

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

Action Plan

Introduction

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. This conference was convened 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 that was becoming of increasing concern to States and other stakeholders. During the Regional Conference, a number of concrete recommendations were made as to how States, civil society, and international and regional organizations could jointly address the main challenges presented by these movements. These recommendations, and a summary of the discussions that surrounded them, can be found in the Conference Summary Report.

The Regional Conference was the culmination of a process that began *before* the conference, most notably through national consultations that were convened in most of the participating countries to discuss the key themes and issues for discussion. During the Regional Conference, however, the participants stressed that the meeting should not only serve as a forum for discussion, but also as a catalyst for concrete action *after* the Conference, both at the regional and the national level. The participants agreed that an Action Plan was needed as a complement to the Summary Report, in order to guide and assist stakeholders in planning and implementation of concrete follow-up activities.

The Action Plan is structured around six main areas that emerged from discussions during the Regional Conference: (1) Legislative reform and review of policy, (2) Capacity-building, (3) Operations, (4) Outreach, (5) Data Collection and Analysis and (6) Cooperation and Coordination. General targets are recommended in relation to each area, in order to provide a basis for evaluating progress, when the Regional Conference reconvenes, as proposed, in two years.

The Action Plan provides a flexible framework for pursuing implementation of the key recommendations from the Regional Conference, as reflected in the Summary Report. The Plan proposes a non-exhaustive “menu of actions” in relation to each main theme, which reflects the richness of the discussions in Dar es Salaam. It is not expected that each country will undertake each of the activities, but rather will identify those activities that can be adapted to the national context in a meaningful and effective way. It is understood that some of these activities may be contingent on the availability of external funding. The proposed targets are meant to set realistic benchmarks encouraging and inspiring concrete actions by all stakeholders. They may, however, be reviewed and adjusted while moving along with discussions at national and regional levels.

The Action Plan is addressed primarily to the participating governments, but the role and contributions of other key stakeholders, such as international and regional organizations, civil society organisations, the academic community and development and humanitarian partners, should also be clear.

Implementation of the recommendations emanating from the Regional Conference will require effective and continuing cooperation, coordination and partnership among key stakeholders, both at the national and regional levels. During the Regional Conference, participants recognized the value of the national consultations as a platform for dialogue at the national level and suggested that governments consider reconvening national stakeholder meetings to discuss the outcomes of the Regional Conference and to define national priorities and targets, within the framework provided by the Action Plan. Specific recommendations

were made to ensure follow-up mechanisms on the Conference Action Plan, both at the national and regional levels. It was also agreed that the regional conference was a crucial opportunity for states to meet, discuss and cooperate as the mixed migration movements require multilateral approaches and solutions.

At the regional level, the African Union (AU) and the Regional Economic Communities (RECs), including the EAC, SADC, IGAD and COMESA, will be important partners in moving the Action Plan forward, providing a platform for continued dialogue and collaboration. Member States to these bodies are encouraged to ensure that issues related to refugee protection and mixed migration are appropriately prioritized and resourced. For their part, UNHCR and IOM remain committed to working closely with States and non-State partners in the implementation of the Action Plan and to assist in the coordination of follow-up activities. UNHCR and IOM have agreed to undertake a number of joint regional activities that were recommended during the conference, including the organization of regional workshops, the development of a training module on refugee protection, mixed migration and irregular migration, and targeted research on mixed migration flows in the region. UNHCR and IOM have also agreed to establish a working group in the region to facilitate coordination of Action Plan activities at the national and regional level, to support the development of UNHCR/IOM joint activities and to monitor progress on the proposed targets.

I. Legislative and policy reform

During the Regional Conference, many of the discussions pointed to the need for improved national policy and legal frameworks to address the challenges of refugee protection and mixed migration flows. A number of specific areas for action were identified. These included ratification of relevant international instruments, elaboration of bi-lateral and regional migration frameworks, and formulation of legislative and policy reforms on such issues as refugee protection, counter-trafficking/smuggling, legal migration and child protection. It was recognized that where efforts should be focused would depend on the national context and, as such, should be discussed among national stakeholders. UNHCR and IOM indicated their preparedness to provide technical assistance as necessary in undertaking these activities.

Targets

By 2012

- ⇒ *Implementation of comprehensive legislative review* in at least four countries with technical assistance from UNHCR and IOM.
- ⇒ *Initiation/implementation of legislative/policy reform* in at least two of the priority areas identified below in at least six countries.

Menu of Actions

	<i>Conference Recommendation(s)</i>
International and regional instruments	
➤ Sign and ratify main international and regional human rights treaties (e.g., ICCPR, CAT, ICESCR, CRC Optional Protocol, CEDAW, Kampala IDP Convention, 1954 and 1961 statelessness conventions).	I (i), (ii) II (i)
➤ Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.	II (i)
➤ Sign and 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.	IV (iv)
➤ Lift reservations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.	III (v)
Bilateral and regional frameworks for legal migration	
➤ Elaborate bi-lateral and regional agreements allowing for circular labor migration.	II (iv)
➤ Sign, ratify and/or implement regional protocols for the free movement of persons (e.g. the 2010 EAC Common Market Protocol and the SADC Protocol on the Facilitation of Movement of Persons).	II (iv)
Refugee protection	
➤ Review and reform, as necessary, national asylum policies and procedures to ensure that they are fair and efficient and adequately respond to the nature of mixed migratory movements.	III (i)
➤ Re-visit existing encampment policies and offer greater opportunities for self-reliance and freedom of movement outside of refugee camps where possible.	III (v)
➤ Grant refugee status on a <i>prima facie</i> basis to persons fleeing generalized violence so as to reduce delays in asylum adjudications and allow for the more strategic use of asylum resources.	III (iv)
➤ Establish mechanisms for refugees and migrants to report abuses to government authorities.	I (iv)

Counter-trafficking & counter-smuggling

➤ Review and reform national legislation to ensure that those who engage in human trafficking and human smuggling, and not those who are victims of these activities, are subject to criminal penalties, in accordance with international standards.	I (iii)
➤ Create effective procedures for granting permits to victims of trafficking to allow them to remain in host countries and to ensure access to assistance and protection as needed.	V (x)
➤ Ensure that domestic legislation and guidelines provided to national RSD adjudicators recognize the link between human trafficking and possible international protection needs.	V (x)

Legal migration

➤ Implement the guidelines of the 2005 Multilateral ILO Framework on Labour Migration.	II (v)
➤ Implement regularization programs for long-staying irregular migrants.	I (vii)
➤ Integrate migration into national development policies and poverty reduction strategies to enhance the development impact of migration.	II (viii)
➤ License and regulate employment agencies in countries of origin and destination to avoid exploitation of potential migrants.	VI (v)
➤ Formulate national migration policies in accordance with the African Union continental migration policy frameworks.	III (ix)

Child protection

➤ Review and modify as necessary national policies to ensure that best interest determinations (BIDs) for separated and unaccompanied children are undertaken as soon as possible after arrival.	V (viii)
➤ Review and modify as necessary national policies to ensure that family reunification is pursued as soon as possible after identification of separated or unaccompanied children, unless not deemed in the best interest of the child.	V (viii)

Detention

➤ Where restrictions of movement are deemed necessary, provide for alternatives to detention under relevant national legislation and policy, in particular for asylum-seekers, families with children, and unaccompanied or separated children.	I (iv) III (vi) V (vi)
➤ Where detention is deemed necessary, ensure that persons convicted for an administrative offence are not detained alongside persons for criminal offences. Ensure that basic due process standards and conditions of detention comply with international standards, both under applicable law and policy and in practice.	I (iv) III (vi) V (vi)

II. Capacity-building

Participants at the Regional Conference repeatedly noted the need to strengthen national and regional capacities to respond to the challenges of mixed movements in a human rights and protection-sensitive manner. From the various recommendations that emerged during the conference, different types of trainings could be identified, ranging from broad-based trainings that provide an overview of key refugee protection, migrants' rights and mixed migration issues to inter-connected stakeholders, to more targeted trainings that focus on specific aspects of mixed movements as they impact officials and practitioners in those fields. The Tanzania Regional Immigration Training Academy (TRITA) and the African Capacity Building Centre (ACBC) in Moshi, Tanzania, are valuable resources to be utilized in capacity-building efforts.

Targets

By 2012

- ⇒ *Review existing training curricula for border enforcement and immigration officials in all countries to ensure that mixed migration and refugee protection considerations are addressed.*
- ⇒ *UNHCR and IOM joint training curriculum on refugee protection and mixed migration developed at regional level.*
- ⇒ *Two joint UNHCR/IOM cross-sectoral or focused regional trainings delivered on protection and assistance needs of persons who move irregularly.*
- ⇒ *Cross-sectoral or focused national trainings on protection and assistance needs of persons who move irregularly organized in all countries.*

Menu of Actions

Delivery of Training	<i>Conference Recommendation(s)</i>
➤ Convene cross-sectoral and focused trainings for key stakeholders at national & regional levels on protection and assistance needs of persons who move irregularly.	I (iii), III (ii) IV (iii), V (v) VII (iii)

Training material

➤ Review and/ or develop national training in key sectors to ensure that mixed migration and refugee protection considerations are addressed.	III (iii)
➤ Develop joint UNHCR-IOM training curriculum on refugee protection and mixed migration for use at regional and national levels, in collaboration with partner agencies as appropriate.	VII (viii)

Key topics for training:

- *General protection and assistance needs of persons who move irregularly*
- *Refugee protection*
- *Enhancing legal migration options*
- *Information and outreach campaigns*
- *Reception conditions*
- *Trafficking and smuggling, including victim protection*
- *Data collection and analysis*
- *Meeting needs of victims of trafficking, torture and trauma*
- *Role of legal service providers*
- *Unaccompanied & separated children*

Key target groups for training:

- *Border officials and law enforcement personnel*
- *Judges, prosecutors and the practicing bar*
- *Regional organizations*
- *Direct service providers*
- *Journalists and other public information actors*
- *Civil society organizations*
- *Human rights organizations*

III. Operations

A number of recommendations that emerged from the Regional Conference had clear operational implications, especially at the national level. To implement these recommendations, action is required in such areas as border management, reception arrangements, profiling and referral mechanisms, counseling, return and re-admission arrangements, and effective complaint mechanisms. Efforts must be undertaken to establish the identified operational programmes where they do not already exist and, if they do exist, to strengthen them and make them more effective.

Targets

By 2012

- ⇒ *Pilot project initiated for the establishment of multi-stakeholder border management teams in at least two critical border regions.*
- ⇒ *Reception arrangements established in at least one country, including, where appropriate, reception centres, to process persons arriving in mixed movements.*
- ⇒ *Profiling and referral mechanisms between key stakeholders reviewed and established or enhanced in at least four countries in the region.*
- ⇒ *Pilot project implemented with a national human rights institution in one country to monitor the human rights of refugees and migrants and to establish reporting mechanism for cases of abuse and human rights violations.*
- ⇒ *Counseling program established for recent arrivals in at least two countries in the region.*

Menu of Actions

	<i>Conference Recommendation(s)</i>
Profiling and referral mechanisms	
➤ Establish profiling and referral mechanisms at border points to identify as soon as possible the specific needs of those arriving, including asylum-seekers, trafficked persons, unaccompanied minors and others, the delivery of protection and assistance, and the proper management of cases. Establish Joint Standard Operating Procedures for all relevant actors to ensure coordinated responses and referrals.	V (i)
➤ Develop “multi-stakeholder border management teams”, either between different government ministries or between government, civil society and international agencies to ensure a coordinated response to border management and protection activities.	IV(i), (ii)
Reception arrangements	
➤ Establish reception arrangements, including, where appropriate, reception centres, to ensure proper processing of individual cases upon arrival.	V (ii), (vi), (xi)
Counselling	
➤ Provide counselling to arrivals on legal migration options and on the right to seek asylum and their human rights.	VI (v) VI (v)
➤ For those subject to return, provide pre-departure counseling to facilitate their return and the reintegration process.	V (iii)
Return and re-integration arrangements <i>(see Chapter VI for cross-border and regional cooperation on return)</i>	
➤ Develop national frameworks to enhance possibilities for voluntary return, including the requirements for assisted voluntary return in national development plans and mobilizing resources from development partners.	VI (ii)
➤ Provide reintegration assistance for returnees, in particular women and children.	IV (iv)
National Human Rights Institutions	
➤ Engage national human rights institutions in monitoring human rights of refugees and migrants and in responding effectively to reports of abuse.	I (iv)

IV. Communication and outreach

Participants during the Regional Conference stressed the importance of communication and outreach in reducing irregular migration and in sensitizing host communities on the issue of mixed migration and the protection needs of those in their midst. Specific action is required by the media and other public information outlets given the potential breadth and impact of their coverage. The Action Points below seek to focus the relevant stakeholders in the field of communication and outreach on the creation or strengthening of programmes that educate both potential migrants and host communities and foster greater understanding between communities.

Targets

By 2012

- ⇒ *Pilot awareness campaigns initiated* or existing campaigns reinforced or replicated, as appropriate, in at least one country of origin, to advise potential migrants of risks and dangers of irregular migration.
- ⇒ *Pilot press campaign developed and implemented* in at least one country of the region on the positive contributions of refugees and migrants to host communities and their potential protection and/or assistance needs.
- ⇒ *One sub-regional workshop convened for journalists and public information relevant stakeholders to discuss/strategize on refugee protection and mixed migration and role of media in providing protection and assistance.* (UNHCR-IOM)

Menu of Actions

Information campaigns	<i>Conference Recommendation(s)</i>
➤ Inform potential migrants on conditions in countries of transit and destination and the risks and dangers of irregular migration, including human trafficking.	II (vi) VI (v)
➤ Inform refugees and asylum-seekers in camps and urban settings on the risks of irregular secondary movements.	II (vi)
➤ Implement national and local awareness campaigns on the positive contributions of refugees and migrants to host communities and their potential protection and assistance needs.	I (viii)

Public information workshop

➤ Deliver national and regional workshops to journalists and other public information stakeholders to discuss/strategize on refugee protection and mixed migration and the role of media in providing protection and assistance.	I (viii) II (vi) IV (III)
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V. Data collection and analysis

Participants at the Regional Conference expressed repeated concern about the lack of accurate and reliable data and data analysis on refugee protection and mixed migration issues in the region. Research at the national and regional level was seen as minimal and data-sharing, both at the national and regional levels, was considered largely absent. The Action Points below implement the conference recommendations through initiatives and programmes to map existing research findings and to fill research gaps, to increase information-sharing and joint data analyses between government agencies and other stakeholders, and to invest in research institutions at the national level to generate the data that is required to make sound policy decisions.

Targets

By 2012

- ⇒ *Mapping exercise on existing data and research undertaken and made available to all stakeholders. (IOM-UNHCR)*
- ⇒ *At least two research projects implemented that address existing geographical and/or substantive gaps in data analysis. Main findings presented to national and regional stakeholder fora.*
- ⇒ *Research study implemented on secondary movements of refugees in the region.*
- ⇒ *Pilot project initiated on systematic and comprehensive data collection and analysis at the national level in at least one country (including the development of data-sharing protocols).*
- ⇒ *National Migration Profiles developed in at least two countries in the region.*

Menu of Actions

Mapping exercise	<i>Conference Recommendation(s)</i>
➤ Follow-up on main findings of already existing research and studies and consider implementing relevant and appropriate recommendations.	VII (ii)
➤ Undertake research studies to identify existing data and research sources on mixed migration at the national and regional levels, as well as existing research capacities.	VII (i)
➤ Identify information and capacity gaps as part of this exercise.	VII (i)

Research priorities

➤ Commission research 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 towards Australia, Europe and North America.	VII (viii)
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Collaboration with research institutions and civil society organizations

➤ Collaborate with and mobilize increased funding for universities and academic institutions to undertake research on mixed movements.	VII (v)
➤ Collaborate with civil society organizations and mobilize increased funding for research activities undertaken by civil society organizations that work in strategic locations along migration routes and have specific expertise and experience on mixed movements.	VII (iv)
➤ Form national and/or regional working group to improve coordination between key partners and to facilitate the development of joint tools and training packages on data collection and analysis.	VII (iv)

Data collection and information-sharing

➤ Develop common standards and criteria for the collection and analysis of data on mixed movements at the national and regional levels with view to facilitating the sharing of data between relevant stakeholders.	VII (iii)
➤ Develop data-sharing protocols at the national and regional levels to ensure that individual data is protected and that confidentiality of personal information is maintained	VII (iii) VII (iv)
➤ Develop programmes with regional organizations on the collection and analysis of mixed movement data at the sub-regional level.	VII (vii)

VI. Cooperation and coordination

The predominant theme throughout the Regional Conference was the call by participants 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. Specific recommendations were made to ensure follow-up mechanisms on the Conference Action Plan, both at the national and regional levels. The below Action Points seek to operationalize these recommendations in a coordinated and holistic manner.

Targets

By 2012

- ⇒ *Action Plan reviewed and discussed* by stakeholders at the national level in all countries; national action points identified and agreed upon.
- ⇒ *Inter-ministerial task forces on mixed migration established* in at least three countries.
- ⇒ *Intra-Regional Coordination mechanism on Mixed Migration established among concerned governments and the RECs (e.g. IGAD, EAC, COMESA and SADC).*
- ⇒ *Refugee protection, mixed migration and irregular migration mainstreamed into the work agendas of regional organizations.*
- ⇒ *Joint border training implemented* in at least one border region.
- ⇒ *Second Regional Conference convened* towards the end of 2012 to assess progress made on the Action Plan implementation.

Menu of Actions

	<i>Conference Recommendation(s)</i>
Cooperation at the national level	
➤ Convene meeting at national level to review and discuss Summary Conference Report and proposed Action Plan, identify specific activities to be implemented at the national level and identify mechanisms to move the Action Plan forward. In the absence of existing platforms for dialogue, re-convene pre-conference national consultations.	VIII (iii)
➤ Establish Inter-Ministerial Task Forces, to ensure communication and information-sharing between government agencies involved in refugee and migration issues.	VIII (i)
➤ Establish Mixed Migration Task Forces with relevant national stakeholders to discuss refugee protection and mixed migration issues and ensure that they meet on a regular basis.	VIII (ii)
Bi-lateral and cross-border cooperation	
➤ Organize joint cross-border trainings between immigration officials and other relevant stakeholders in critical border regions.	VIII (iv)
➤ Develop bi-lateral information-sharing protocols.	
➤ Arrange regular meetings between countries of origin, transit and destination to discuss the issue of return arrangements. Develop a joint strategy for the return of persons not in need of international protection.	VI (iii)
➤ 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.	VI (i)
Regional cooperation	
➤ Mixed migration and refugee protection mainstreamed into the work agendas and policy documents of the regional organizations, including political and technical meetings and regional activities.	VIII (vi) VII (vi) VIII (ii)

➤ Establish and/or enhance existing Regional Consultative Processes to improve inter-state dialogue and intra-regional cooperation on mixed migration issues.	II (iii)
➤ Establish regional or sub-regional working groups to assess country situations and make more concrete recommendations on how both security and protection standards can be fulfilled.	IV (vii) VIII (vii)
➤ Convene regional conference in late 2012 to take stock of implementation of the Action Plan.	VIII (ix)