the challenges of mixed migratory movements in a human rights and protection-sensitive manner. This included, for example, the need for integrated training among different government departments and external stakeholders at both the capital level and in border areas. Finally, there was a general recognition that more accurate refugee and migration data and improved data analysis was needed to ensure the development of evidence-based policies. Suggested actions included joint studies at the national level on mixed migratory movements, as well as an analysis of data gaps at the regional level and concerted efforts to fill those gaps where possible.

Next steps

During the conference, a number of delegates stressed that the Regional Conference should be viewed not only as a forum for discussion, but also as a catalyst for action. To this end, the UNHCR and IOM conference secretariat was tasked with developing in addition to the conference report, an Action Plan that would set out activities to be undertaken at the national and regional level. Some delegates recommended that the national consultations be re-convened to allow for a broader discussion of the conference outcomes and to create a platform for moving the Action Plan forward. The possibility of a "stock-taking" conference in two years time to assess progress in fulfilling the action plan was also discussed.

This report contains a summary of the main discussion points and recommendations that emerged from the Regional Conference. It is structured around the themes of the eight working groups and synthesizes the discussions that took place both during the working groups and during the plenary sessions. Where issues were discussed under more than one conference theme, efforts have been

made to consolidate the substantive discussions under the most relevant thematic area, while noting the relevance of the issue to other themes areas as necessary.

I. Respecting human rights of people on the move, irrespective of status

Irrespective of legal status, all persons, be they asylum-seekers, refugees or migrants, are entitled to be treated with dignity and respect and in accordance with applicable human right standards. A body of international and regional human rights instruments, and their translation into national law, guarantee these rights. Yet, despite these guarantees, migrants and refugees often find themselves victims of abuse and discrimination. Women and children are at particular risk of sexual exploitation and violence, especially those who are caught up in human smuggling and trafficking. Indiscriminate “blanket policies” for all irregular arrivals often neglect the rights of persons in need of international protection and those with specific needs. In many countries, migrants and refugees face arbitrary and prolonged detention in isolated places, often commingled with persons serving criminal sentences. Xenophobic attacks and discrimination are not uncommon.

In responding to these realities, participants at the Regional Conference emphasized the need for States to have in place the necessary legal frameworks to prevent and respond to human right abuses. Participants called on States in the region to ratify the main regional and international human rights treaties that codify the rights of refugees and migrants, including the *1990 International Convention on the Rights of Migrant Workers and their families*², and to translate their provisions into national law as necessary. Noting that issues related to mixed migration fall under the jurisdiction of a variety of different government agencies, participants underlined the need for States to ensure that human rights protections are mainstreamed into all laws affecting persons on the move.

Complementing this legal framework, participants noted the need for State institutions with a mandate to monitor and enforce human rights laws to be established and adequately capacitated. The role of the judiciary was seen as particularly crucial in this regard, with participants calling for increased training for judges, prosecutors and other judiciary staff on issues related to human rights and mixed migration. The importance of judicial independence was also noted, especially when government officials or interests are implicated in cases of abuse. In addition to the judiciary, States in the region were encouraged to consider engaging their national human rights institutions in monitoring the situation of migrants and refugees in their countries and to take necessary and appropriate action in response to reported abuses.

It was also recognized, however, that States cannot effectively address these problems alone. Civil society, regional organizations and international agencies are key partners in efforts to realize human rights standards at the national and regional level. Participants noted the particular role played by civil society in undertaking a range of human rights-related activities, including identifying and exposing human rights violations, providing care and assistance to victims of abuse and discrimination, especially victims of trafficking, and implementing awareness campaigns in host communities. The absence, or relative weakness, of civil society networks in many countries was

² UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 18 December 1990, A/RES/45/158.

noted as a particular challenge in this regard. Diaspora communities in host countries, as well as journalists, were noted as important partners in these human rights efforts.

The participants agreed on the need for all stakeholders to enhance efforts to create a favourable and enabling environment for migrants and refugees to enjoy their human rights in countries of transit and destination, particularly with a view to easing barriers to integration. Information campaigns advising refugees and migrants of their rights and sensitizing host communities of the same were recognized as particularly important activities. Increased training for government officials on refugee and migrant rights was also seen as a means of decreasing instances of police abuse and corruption. Government stakeholders were encouraged to avoid negative imagery and messages in relation to foreigners that could then feed negative sentiment and xenophobia. Indeed, participants called on all stakeholders to emphasize the positive impact of migrants on host societies and on national development.

A number of positive examples were mentioned during the Regional Conference that demonstrated the shared commitment of States, international organizations and civil society organizations in combating xenophobia and racism. One notable example that was mentioned was the establishment of a Protection Working Group in South Africa in the aftermath of the 2008 xenophobic attacks. Under the lead of UNHCR, this working group has helped to support and reinforce the broader counter-xenophobia efforts led by the South African government, with a broad range of international agencies and civil society actors working together in a coordinated and more effective manner on prevention efforts and in responding to the violence that occurred. Additional activities that participants considered important to note in preventing and responding to human rights violations included increased prosecution of smugglers and traffickers, establishment of safe and reliable reporting mechanisms for victims of abuse and discrimination, enhanced efforts to regularize the status of those who moved irregularly, including through registration and issuance of documents, and increased attention to due process guarantees for refugees and migrants who were detained.

Participants acknowledged that infringements of human rights of migrants, asylum seekers and refugees might happen in every phase of the mixed movement, - meaning pre-departure, during the journey and upon arrival - and that policies on human rights protection within mixed migratory movements need to consider all three phases accordingly.

Recommendations:

- i. States are encouraged to review their national laws to ensure that they adequately implement their international human rights obligations. Those States that have not yet ratified relevant human rights conventions are encouraged to do so.*
- ii. States are encouraged to ensure greater coherence in their national legal systems by mainstreaming human rights protection into all laws applicable to people arriving within mixed migratory movements.*

- iii. *The capacity of national judicial systems to adequately address human rights violations of refugees and migrants should be strengthened through increased training of judges, prosecutors and the practicing bar.*
- iv. *States are encouraged to engage national human rights institutions in monitoring human rights violations and in responding effectively to reports of abuse. Mechanisms for refugees and migrants to report abuses to government authorities should be established.*
- v. *Civil society organizations should be supported in their efforts to monitor the situation of refugees and migrants. States and international organizations are encouraged to strengthen civil society networks where possible.*
- vi. *The detention of refugees and migrants should be avoided. Where detention is necessary, States should adhere to basic due process standards and ensure that conditions of detention comply with international standards.*
- vii. *States are encouraged to decriminalize irregular migration and to increase criminal prosecutions of human smugglers and traffickers.*
- viii. *All stakeholders should jointly enhance efforts to fight xenophobia and discrimination, for example through awareness campaigns on human rights issues. These efforts should include the local press and diaspora communities in host countries.*

II. Enhancing legal migration: alternatives to irregular migration

Irregular migration is a major challenge and a matter of serious concern for many governments, both at the national and regional levels. Collaborative regional policies and approaches, as well as strengthened technical and operational capacities of governments, are needed for more effective migration and border management.

Enhanced legal migration opportunities can play an important role in responding to irregular migration. The need for individuals to use smugglers and other irregular channels to move, which places them at risk of violence and abuse, would decrease if greater legal migration options were available. These options could include, for example, labour migration programs, family reunification, and study options.

Participants at the Regional Conference validated the importance of responding to irregular migration in the region³ through increased use of legal migration channels. The benefits of increased legal migration were noted by many, including the economic benefits of a strengthened workforce in key sectors of the economy, the security benefits of States knowing the profile and intentions of those entering the country, and the humanitarian benefits of individuals not being subject to abuse and exploitation when they move irregularly.

The establishment of legal migration frameworks, at the national, bi-lateral and regional levels, was viewed as critical to the expansion of such opportunities. At the national level, participants noted the usefulness of the 2006 ILO Multilateral Framework on Labour Migration, which provides non-

³ The term “region” in this report refers to the East, Horn, Great Lakes and Southern Africa sub-regions of Africa.

binding principles and guidelines for the development of a rights-based approach to labour migration. Reference was also made to the number of bilateral agreements on legal migration that had been signed by States in the region and which had resulted in a more regulated flow of persons between them.

A number of participants voiced the need for greater and more effective coordination at the regional level on legal migration matters. Regional consultative processes (RCPs), such as the Migration Dialogue for Southern Africa (MIDSA) and the IGAD-RCP, were seen as important fora for enhanced inter-state dialogue and cooperation, although it was noted that such processes did not exist in all sub-regions. The importance of regional migration agreements, such as the EAC Common Market Protocol, which came into force in July 2010, and the SADC protocol on free movement, which has yet to be finalized, was also noted. These agreements provide the necessary legal and political frameworks for increased migration between States. More concerted efforts are needed, however, to finalize these agreements and/or to implement them at the national level.

Finally, at the international level, States were encouraged to sign and ratify those international instruments that codify the rights of migrant workers, including foremost the International Convention on the Rights of Migrant Workers and their Families.⁴

An important observation by participants was that even where legal migration frameworks have been established, potential migrants are not always aware of them, such that they still turn to smuggling networks to travel by irregular means, or they are unable to access them, and the job opportunities they present, due to heavy bureaucratic processes and high application costs. Awareness-raising campaigns and counselling on the dangers of irregular migration, as well as simplified application procedures and reduced application costs, were noted as potential responses to these problems.

The issue of irregular stay was also addressed by participants, in addition to that of irregular movement. Participants noted that regularization programs can not only play an important role in breaking the links between migrants and criminal networks, but can also have a positive impact on national and local economies. A number of States have successfully implemented regularization programmes, granting legal status to long-staying undocumented migrants and bringing them into the legal labour market.

The potential economic benefits of legal migration were raised on a number of occasions. States and other stakeholders, including the private sector, were encouraged to map the profiles of migrants, both in their countries of origin and in their countries of destination, to match available skills with labour demands and development needs. The need to license and regulate employment agencies in both countries of origin and destination was also seen as necessary to reduce instances of exploitation.

⁴ UN General Assembly, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 18 December 1990, A/RES/45/158.

Recommendations:

- i. *States should consider signing international instruments addressing the rights of migrant workers, most notably the International Convention on the Rights of Migrant Workers and their Families, and translating their provisions into national law.*
- ii. *Efforts should be made to strengthen the role and capacities of regional organizations to enhance legal migration between States. Greater coordination between regional bodies is encouraged, as well as more harmonized approaches to legal migration issues.*
- iii. *Regional Economic Communities should be encouraged to establish Regional Consultative Processes (RCPs) where they do not already exist to enhance inter-state dialogue and intra-regional cooperation.*
- iv. *Greater opportunities for legal migration should be pursued. States are encouraged to sign regional protocols for the free movement of people and to conclude bi-lateral and regional agreement allowing for the circular migration of labor. Efforts should be made to ensure that legal migration options are accessible to individuals, both in term of process and cost.*
- v. *In drafting or revising labour migration policies, States are encouraged to implement the guidelines of the 2005 Multilateral ILO Framework on Labour Migration and to replicate good practices mentioned therein.*
- vi. *Stakeholders should increase activities to better inform migrants and refugees about legal migration options and to alert them to the risks and dangers of irregular migration. Employment agencies in countries of origin and destination should be established and regulated to avoid exploitation of potential migrants.*
- vii. *States should further explore regularization programs for long-staying irregular migrants.*
- viii. *States are encouraged to integrate migration into national development policies and poverty reduction strategies to enhance the development impact of migration.*
- ix. *States should formulate national migration policies in accordance with the Africa Union continental migration policy frameworks for policy coherence and effective migration management.*

III. Ensuring protection for refugees arriving in mixed migratory movements

The protection of refugees in the context of mixed migratory movements is a growing challenge for States and other stakeholders in the region. The 1951 Refugee Convention,⁵ its 1967 Protocol⁶ and the 1969 OAU Refugee Convention⁷ set out the legal obligations of States in ensuring that refugees are able to find safety from persecution and armed conflict. Ensuring that those obligations are respected, however, can be difficult, especially when there are not only refugees, but also other people who are crossing borders for a variety of reasons.

Participants highlighted positively the long tradition of refugee protection in many countries in the region, some of which have hosted refugees for decades. Yet, it was noted that the increase of mixed and irregular movements in the regions has stretched the capacities of some asylum systems, undermining their perceived legitimacy and placing at risk the rights of refugees, including the right to seek asylum and the fundamental principle of *non-refoulement*.

Participants repeatedly noted the need to integrate and mainstream refugee protection within broader State migration management policies. It was acknowledged that the two issues could no longer be addressed separately. Some participants noted, for example, that the lack of avenues for legal migration in South Africa often compels people to apply for asylum to regularize their stay, thus burdening the asylum process with unfounded claims and making it more difficult for those in need of protection to access it. Many participants recognized the need to review asylum legislation and policies in light of new migration realities. Malawi's decision to embark on a review of its refugee legislation was noted positively in this regard, as was the South African government's stated intention to proceed with its own thoroughgoing review exercise.

Reception and identification of refugees

A number of participants noted concerns about the detention of asylum-seekers and refugees, especially in local prisons, due to their irregular arrival in a host country. There was general consensus that the detention of asylum-seekers and refugees should be avoided and that alternatives to detention should be identified where possible. If detention is deemed necessary, it was agreed that asylum-seekers and refugees should have access to UNHCR, legal representatives and civil.

Participants noted the particular difficulties in identifying persons in need of refugee protection among mixed migratory flows. The need for differentiated screening procedures at the time of arrival was noted in this regard, as was the use of reception centres in border regions. These issues are discussed further under "*Different people, different needs*", *infra*, at section V.

The adequacy and effectiveness of procedures to determine the refugee status of individual applicants was also discussed. Concerns were expressed that national refugee status determination (RSD) procedures often take too much time, that the quality of decisions require improvement, and that institutions are not adequately equipped to deal with large numbers of applications. Lack of

⁵ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.

⁶ UN General Assembly, *Protocol Relating to the Status of Refugees*, 30 January 1967, United Nations, Treaty Series, vol. 606, p. 267.

⁷ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("*OAU Convention*"), 10 September 1969, 1001 U.N.T.S. 45.

translation services and the absence of appeal procedures were also identified as weaknesses in some asylum systems. The granting of refugee status on a *prima facie* basis for those nationalities where protection needs were evident, most notably for asylum-seekers from south-central Somalia, was also noted as a means of alleviating pressure on over-burdened asylum systems and to focus resources on more complex individual cases.

Secondary movements and durable solutions for refugees

The nature and underlying reasons for secondary movements of refugees within the region prompted significant discussion. The use of refugee camps as transit “way stations” to destinations further south, as documented recently in Malawi and Mozambique, was noted with particular concern. It was noted that such movements deplete scarce public resources and undermine public and government support for the institution of asylum.

It was generally acknowledged that the reasons for secondary movements are complex and require further study. A number of participants, however, drew attention to the linkage between secondary movements and the quality of asylum and availability of durable solutions. Once recognized as refugees, it was noted, individuals require access to documentation, employment, income-generating opportunities and freedom of movement to become self-sufficient and to more fully realize their human rights. Absent such opportunities, many will decide to move on. Many States maintain reservations to the 1951 Convention on the Status of Refugees restricting freedom of movement and access to employment for refugees, thereby diminishing the quality of asylum in those countries.

In this context, government encampment policies for refugees received extensive discussion. Several participants encouraged States with encampment policies to re-assess whether alternatives existed that could allow for greater freedom of movement, especially to urban areas. South Africa’s approach of allowing refugees and asylum-seekers freedom of movement and access to the employment market and public services was noted. One State reported that it was moving towards a system of allowing certain refugees access to urban areas, such as those who are able to become self-sufficient, while maintaining camp settings for those with particular protection or assistance needs. The experience of Mozambique, where refugees who achieve self-sufficiency are allowed to move out of the camp and settle in towns, was also noted. Here, refugees practically live with the local community, which in turn benefits from services made available in the camps, such as health and education programmes.

In responding to the phenomenon of secondary movement, participants noted the need for comprehensive strategies to be developed with the involvement of all key partners, including affected States, local populations and refugees themselves. Several participants pointed to the importance of informing recognized refugees about the risks and dangers of onward movement to the south. The creation of greater legal migration options for refugees could be one way of reducing irregular secondary movement in the region.

Training and capacity-building

Throughout the discussions on refugee protection and mixed movements, participants reiterated the importance of capacity-building and training of key national and regional stakeholders. It was

mentioned that UNHCR's expertise and technical assistance has been instrumental in addressing the challenges of refugee protection in the context of mixed migratory flows, with UNHCR's 10-Point Plan of Action on Refugee Protection and Mixed Migration mentioned as a particularly useful tool.

Given the complexities of mixed movements and the number of stakeholders involved, participants recommended that training measures be extended to a wider range of actors, including not only those government departments with an explicit refugee portfolio, but also those persons that come into contact with refugees and asylum-seekers on a regular basis, such as immigration, border and police officials, as well as civil society partners.

Recommendations:

- i. States should review and strengthen their national asylum policies and procedures to ensure that they are fair and efficient and adequately respond to the nature of mixed migratory movements.*
- ii. Capacity-building efforts should be increased, with a focus not only on those institutions and government officials with specific refugee portfolios, but on all officials and civil society partners that come into contact with refugees and asylum-seekers, in particular "first contact" officials at national border points.*
- iii. While States have the primary responsibility to identify and provide protection to refugees, UNHCR and other partners should continue to play a supportive role in these efforts.*
- iv. The granting of refugee status on a prima facie basis to persons fleeing generalized violence should be considered so as to reduce delays in asylum adjudications and allow for the more strategic use of asylum resources.*
- v. States are encouraged to re-visit existing encampment policies and to offer greater opportunities for self-reliance and freedom of movement outside of refugee camps where possible. States are encouraged to lift related reservations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.*
- vi. The detention of asylum-seekers and refugees should be avoided. If detained, asylum-seekers and refugees shall have access to UNHCR, civil society and legal representatives should be ensured.*
- vii. Regional strategies on secondary movements should be developed based on principles of cooperation and burden-sharing and informed by research and consultation on the nature and underlying reasons for the onward movement of refugees.*

IV. Managing borders and addressing security concerns while ensuring protection

Several countries in the region have vast and porous borders with numerous entry points, both official and unofficial, by land, sea and air. These borders can be difficult to manage, with governments tasked to not only facilitate the legal movement of goods and people, but also to prevent and respond to potential cross-border criminal activities, such as human trafficking and smuggling and terrorism. In undertaking these efforts, States are obliged to ensure that international protection standards are maintained and that persons in need of protection can effectively access the territory.

During the Regional Conference, participants expressed concerns that efforts to increase border control and security and to improve access to international protection have been approached along separate tracks by governments and others, with their objectives often portrayed as mutually exclusive. Such an approach was seen by participants as increasingly untenable given the nature of mixed movements and human mobility patterns in the region in general. Participants emphasized the need to approach border management in a more holistic way, linking together stakeholders with both security and protection perspectives to ensure that a proper balance between these two imperatives is struck.

Participants called on States and other stakeholders to more closely examine the linkages between security and protection measures at the legislative, policy and operational levels. Enhancing legal migration opportunities was seen as an important response to irregular migration and the security and protection issues that flow from it. State ratification of regional protocols for the free movement of persons, as well as the conclusion of regional and bi-lateral agreements for circular migration policies, for example in the agricultural sector, were seen as important steps in this regard. (See, “Enhancing legal migration,” *infra*, at section II.) Participants also noted the need to ensure that legal frameworks to human trafficking and smuggling addressed both the criminal and protection/assistance elements of these activities and urged States to ratify and implement the 2000 UN Protocol Against the Smuggling of Migrants, by Land, Sea and Air⁸ and the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁹

At the operational level, participants noted a number of areas where greater synergies between security and protection objectives could be forged effectively. In general, participants noted the need for border officials to have better procedures and tools to identify those who are engaged in criminal activities and those who are in need of international protection and assistance. Increased training for border and immigration officials on the possible protection needs of those who move irregularly would allow for more informed and focused law enforcement responses to mixed migration movements. Complementing efforts at the legislative/policy level, enhanced training for government officials and civil society partners on trafficking and smuggling would also better enable law enforcement personnel to apprehend and prosecute those who profit from such activities while responding to those who have been victims of exploitation and abuse.

⁸ UN General Assembly, *Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000.

⁹ UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000.

One positive example that was identified of a law enforcement training programme with a clear protection component was the Tanzania Regional Immigration Training Academy (TRITA) in Moshi, which is jointly financed and operated by the Tanzanian Government and IOM. Within the TRITA, IOM, in cooperation with the Tanzanian government, has also established the African Capacity Building Centre (ACBC), which has been instrumental in providing training and technical assistance on migration management to law enforcement officials, including immigration, police and border officials, and consular officials from a number of countries in the region. The ACBC also provides in-country training for governments, regional institutions and NGOs in Africa as a whole.

Overall, participants highlighted the need for greater coordination and cooperation between the range of actors involved in border management and protection activities, both at the national and regional level. Some participants suggested the need for the “collective management of borders,” with a specific proposal for the establishment of “multi-stakeholder border management teams” at the national level. At a minimum, these teams would bring together different government ministries with an interest in border management and protection issues. These teams could also, however, include government actors, international organizations and civil society, establishing a more expansive coordination mechanism. At the regional level, greater information-sharing between States was viewed as critical to border management and protection efforts. Participants emphasized the need for States to work together in managing borders and called on regional organizations to play a facilitating role in increased State coordination. (See also, “Enhancing coordination and cooperation,” *infra*, at section VIII.)

Recommendations:

- i. *States are encouraged to consider developing “multi-stakeholder border management teams,” either between different government ministries or between government, civil society and international agencies, as an approach at the national level to ensure a coordinated response to border management and protection activities.*
- ii. *All stakeholders, including civil society organizations, should enhance cooperation in critical border areas, improve coordination of activities and facilitate the exchange of information and expertise.*
- iii. *Increased training for all key stakeholders, including border officials and law enforcement personnel, on the possible protection and assistance needs of persons who move irregularly should be provided.*
- iv. *States are encouraged to ratify the UN Protocol Against Smuggling of Migrants by Air, Sea or Land and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, if they have not already done so.*
- v. *State efforts to respond to trafficking and smuggling should be enhanced, both from a law enforcement and protection perspective. Legislation and policy should be reviewed to ensure that those who profit from trafficking and smuggling are subject to criminal penalties, while*

those who are victims of exploitation and abuse receive protection and assistance as needed. Training should be provided to law enforcement personnel and civil society on the legal and practical aspects of trafficking and smuggling.

- vi. States are encouraged to utilize the Tanzania Regional Immigration Training Academy (TRITA) and the African Capacity Building Centre (ACBC) in Moshi, Tanzania, to meet their training needs.*
- vii. Regional or sub-regional working groups could be established to assess country situations and make concrete recommendations on how both security and protection standards can be fulfilled.*

V. Different people different needs: determining profiles and responsibilities

A challenge for States and other stakeholders in responding to mixed migratory movements is determining the profile of those who are crossing their borders irregularly and responding to their different needs upon arrival. Those travelling may be refugees or asylum-seekers, fleeing armed conflict or persecution; victims of trafficking, escaping their exploiters and trying to find safety; unaccompanied or separated children; or persons who have escaped exploitation and are simply trying to return home. Others may be moving primarily to improve their economic situation, some hiring smugglers to transport them to their intended destination where they had planned to seek employment, but then becoming victims of abuse and violence while *en route*. States require the tools and mechanisms necessary to identify these individuals and to ensure that their specific protection needs are addressed.

Reception arrangements, profiling and referral mechanism

Several participants underlined the importance of having proper screening mechanisms in place at border crossings and ports of entry to identify after arrival the assistance and protection needs of those entering the country. Once identified, these individuals should be referred to specialised agencies and procedures to manage their cases and to meet these needs. In the view of participants, effective profiling and referral mechanisms are the “backbone” of any State’s protection response to mixed migration flows. The practice in Uganda of referring victims of torture to civil society organizations that provide care and counselling was cited as an example of an effective referral mechanism.

The need for proper reception arrangements for arriving refugees and migrants was also noted. Several participants suggested that reception centres¹⁰ be established where governments and civil society partners could profile arriving individuals, address any immediate needs for assistance and care, and initiate refugee status determination procedures for those seeking international protection. When locating and designing reception centres, protection considerations should be taken into account, for example, through the inclusion of child-friendly spaces and family

¹⁰ The term “reception centre” has also been used to describe facilities that receive and assist migrants upon return to their home countries following either a voluntary departure or deportation from their host countries, as well as facilities that assist in the processing of migrants in the host country prior to their return home.

accommodations and measures that take into account any safety risks for women and former victims of trafficking. Post-arrival counselling was seen as a crucial element in identifying specific protection and assistance needs.

While there was general acknowledgment of the usefulness of reception centres, a variety of practical questions and caution points were also raised. For example, issues such as who would finance the reception centre and who would operate it would need to be addressed, as these factors could affect the character and functions of the centre. Some participants also cautioned that reception centres may serve as a magnet for smugglers and traffickers or evolve into “rest and recuperation” facilities for those who intend to move onward further south, as has occurred with some refugee camps and other facilities in the region.

Participants also emphasized the need to increase the capacity of government officials and civil society partners to recognize and respond to the potential protection and assistance needs of those who move irregularly. Training programs should be established, if not already done so, to sensitize police and immigration officials on the rights of refugees and migrants and the specific protection needs they might have (e.g., children, victims of sexual and gender-based violence and torture survivors). They should be made aware of the tools and mechanisms in place for identifying these individuals and for referring them to specialized agencies and procedures for further action.

Finally, the importance of coordination between different stakeholders, including foremost the different ministries within a government, was also underlined. It was suggested to develop joint standard operating procedures (SOPs) among government ministries to ensure clear divisions of responsibility and cooperation. Participants acknowledged the important role non-governmental organizations play in the identification and delivery of services to asylum-seekers and irregular migrants and called on States, development partners and international and regional organizations to further empower NGOs to undertake this work. Networks among NGOs, both within their own countries and across borders, could further strengthen response mechanisms.

Refugees and Asylum-Seekers

Several participants at the Regional Conference underlined the importance of ensuring that refugees and asylum-seekers are referred to the asylum authorities for a proper examination of their refugee claims. A speedy identification of refugees and other persons in need of international protection can also help to prevent those without international protection needs from using the asylum system to legalize their stay, resulting in a loss of public confidence in the asylum system. (For further discussion, see, “Ensuring protection of refugees arriving in mixed migratory movements,” *infra*, at section III.)

Children

Participants at the Regional Conference underscored the particular risks faced by children in mixed movements, especially if they are unaccompanied or separated, and the need to ensure that protection responses accommodate these needs. Exploitation, abuse, and sexual violence, especially towards girls, occur frequently. Recruitment into armed groups and forces is also not uncommon.

The detention of unaccompanied and separated children, sometimes only for lack of better alternatives, was an issue of particular concern for participants. Participants urged the establishment

of specific shelters for children, equipped with persons with expertise in child protection who can register and identify the children, address their most urgent needs, and undertake a Best Interest Determination (BID) as soon as possible.

Family reunification was identified as a key aspect of any protection response for separated and unaccompanied children. It was noted that the separation of children from parents, families and communities can have devastating effects on children and may lead to a loss of cultural links and identity. The sooner a child is identified and family tracing can begin, the better are the chances of successful family reunification. That said, participants noted that, in some circumstances, parents do not or cannot fulfil their responsibilities towards their children. In such cases, return to the family may not be in the best interest of the child and alternative arrangements should be found.

Finally, participants reiterated the obligations of States with regard to children as codified in the 1989 Convention on the Rights of the Child¹¹ and the 1990 African Charter on the Rights and Welfare of the Child.¹² Other stakeholders, such as civil society, international organizations, should support the State in the implementation of these obligations.

Trafficked persons

Participants expressed particular concern during the Regional Conference about the trafficking of women and children. When discovered, they are often detained in jail, adding to the trauma and abuse they may have already experienced in the trafficking process. There was a call to all States to ratify the 2000 *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.¹³ Participants pointed out that a proper legal framework for combating human trafficking can help to prevent or prosecute this crime. It was suggested that States analyze whether existing legal frameworks need to be amended in this regard. It was also noted that the opening of more legal migration channels would reduce the number of people falling victim to human trafficking and smuggling and further efforts were encouraged to this end. (See, “Enhancing legal migration,” *infra*, at section II.) Finally, participants noted that States should grant refugee status to trafficked persons if they satisfy the refugee definition and encouraged States to consider regularizing the stay of persons who have been trafficked through the issuance of special visas for trafficking victims.

Recommendations:

- i. *States, in cooperation with other stakeholders, are encouraged to establish profiling and referral mechanisms at border points to identify as soon as possible the specific needs of those arriving, the delivery of protection and assistance, and the proper management of their cases. Joint Standard Operating Procedures for all relevant actors should be established to ensure coordinated response and referrals. International agencies should provide technical expertise in this process.*

¹¹ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.3.

¹² Organization of African Unity, *African Charter on the Rights and Welfare of the Child*, 11 July 1990, CAB/LEG/24.9/49 (1990).

¹³ UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000.

- ii. *States are encouraged to establish reception arrangements, including, where appropriate, reception centres, that provide an appropriate space to interview and process individual cases. Detention of asylum-seekers and irregular migrants should be avoided.*
- iii. *Counselling should be provided to asylum-seekers and irregular migrants soon after arrival. Civil society organizations are encouraged to provide their specific expertise in this regard.*
- iv. *States should open mechanisms that already exist for nationals with specific needs (such as mechanisms for children or victims of sexual violence) for migrants and refugees with similar needs. Good practice examples here are the Kenyan children officers, child friendly spaces etc.*

Children

- v. *All stakeholders should be aware of heightened risks for children on the move, especially for those who are unaccompanied and separated. Capacity building and training of responsible government officials and other stakeholders is recommended to ensure specific expertise on children's issues.*
- vi. *States should avoid the detention of children and provide alternatives to detention whenever possible.*
- vii. *States should undertake best interest determinations for separated and unaccompanied children after arrival. Family reunification should be pursued as soon as possible after identification, unless not deemed appropriate.*

Trafficked persons

- viii. *States are encouraged to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children if they have not already done so.*
- ix. *States are encouraged to review their national legislation to determine whether adequate protection safeguards are in place for victims of trafficking and whether measures for the deterrence of trafficking and the prosecution of traffickers are included. Victims of trafficking should be identified and referred for assistance and protection and should not be criminalized.*
- x. *States are encouraged to consider the granting of permits to victims of trafficking to allow them to remain in host countries and to access assistance and protection as needed. Should a trafficking victim satisfy the refugee definition, States should grant him or her refugee status accordingly.*
- xi. *All stakeholders should work together to improve reception arrangements for victims of trafficking. Specific reception centres for women and children, staffed by persons with expertise on trauma and abuse, are recommended in this regard.*

VI. Return of persons not in need of international protection

The return of persons not in need of international protection poses significant challenges for States, both at a policy and operational level. The profiles of those subject to return vary and include rejected asylum-seekers, irregular migrants, and others. Coordinating and financing returns can be difficult and the safety and dignity of those returned is not always maintained.

Participants at the Regional Conference agreed that the issue of return is one which requires close coordination and cooperation among affected States, including countries of origin, countries of transit and destination countries. The conference Background Paper drew attention to the problems, for example, of unilateral returns to countries of transit. Oftentimes, those deported simply re-cross the border at a later date to continue their journey southwards, again using the services of smugglers and transnational criminal networks and again subjecting themselves to possible abuse and exploitation. Bilateral and/or sub-regional return and re-admission agreements for persons found not to be in need of international protection would provide greater predictability and due process guarantees in the return process, and possibly yield greater success in stemming southwards flows.

The importance of re-integration assistance was highlighted by participants as critical to the success of any return process. Countries of origin need to develop re-integration strategies to ensure that those returned are able to sustain themselves and access social services that they may need. Participants highlighted positive examples of re-integration assistance that have been developed in certain countries, including, for example, the establishment of re-integration centres for women in Ethiopia. Centres such as these may be particularly important for victims of trafficking, who may fear being identified and targeted by their traffickers upon return.

Participants highlighted the important role to be played by all stakeholders in return and reintegration efforts. IOM's role and assistance in returning persons not in need of international protection was mentioned very positively by participants. IOM has, for example, assisted the government of Tanzania by providing assistance to over 1,000 smuggled migrants with voluntary return in a safe and dignified manner to their countries of origin. Greater financial assistance by donor countries for these return programmes is needed and should be included in national development assistance plans. Financial and technical assistance for reintegration efforts is needed from donor countries and international organizations to better ensure that return efforts are successful.

Participants also noted the need for international organizations to cooperate more closely among themselves, as well as with other national stakeholders. The importance of civil society organizations, including diaspora communities in host countries, was also highlighted given the different needs that may arise during the return process. Participants further emphasized the need to capacitate individual returnees themselves, for example, through pre-departure and post-arrival counselling.

Finally, participants at the Regional Conference stressed the need to look at the issue of return holistically, ensuring, for example, that return decisions are correctly made and determining

whether options other than return might exist. Participants stressed in particular the need to ensure that asylum-seekers are identified before removal is effected and that their refugee claims are properly considered so as to ensure that the principle of *non-refoulement* is respected. The importance of enhancing legal migration options for all migrants and asylum seekers was also highlighted as an alternative to return.

Recommendations:

- i. *States are encouraged to sign bilateral and sub-regional agreements with other affected States on return and readmission of persons found not to be in need of international protection, with appropriate safeguards included.*
- ii. *While States are primarily responsible for the humane return of rejected asylum seekers and those migrants with deportation orders, international organisations can assist States in cases of voluntary return. Funds for voluntary returns should be allocated within national development assistance plans of each country in need.*
- iii. *Countries of origin, transit and destination should establish mechanisms to consult regularly on return arrangements. States affected by southerly mixed migration flows are encouraged to develop a joint strategy for the return of persons not in need of international protection. Other stakeholders, such as international organizations and civil society organizations, may assist in the development of such a strategy to ensure a comprehensive approach to the issue.*
- iv. *All stakeholders should work closely together to develop and finance reintegration strategies for returnees. Good practice examples such as the reintegration centre for women in Ethiopia should be replicated.*
- v. *All stakeholders should enhance information-sharing to intending migrants on conditions in countries of transit and destination. For those subject to return, pre-return counselling should be provided to facilitate the reintegration process.*

VII. Data collection and information gaps

Accurate and timely refugee and migration data collection and analysis and dissemination are essential for an effective understanding of and response to mixed migratory movements in the region. This requires, however, a significant investment of time and resources. Clear data collection objectives must be established, well-defined methodologies put in place, and rigorous data analyses undertaken, before reliable and meaningful data can be used by policy-makers.

The need for improved data collection was a cross-cutting theme that ran throughout a number of the Regional Conference working groups. Participants repeatedly noted that there was relatively little information available on either the quantitative or qualitative dimensions of mixed movements from the East and Horn of Africa and Great Lakes region towards Southern Africa. Various reasons for this lack of information were identified, including the inherently clandestine nature of mixed migratory flows, the failure to prioritize data collection and analysis among government

programmes, the lack of resources to invest in data collection efforts, and an absence of coordination and information-sharing between data-holders.

As an initial step in addressing this information deficit, participants noted the need to better understand what data and information is already being collected in the area of mixed migration and what research capacities exist to analyze it. Mapping exercises, both at the national and regional levels, would help to determine what issues are being studied by whom and where information and capacity gaps exist. Similarly, a comprehensive review should be undertaken of the range of raw data that is being collected by government agencies and other stakeholders as part of their ongoing operations.

Participants agreed that government agencies, international and regional agencies and civil society organizations would benefit from better instruction, training and practical tools on data collection. Research institutions and international agencies are important actors in this regard. In general, the critical role of research institutions and universities in better understanding mixed migration in the region was repeatedly noted. Participants urged governments and development partners to provide greater financial support to these institutions to undertake the necessary research to fill the information gaps that exist on different aspects of mixed migratory movements in the region.

Participants also noted the need for greater access to, and sharing of, mixed migration data and information. While different actors have in the past collected data on mixed movements in the region, participants saw opportunities for more comprehensive and coordinated data collection and analysis. Participants urged all stakeholders to better define their respective data collection roles and to facilitate the exchange of information between them. Proposals were made to establish national and regional databases on specific aspects of mixed movements, with regional organizations potentially playing an important role in this regard. Factors such as capacity, sustainability and funding would need to be considered before undertaking such an initiative.

The challenges of data sharing between different actors were also noted. Participants noted the importance of establishing clear guidelines before undertaking data-sharing in a more systematic manner between stakeholders. The concern that data on migration can be manipulated was noted. In terms of guidelines, participants emphasized the need to ensure that the confidentiality of personal data, especially for asylum-seekers, refugees, trafficked persons and others who may be at risk of harm if individually identified, was maintained. Participants urged stakeholders to use aggregate and trend data wherever possible so as to avoid exposing individual identities. Participants called for the development of standardized procedures and protocols that would address these ethical and data protection concerns.

The important role of international organizations in the area of data collection and analysis was also noted. IOM's 2009 field study, *"In Pursuit of the Southern Dream: Victims of Necessity,"* was noted as one of the few comprehensive studies on mixed migratory movements from the Horn of Africa, particularly Ethiopia and Somalia, to South Africa. It was noted that follow-up studies should be undertaken to shed further light on travel routes used in these movements, the motivations and needs of persons on the move and the practices of smuggling networks in the regions. Participants also positively commented on the conference Background Paper, jointly prepared by UNHCR and IOM, which served as the basis for discussions during the Conference. Participants encouraged

international organizations to use their differentiated technical expertise to work more closely together to gather and analyze data on mixed movements.

Participants of the Regional Conference also identified various areas of research requiring greater attention. While a fair amount of research has been undertaken on mixed migration patterns to and within South Africa, there has been relatively little research on these patterns in the major transit countries, such as Malawi and Mozambique, as well as on to destinations beyond South Africa. Similarly, the conference Background Paper highlighted the dearth of research regarding mixed migratory movements in the Great Lakes region.

Throughout these discussions, participants identified the development of common standards and criteria for the collection and analysis of data on mixed movements as a key challenge. Participants repeatedly stressed that a high level of technical expertise, integrity and sensitivity is required for such a comprehensive exercise.

Recommendations:

- i. Mapping exercises should be undertaken at the national and regional levels to identify existing data and research sources on mixed migration in the region, as well as existing research capacities. Information and capacity gaps should be identified as part of this exercise.*
- ii. All stakeholders are encouraged to follow-up on the main findings of already existing research and studies and to consider implementing relevant and appropriate recommendations as necessary.*
- iii. Stakeholders are encouraged to develop common standards and criteria for the collection and analysis of data on mixed movements. Technical assistance and training should be provided to government agencies and other stakeholders on how to collect data and to ensure its reliability.*
- iv. All stakeholders are encouraged to enhance cooperation on data collection and information sharing. Data-sharing protocols should be developed at the national and regional level to ensure that individual data is protected and that confidentiality of personal information is maintained.*
- v. States and development partners are encouraged to prioritize funding for universities and academic institutions to undertake research on mixed movements. International organizations should support these efforts through the provision of technical expertise.*
- vi. State and national research institutions are encouraged to coordinate and collaborate on research projects to maximize resources and allow for increased regional analyses. International and regional organizations should facilitate regional linkages to avoid duplication of efforts.*
- vii. All stakeholders should strengthen the capacities of regional organizations to collect and analyze data on mixed movements. The feasibility of creating regional or sub-regional data bases on mixed movements should be explored.*

- viii. *Research on mixed movements should be broadened beyond the situation of South Africa, with particular attention paid to the situation of transit countries, the dynamics of mixed migration in the Great Lakes region, and the nature of mixed movements beyond South Africa, such as toward Australia, Europe and North America.*

VIII. Enhancing cooperation and coordination among States, and with other actors, in responding to mixed migratory flows

Cooperation and coordination, both at the national level and regional levels, figured prominently in all of the discussions during the Regional Conference. Participants noted that refugee protection and mixed migration issues fall under the mandates and workplans of a number of national and regional actors, albeit in varying degrees and from different perspectives. There was general consensus that the efforts of these diverse actors could be more effectively harnessed in addressing both the protection and border management challenges of mixed migration in the region.

At the national level, participants at the Regional Conference noted certain institutional and policy gaps in the area of cooperation and coordination on mixed migration issues. The absence of a single ministry charged with migration management and refugee protection was identified as a primary challenge for governments in responding to mixed migration flows. Greater coordination was seen as needed among the different government ministries and departments that have an interest in this issue, be it from an immigration, law enforcement or services perspective. Inter-ministerial task forces were identified as one effective mechanism to address this coordination gap.

Participants also noted the need for greater coordination and cooperation between State and non-State actors, including international agencies and civil society organizations. The establishment in some countries of Mixed Migration Task Forces or equivalent coordination bodies were cited as good examples of how coordination at the national level could be accomplished. A number of participants also underlined the usefulness of the national consultations that preceded the Regional Conference in bringing together different stakeholders to discuss the challenges of mixed migration in a national context. In the absence of other coordination platforms, participants encouraged stakeholders to reconvene these consultations to discuss the recommendations that would emerge from the Regional Conference and the proposed Action Plan that would be developed.

At the regional level, participants noted that existing coordination fora, such as the regional organizations (COMESA, SADC, EAC and IGAD) and the Migration Dialogue for Southern Africa (MIDSA), would be appropriate vehicles for discussions and action on issues related to refugee protection and mixed migration. Parallel frameworks would complicate coordination efforts and should not be established. That said, it was remarked that regional organizations have not sufficiently prioritized issues related to mixed migration. Participants noted the critical role that regional organizations could play in facilitating regional approaches to refugee protection and mixed movements and in enhancing the exchange of information, data and best practices between countries. Participants called on the Member States of these organizations to ensure that mixed migration issues feature prominently on the regional organizations' agendas. Participants noted as well that sub-regional efforts could be complemented by bi-lateral arrangements between States on specific mixed migration matters, such as return arrangements and secondary movement of refugees.

The added value of the Regional Conference in facilitating coordination and cooperation at the regional level was highlighted by a number of participants, who urged States and other stakeholders to maintain the momentum of dialogue between them and to jointly implement the conference's recommendations and Action Plan. The proposal was made to reconvene the Regional Conference after two years to take stock of progress during that period and to determine next steps going forward.

Finally, while participants acknowledged the important role that international organizations have played in facilitating coordination and cooperation at the national and regional levels on refugee protection and mixed migration issues, they emphasized the need for States to take greater ownership of these efforts. Only through active engagement by States, in cooperation with each other and with other stakeholders, would effective responses to the challenges of mixed migratory movements be designed and implemented.

Recommendations:

At the national level

- i. States are encouraged to strengthen inter-ministerial cooperation. Where appropriate, States are encouraged to establish Task Forces to ensure communication and information-sharing between government agencies involved in refugee and migration issues. These Task Forces should meet on a regular basis.*
- ii. Key stakeholders at the national level, including representatives of government, civil society and international organizations, are encouraged to strengthen existing forms of cooperation, including through regular meetings and joint activities. The establishment of Mixed Migration Task Forces that meet on a regular basis could facilitate greater coordination and cooperation between governmental and non-governmental partners.*
- iii. The proposed Action Plan from the Regional Conference should be reviewed and discussed by all relevant stakeholders at the national level. In the absence of existing platforms for dialogue, the pre-conference national consultations should be reconvened to identify specific follow-up activities at the national level and the mechanisms to move the Action Plan forward.*

At the bi-lateral, sub-regional and regional levels

- iv. States are encouraged to foster greater cross-border cooperation on issues related to refugee protection and mixed migration. Initiatives such as joint trainings, increased information-sharing, and bi-lateral agreements on returns and re-admission, would better ensure the orderly and humane management of common borders.*
- v. Existing regional platforms, most notably the AU, the Regional Economic Communities and other regional bodies and forums, such as MIDSA, should be used as the fora for increased regional cooperation on refugee protection and mixed migration issues.*

- vi. *Regional organizations are urged to prioritize refugee protection and migration issues on their agendas and to dedicate the necessary human and financial resources to these issues, with the support of international organizations and development partners.*
- vii. *States are encouraged to establish, perhaps under the auspices of the regional organizations, a Regional Advisory Committee on Mixed Movements which would assist States and other stakeholders in exchanging best practices on refugee protection and mixed migration issues from the national and regional levels.*
- viii. *International organizations (such as UNHCR and IOM) should continue to build capacity of states and regional organizations and to provide technical expertise to support national and regional initiatives.*
- ix. *A “stock-taking” conference should be convened in 2012 to measure progress in the implementation of the recommendations emerging from the Regional Conference.*