

THE 10-POINT PLAN OF ACTION

REFUGEE PROTECTION AND INTERNATIONAL MIGRATION ACHIEVEMENTS, CHALLENGES AND LESSONS LEARNED FROM UNHCR'S 10-POINT PLAN PROJECT

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ANNEX I The Implementation of the 10-Point Plan in Different Regions

I. Introduction: The 10-Point Plan Project in Context

Since 2006, UNHCR has become increasingly engaged in regional and global policy discussions and initiatives on the interface between refugee protection and international migration. This engagement was, inter alia, the result of discussions during the Global Consultations and recommendations in the Agenda for Protection which included the theme “protecting refugees within broader migration movements” as a specific goal.¹ A policy paper issued in 2006 set out the basis for UNHCR’s involvement, highlighting the challenges and opportunities of international migration for persons of concern to UNHCR.² Also in 2006, UNCHR issued a *10-Point Plan of Action on Refugee Protection and International Migration* (the 10-Point Plan) to assist States in developing comprehensive and “protection-sensitive” asylum and migration strategies.³ To ensure effective implementation, the Assistant High Commissioner (Protection) was tasked to lead and coordinate the Office’s activities in this area.

UNHCR’s position on asylum and migration issues has evolved significantly since the early 1990s, when “UNHCR’s traditional reluctance to acknowledge or discuss international migration [had been] challenged by a number of related developments, including a significant growth in people seeking asylum, [...] a decline in the proportion of asylum seekers being granted refugee status a widespread believe that many of the new asylum applications were ‘manifestly unfounded’ in nature [...]”⁴

The 10-Point Plan has, since 2006, been the flagship tool for UNHCR’s engagement in international migration and refugee protection. It consists of 10 action points to assist States in developing and implementing “protection-sensitive” migration strategies, i.e., which take into account the needs of refugees and other persons with specific needs travelling as part of larger irregular mixed movements.⁵ The 10 action points are: 1) cooperation among key partners; 2) data collection and analysis; 3) protection-sensitive entry systems; 4) reception arrangements; 5) mechanisms for profiling and referral; 6) differentiated processes and procedures; 7) solutions for refugees; 8) addressing secondary movements; 9) return of non-refugees and alternative migration options; and 10) information strategy.

¹ UN High Commissioner for Refugees, *Agenda for Protection*, October 2003, third edition, available at: <http://www.unhcr.org/refworld/docid/4714a1bf2.html> [accessed 12 September 2011].

² UN High Commissioner for Refugees, *UNHCR and Refugee Protection in the Context of Mixed Movements*, 5 July 2006, available at: <http://swigea56.hcrnet.ch/refworld/docid/44ca11fb4.html> [accessed 29 August 2011].

³ UN High Commissioner for Refugees, *Refugee Protection and Mixed Migration: A 10-Point Plan of Action*, January 2007, Rev.1, available at: <http://www.unhcr.org/refworld/docid/45b0c09b2.html> [accessed 2 September 2011].

⁴ UNHCR Research Paper Series No. 155, Jeff Crisp: *Beyond the nexus: UNHCR’s evolving perspective on refugee protection and international migration*, 30 April 2008, ISSN 1020-7473, available at: <http://www.unhcr.org/refworld/docid/4c2325646.html> [accessed 2 September 2011], at p. 1.

⁵ “Mixed movements” (also sometimes referred to as “mixed migration”) involve individuals or groups of persons travelling generally in an irregular manner along similar routes and using similar means of travel, but for different reasons. They may affect a number of different countries along particular travel routes.

The 2007 “High Commissioner’s Dialogue on Protection Challenges” (2007 Dialogue) – a two-day gathering of governments, international organizations, nongovernmental organizations (NGOs), civil society and individual experts - provided UNHCR with the opportunity to present the 10-Point Plan to relevant stakeholders.⁶ The 2007 Dialogue, the first ever convened, was itself dedicated to the theme “Refugee Protection, Durable Solutions and International Migration”. The High Commissioner outlined the Office’s new approach, based on the 10-Point Plan. Responding to concerns expressed by some governments and other organizations about UNHCR’s increased engagement in international migration, the High Commissioner emphasized that he was not “seeking an expansion of my Office’s mandate”. He explained the interrelationship between refugee protection and the broader migration debate and noted:

“I do believe however in the universality and indivisibility of human rights. By creating an environment in which migrants’ rights are respected, we will also be creating an environment in which UNHCR can more effectively exercise its mandate for refugee protection and solutions.”⁷

During the 2007 Dialogue, participants recognized certain protection gaps for “migrants who are deemed to be ‘irregular’ by the authorities, who fall outside the international refugee protection framework, but who nevertheless need humanitarian assistance and/or different kinds of protection.”⁸ Participants “acknowledged the direct relevance of the areas covered in the 10-Point Plan for the better management of refugee protection and international migration.”⁹ However, they also asked the High Commissioner to further define the scope of the 10-Point Plan and clarify its terminology.¹⁰

In early 2008, in follow-up to the 2007 High Commissioner’s Dialogue, UNHCR launched a two-year project on the 10-Point Plan, entitled “UNHCR’s 10-Point Plan in Central America, Western Africa, Eastern Africa and Southern Asia” (the 10-Point Plan Project).¹¹ The 10-Point Plan Project was realized thanks to generous funding from the European Commission and other donors. It included various components: a series of **regional stakeholder conferences** to develop implementation strategies for the 10-Point Plan in different regions, as well as a separate series of **expert meetings**

⁶ For complete documentation from the 2007 Dialogue see <http://www.unhcr.org/pages/4a12a6286.html> [accessed 30 September 2011]. For detailed discussion of the 2007 Dialogue and its importance for UNHCR’s evolving perspective on Refugee Protection and International Migration, see Jeff Crisp, *Beyond the nexus*, above n 4.

⁷ UN High Commissioner for Refugees, *Chairman’s Summary, 12 December 2007 (High Commissioner’s Dialogue on Protection Challenges (11-12 December 2007), Theme: Refugee Protection, Durable Solutions and International Migration)*, 21 January 2008, available at: <http://www.unhcr.org/refworld/docid/479744c42.html> [accessed 2 September 2011].

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ UN High Commissioner for Refugees, *UNHCR’s 10 Point Plan in Central America, Western Africa, Eastern Africa and Southern Asia - A two year project*, March 2008, available at: <http://www.unhcr.org/refworld/docid/484d437f2.html> [accessed 7 September 2011].

and a **compilation of practical examples** to further develop the 10-Point Plan itself. The Project was later extended to a third year.¹²

Between 2008 and 2011, UNHCR convened **five regional conferences** on Refugee Protection and International Migration, in cooperation with governments, the International Organization for Migration (IOM) and other key partners:

- Gulf of Aden - Sana'a, Yemen, May 2008;
- West Africa - Dakar, Senegal, November 2008;
- Americas - San José, Costa Rica, November 2009;
- East and Horn of Africa and Great Lakes Region to Southern Africa - Dar es Salaam, Tanzania, September 2010; and
- Central Asia - Almaty, Kazakhstan, March 2011.¹³

Each of the two-day regional conferences brought together between 150-200 participants. They helped to sensitize key stakeholders to protection challenges arising in the context of mixed movement situations. They also promoted the 10-Point Plan as a tool to assist with the incorporation of refugee protection into migration strategies.

UNHCR also convened **four expert roundtables** on specific themes under the 10-Point Plan:

- Geneva, Switzerland, 20-21 November 2008 – “Controlling borders while ensuring protection”;
- Tunis, Tunisia, 6-8 July 2009 – “Different people, different needs”;
- Geneva, Switzerland, 30 October-1 November 2009 – “The return of non-refugees and alternative migration options”; and
- Manila, Philippines, 22-23 November 2010 – “Regional cooperation on refugees and irregular movements”.¹⁴

The outcomes of the regional conferences and expert roundtables have, in turn, informed the development of the **compilation of practical examples**, entitled *The 10-Point Plan in Action* (the

¹² UN High Commissioner for Refugees, *UNHCR's 10-Point Plan in Central America, Western Africa, Eastern Africa and Asia - A three-year project*, October 2009, available at: <http://www.unhcr.org/refworld/docid/4af2febc2.html> [accessed 7 September 2011].

¹³ Complete documentation from all conferences is available at: <http://www.unhcr.org/pages/4a16aac66.html> [accesses 29 August 2011]. The concept notes and summary reports of all conferences are compiled together in UN High Commissioner for Refugees, *Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia - Selected Conference Materials*, June 2011, available at: <http://www.unhcr.org/refworld/docid/4e0d6be02.html> [accessed 2 September 2011].

¹⁴ Complete documentation from all expert roundtables is available at: <http://www.unhcr.org/pages/4a16aac66.html> [accessed 7 September 2011].

Compilation).¹⁵ The Compilation was launched by UNHCR during the June 2011 Standing Committee. It includes nearly 200 practical examples, chosen for the specific contribution they make towards achieving the objectives of the 10-Point Plan: developing migration strategies that address the sovereignty and security concerns of States, but that also consider the needs and rights of all persons involved in mixed movements. Comprehensive supporting documentation was provided for most examples in the form of annexes.

Overall, the 10-Point Plan Project has met most of the goals established for it in 2008, and ensured broad acceptance of the 10-Point Plan. As UNHCR's Assistant High Commissioner for Protection has noted:

*The [10-Point] Plan has found wide favour globally with governments and intergovernmental and non-governmental entities, and is increasingly resorted to as a planning tool, albeit one that has to rest in the end on the national and regional specificities.*¹⁶

To review and adjust its focus, approach and planning on asylum and migration issues, UNHCR has commissioned this paper to take stock of the achievements, challenges and lessons learned from the 10-Point Plan Project. The results will inform UNHCR's work on asylum and migration issues in the coming years. The first section of the paper identifies achievements of the 10-Point Plan Project. Second, the paper analyzes constraints and limitations of the 10-Point Plan Project. Finally, the paper proposes structural, policy and operational follow-up activities for UNHCR.

The 10-Point Plan Project has been only one (albeit substantial) part of UNHCR's activities in the field of refugee protection and international migration. It is beyond the scope of this paper to address all of these developments. However, the regional stakeholder conferences in particular have been linked to ongoing (and have inspired new) regional and national processes on issues relating to mixed movement. Without being exhaustive, this paper will seek to analyze the various components of the 10-Point Plan Project in the context of UNHCR's overall engagement in this field.

The findings of this paper are based on desk research and interviews with the Division of International Protection's Asylum/Migration Focal Point, focal points in the field and consultants recruited under the 10-Point Plan Project, undertaken in August 2011.¹⁷

¹⁵ UN High Commissioner for Refugees, *Refugee Protection and Mixed Migration: The 10-Point Plan in action*, February 2011, available at: <http://www.unhcr.org/refworld/docid/4d9430ea2.html> [accessed 7 September 2011].

¹⁶ UN High Commissioner for Refugees, *Fourth Bali Regional Ministerial Conference: Statement by Erika Feller Assistant High Commissioner (Protection), UNHCR Bali, 30 March 2011*, 30 March 2011, available at: <http://www.unhcr.org/refworld/docid/4dd51d152.html> [accessed 2 September 2011].

¹⁷ The author would also like to thank Janice Marshall, Deputy Director of the Division of International Protection and Jeff Crisp, Head of the Policy Development and Evaluation Services, for providing advice on the methodology and structure of this paper.

II. The 10-Point Plan Project: Achievements

1) *Strengthening cooperation among key partners*

Summary:

- Improved cooperation with and among governments on refugee protection and international migration
- Strengthened relationships with regional organizations
- Comprehensive outreach to civil society organizations with specialized expertise
- Institutionalized partnership with IOM

The first action point of the 10-Point Plan emphasizes the importance of “cooperation among key partners” as a prerequisite for addressing the challenges of mixed movements:

“[e]ffective approaches to the dilemmas of mixed movements will inevitably depend on full cooperation among key partners concerned: affected states, governmental bodies, regional and international organizations with relevant mandates (e.g. UNHCR, OHCHR, UNICEF and IOM) as well as local and international NGOs.”¹⁸

The cooperative approach underlying the 10-Point Plan has guided the overall implementation of the 10-Point Plan Project. Prior to each regional conference the Division of International Protection (DIP), in consultation with the Bureaux, carefully selected host countries and identified strategic partners. Each regional conference was co-organized by UNHCR with a different set of partners, including the host State as well as a number of international and regional organizations. IOM was a co-organizer of four of the five regional conferences. The Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children’s Fund (UNICEF) and the United Nations Office on Drugs and Crime (UNODC) provided support to most of the conferences. For the 2008 conference in Sana’a, Yemen, UNHCR partnered with the Mixed Migration Task Force Somalia which comprises a number of agencies, including IOM, UNICEF, OHCHR, the Office for the Coordination of Humanitarian Affairs (OCHA), the Danish Refugee Council (DRC) and the Norwegian Refugee Council (NRC). Regional organizations were also involved as co-organizers of or provided support to the conferences. These included: the Organization of America States (OAS), the Economic Commission for Latin America and the Caribbean (ECLAC), the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and the Inter-American Institute of Human Rights for the 2010 San Jose conference; the Economic Community of West African States (ECOWAS) for the 2008 Dakar conference; and the United Nations Regional Center for Preventive Diplomacy for Central Asia and the Organization for Security and Co-operation in Europe (OSCE) for the 2011 Almaty conference.

¹⁸ UN High Commissioner for Refugees, *A 10-Point Plan of Action*, above n 3.

The four expert roundtables followed a similar approach, including partner agencies and academic institutions as co-organizers.¹⁹

In total, the five regional conferences and the four expert roundtables brought together more than 800 representatives from governments, international and regional organizations, academia and civil society to discuss refugee protection and international migration.²⁰ While this is in itself an achievement, the regional conferences and expert roundtables also had positive impact on cooperation among key partners beyond the meetings themselves. Four areas in which the conferences and expert roundtables helped to strengthen existing partnerships and reach out to new partners are highlighted below. These are: a) UNHCR's cooperation with governments, b) UNHCR's increased involvement with regional organizations, c) its outreach to civil society with specific expertise on mixed movements, and d) the evolving relationship with IOM.

a) Cooperation with and among Governments

UNHCR has consistently emphasized that States are the most important actors in addressing the challenges of mixed movements. The regional conferences brought together governments from source, transit and destination countries, providing a forum for States to discuss mixed movements from a range of different perspectives. Government delegates were involved in plenary sessions as well as the interactive working groups, and engaged in lively and constructive discussions on the regional dimensions of mixed movements.

The host State of each regional conference played an important role in this respect. Opening and closing sessions were chaired by host State ministers, who also gave key note speeches. It was central to the success of the meeting that UNHCR itself was represented at the highest level. In particular, the opening of the first conference by the High Commissioner and of all other conferences by the Assistant High Commissioner for Protection sent a strong signal of UNHCR's commitment. UNHCR also took the opportunity offered by each regional conference to organize several bilateral meetings between its senior representatives and key governments and other partners.

To ensure government ownership, UNHCR requested selected States to act as chairs of working groups or plenary sessions, or to give brief thematic presentations. For all regional conferences

¹⁹ The first expert roundtable, "Controlling borders while ensuring protection", was organized by UNHCR in cooperation with the Graduate Institute of International and Development Studies. The second, "Different people, different needs", was jointly convened by UNHCR, IOM and the International Federation of Red Cross and Red Crescent Societies (IFRC). The third, "The return of non-refugees and alternative migration options", was co-organized by UNHCR, IOM and the International Labour Organization (ILO). The fourth expert roundtable on "Regional Cooperation on Refugees and Irregular Movements" was co-hosted by the Philippines and UNHCR, on recommendation from the Bali Process' Third Meeting of Ad Hoc Group Senior Officials held in Bali, Indonesia on 10 and 11 June 2010.

²⁰ The regional conference in Yemen had almost 200 participants; the conference in Senegal had 150 participants; the conference in Costa Rica more than 220 participants; the conference in Tanzania around 120 participants; and the conference in Kazakhstan 130 participants. Each expert roundtable brought together close to 50 participants respectively. Participant lists for all meetings are available at: <http://www.unhcr.org/pages/4a16aac66.html>.

UNHCR, in cooperation with its partners, was able to identify high-level delegates from governments and to facilitate their active participation. As a result, many donor countries and those countries that participated in the regional conferences have supported the development of the 10-Point Plan as a practical tool and expressed their appreciation for UNHCR's work during the conferences, as well as at EXCOM and the Standing Committee.²¹

b) Regional organizations

As foreshadowed above, the regional conferences also led to strengthened cooperation between UNHCR and regional organizations. For example, as a result of the 2008 Dakar conference UNHCR has extended its long-standing partnership with ECOWAS to include mixed movements: in line with the "principal objective of the [Dakar] conference [...] to enhance the response to mixed migration in West Africa through fuller utilization of the existing regional frameworks and processes, in particular the ECOWAS free movement protocols".²² Mixed movements have since remained on the ECOWAS agenda, and ECOWAS has participated in a number of follow-up activities in the region initiated by UNHCR and IOM.²³ A similar degree of cooperation was established between UNHCR and the OAS for the 2010 Costa Rica conference: the OAS not only sent a high-level delegation to the conference, but it has also since added refugee protection and mixed movements to its working agenda. During the 2011 OAS General Assembly in June 2011, for example, a resolution on mixed migration was adopted.²⁴

c) The International Organization of Migration (IOM)

In light of its mandate and expertise, IOM has been the most important partner agency for UNHCR under the 10-Point Plan Project. As the Assistant High Commissioner for Protection stated at the 2008 Dakar conference, the first to be co-organized by the two agencies:

*The increasingly 'mixed' nature of migratory movements, that is of movements whose participants have differing motivations, objectives and needs, necessarily means that refugees and migrants will often be travelling together. It also means that UNHCR must continue to intensify its cooperation with IOM in an expanding number of theatres.*²⁵

²¹ See for examples the remarks by Zambia, Thailand and Australia made at the 61st session of the UNHCR Executive Committee (EXCOM): A/AC.96/SR.641 Summary record of the 641st meeting, A/AC.96/SR.641, 5 October 2010, available at: <http://www.unhcr.org/4cbd98f39.html> [accessed 2 September 2011].

²² See UN High Commissioner for Refugees, *Regional Conference on Refugee Protection and International Migration in West Africa (Dakar, Senegal, 13-14 November 2008). Summary Report*, 5 March 2009, available at: <http://www.unhcr.org/refworld/docid/4a277fb72.html> [accessed 8 September 2011].

²³ See below Part II (2), "Creating a Political Momentum for Action across Different Regions".

²⁴ OAS, *Attention to Migratory Flows in the Americas with a Human Rights Perspective*, AG/RES. 2690, 7 June 2011, available at: http://www.oas.org/consejo/sp/AG/Documentos/AG05485E05.doc#_Toc295241295 [accessed 12 January 2012], pp. 290-291.

²⁵ UN High Commissioner for Refugees, *Refugee protection and international migration in West Africa. Statement by the Assistant High Commissioner for Protection at the Regional Conference on Refugee Protection and International Migration in West Africa (Dakar, 13-14 November 2008)*, 13 November 2008, available at: <http://www.unhcr.org/refworld/docid/4937dbf82.html> [accessed 2 September 2011].

Although UNHCR-IOM cooperation for the regional conferences and the expert roundtables has not been without challenges,²⁶ in general the 10-Point Plan Project has successfully drawn on the complementary expertise of both organizations to assist States in addressing the challenges of mixed movements. Three years after the Dakar conference, the Assistant High Commissioner welcomed the “established practice for UNHCR to co-organize these conferences together with IOM.”²⁷

UNHCR and IOM colleagues at all levels (i.e. HQ, regional and field levels) have cooperated closely to develop the format of the conferences, draft concept notes, and prepare background material. In the lead-up to each conference, DIP and UNHCR’s regional focal points on mixed movements worked with IOM colleagues on an almost daily basis. This constant exchange at the working level helped to identify potential areas of disagreement at an early stage, to clarify positions, and agree on common interests and objectives. This in turn has assisted to overcome initial hesitation on the part of IOM regarding the 10-Point Plan. During the conferences, UNHCR and IOM colleagues were identified as joint rapporteurs to prepare and to report on working group sessions. This approach has provided a good basis for continued cooperation on the follow up to and implementation of the conference recommendations.

The Asylum/Migration Focal Point in DIP has worked particularly closely with counterparts at IOM Geneva to ensure consistent cooperation across all regional conferences. IOM was also invited to co-organize two of the expert roundtables. In the follow-up to the roundtable on the return of persons found not to be in need of international protection, UNHCR sought and incorporated IOM’s input for the development of certain related policy documents on this topic. The establishment of the Asylum/Migration Focal Point for refugee protection and international migration within DIP has furthered the positive working relationship with IOM and led to a number of joint activities outside the 10-Point Plan project, e.g., joint standard operating procedures on the identification and referral of trafficked persons²⁸ and joint national workshops in the Americas for profiling and referral mechanisms. Overall, the enhanced cooperation between UNHCR and IOM has been one of the most visible outcomes of the 10-Point Plan Project, and has been welcomed by conference participants and donor countries.

d) Civil society

UNHCR has closely involved civil society organizations in the 10-Point Plan Project. For each conference, at least one civil society organization from each country was invited to participate (as compared to two to three government delegates from each country). Some governments were initially reluctant to involve civil society, but ultimately agreed following careful selection of the civil society representatives. The participation of these organizations added to the quality of the

²⁶ See below Part III (2).

²⁷ UN High Commissioner for Refugees, *Statement by Ms. Erika Feller Assistant High Commissioner for Protection, UNHCR - Regional Conference on Refugee Protection and International Migration in Central Asia, Almaty, 15 March 2011, 15 March 2011*, available at: <http://www.unhcr.org/refworld/docid/4dd51d792.html> [accessed 2 September 2011].

²⁸ See 2010 IOM/UNHCR Framework Document for Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons.

discussions given their first-hand experience of challenges posed by mixed movements in the field, and their expertise in providing assistance to those in need. The conference methodology, developed by the Asylum/Migration Focal Point in DIP, also offered relevant civil society organizations the possibility to co-chair working group sessions or to provide thematic input. In addition, civil society organizations contributed significantly to the outcomes of the expert roundtables, including through the presentation of practices and tools that they had developed.

2) Creating and building upon political momentum for action across regions

Summary:

- Refugee protection and international migration placed on regional and national agendas
- Cooperation on mixed movements institutionalized through various follow-up mechanisms
- Concrete follow-up projects implemented in different regions

In his closing remarks at the 2007 Dialogue, the High Commissioner emphasized:

“The 10-Point Plan is work in progress because it is not a document that enshrines a doctrine forever. It would not make sense to consider it in this way. It has aspects that need to be improved, adapted and made more precise. But this needs to be done by examining specific circumstances around the world where we have to act together.”²⁹

One of the goals of the 10-Point Plan Project has been to adapt the 10-Point Plan tool to different regional contexts. Above all, it has created political momentum for action across regions, along the lines identified by the High Commissioner in 2007: “[T]he 10-Point Plan [...] needs to be an instrument for action.”³⁰

The regional conferences have had important immediate and longer-term effects in each region. All of the conferences succeeded in placing refugee protection and international migration on the political agenda in relevant States and, often for the first time, provided a platform for dialogue at regional level. Through the conferences, UNHCR has contributed to a broader understanding among stakeholders not only of the utility of the 10-Point Plan, but of its work more generally. The conferences have also led to a number of follow-up processes, including the institutionalization of inter-State cooperation on mixed movements in certain regions.

The conference in Central Asia illustrates the political significance of the regional conferences for discourse on mixed movements and UNHCR’s protection work more generally. In Central Asia, UNHCR’s exchange on this topic with governments had been limited (UNHCR has, for example, no

²⁹ UN High Commissioner for Refugees, *Chairman's Summary*, above n 7.

³⁰ Ibid.

representation in Uzbekistan). In addition, prior to the conference there was almost no cooperation among States in the region on refugee protection and migration. The *2011 Almaty Declaration*, adopted unanimously at the Almaty Conference, commits participating States to jointly address the challenges of refugee protection and mixed migration in Central Asia, including by exploring the creation of a regional mixed migration consultative process.³¹

While each conference took place against a different backdrop (including political dynamics and the level of existing cooperation on migration issues), all had some impact on the way refugee protection and the work of UNHCR is perceived in their respective regions. For example, prior to the Costa Rica conference the Americas were characterized by a high level of regional integration and good regional consultative processes, with which UNHCR offices had long been actively engaged. Nonetheless, the conference in Costa Rica was the first of this scale organized by UNHCR in Central America and led to renewed commitment to address the challenges of mixed movements in the region, including various joint UNHCR/IOM follow-up projects on mixed movements implemented within the framework of the Puebla Process. The *2010 Brasilia Declaration on the Protection of Refugees and Stateless in the Americas*, adopted by 19 Latin American States, recommends that the Mexico Plan of Action be used to address new protection challenges, including mixed movements.³²

All conferences recommended the development of fora for cooperation to maintain political momentum following the conferences. These fora have been instrumental in implementing a broad range of concrete follow-up projects.³³

Following the 2008 Sana'a conference, the establishment of "Mixed Migration Task Forces" (MMTF) in Yemen and Djibouti has ensured that this issue remains on the agenda of key partners in the region. In addition, a monthly regional teleconference, including participants from UNHCR offices and partner agencies in Djibouti, Ethiopia, Kenya, Somalia, Yemen, as well as UNHCR Geneva has been established. These efforts have recently translated into the creation of a Regional Mixed Migration Secretariat (RMMS), hosted and managed by the regional office of the Danish Refugee Council in Nairobi, Kenya. The partner agencies of the RMMS are planning a follow-up meeting to the 2008 Conference for 2012. In addition to information campaigns in source countries on the dangers of irregular movements, a range of activities have been implemented since 2008 to improve reception arrangements and the profiling and referral of arrivals in various countries in the Gulf of Aden region. For example, a reception centre and a transit centre have been established on the Yemeni coast, and a Migration Response Centre has been established in Bossasso, Puntland. UNHCR and the Government of Djibouti have cooperated to provide more targeted training to immigration, police

³¹ The *Almaty Declaration* is available at UN High Commissioner for Refugees, *Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia - Selected Conference Materials*, June 2011, available at: <http://www.unhcr.org/refworld/docid/4e0d6be02.html> [accessed 2 September 2011].

³² *Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas*, 11 November 2010, available at: <http://www.unhcr.org/refworld/docid/4cdd44582.html> [accessed 8 September 2011].

³³ It is beyond the scope of this paper to review all follow-up projects that have been implemented to date. For an overview of follow-up activities inspired by the regional conferences see Annex I, "Overview Poster: The implementation of the 10-Point Plan of Action in different regions."

and security officers. A counter-trafficking programme has also been launched in Yemen, under the leadership of IOM.

Similarly, following the 2009 Dakar conference a regional inter-agency working group chaired jointly by UNHCR, IOM and OHCHR has implemented a number of follow-up activities, including four joint UNHCR-IOM training workshops, a UNHCR-IOM publication entitled “Protection of Refugees and Other Persons on the Move in the ECOWAS Space”³⁴ and a regional bi-annual Newsletter on Protection in Mixed Migration. UNHCR’s Senior Regional Training Officer in RO Dakar, Senegal, has acted as UNHCR’s regional focal point on mixed movements, supported by a Surge deployee for 15 months. The strong interagency cooperation established in the follow-up to the Dakar conference and capacity building on refugee protection and mixed migration have been instrumental for the development of comprehensive and coherent responses to the population influxes generated by the crises in Ivory Coast. Coordination mechanisms established on the national level during these crises and the use of 10-Point Plan tools such as profiling and referral have ensured that persons of concern have had access to adequate institutions and services.

Prior to the 2010 conference in Dar es Salaam, Tanzania, national consultations were convened in 12 of the 13 participating countries to discuss in advance the key themes and issues for the conference. These consultations allowed a broader group of government representatives, civil society and regional and international organizations to exchange views from a national perspective and to discuss their expectations for the conference. In some countries the national consultations also created a platform for further discussions on mixed migration matters at the national level. The outcomes of the national consultations informed the final agenda of the Dar es Salaam conference and were compiled into thematic guidelines for the various conference working groups.

Following the Tanzania conference, UNHCR and IOM drafted a regional Action Plan with a number of concrete activities. The Action Plan was endorsed as the framework for follow-up action. UNHCR and IOM have created an inter-agency working group on mixed movements based in Pretoria, South Africa. In addition, the Office has made dedicated staff resources (a Surge deployee) available as focal point for all activities relating to the implementation of the Action Plan and more generally for asylum and migration issues in East and Southern Africa.

The national consultations methodology was replicated for the 2011 Central Asia Conference, and assisted UNHCR to ensure adequate participation at the conference and to adequately prepare delegations. UNHCR and IOM are currently discussing how best to institutionalize cooperation on mixed movements in the region in follow up to the conference. The *Almaty Declaration*, which proposed the creation of a regional mixed migration consultative process, provides a strong basis for follow-up action.³⁵

³⁴ UN High Commissioner for Refugees, *Protecting Refugees and Other Persons on the Move in the ECOWAS Space*, January 2011, available at: <http://www.unhcr.org/refworld/docid/4e54961d2.html> [accessed 2 September 2011].

³⁵ See *Almaty Declaration*, above n 31.

3) The 10-Point Plan in Action: developing tools for protection-sensitive responses to mixed movements

Summary:

- The *10-Point Plan in Action*, a comprehensive compilation with nearly 200 practical examples, finalized and widely distributed in three languages
- Joint Profiling Questionnaire developed jointly with IOM

The 10-Point Plan was designed by UNHCR as a “strategic tool to support advocacy, liaison with and between government agencies, and work with other partners”.³⁶ Providing stakeholders with a range of practical tools to address the challenges of mixed movements in a protection-sensitive manner has been a key objective of the 10-Point Plan Project.

The *10-Point Plan in Action* (the Compilation)³⁷ contains nearly 200 practical examples from approximately 110 different countries, each relating to one of the ten “action points” contained in the 10-Point Plan. DIP, including several consultants and interns, collected and analyzed these examples following comprehensive exchanges with the Bureaux and field offices. A provisional release was issued in 2009 in English and Spanish for the regional conference in Costa Rica.³⁸ The final release was launched by UNHCR in a side event to the 2011 June Standing Committee, chaired by the Assistant High Commissioner for Protection. The European Commission, the US Government and other States have expressed their support for the 10-Point Plan and welcomed the Compilation. They encouraged UNHCR to continue working in this area, including through the updating of the Compilation.

The core of the 10-Point Plan is focused on a number of tools that are specific to the “entry phase” of mixed movements. These are developed in Chapters 3 to 6 of the Compilation.

Chapter 3 includes practical examples relating to the establishment of “protection-sensitive entry systems”, such as border guard training and border monitoring mechanisms. The Chapter incorporated the outcomes of the first expert roundtable on “Controlling borders while ensuring protection”, as well as of all five regional conferences.³⁹ Indeed, conference recommendations on border management stress the relevance of replicating good practices, including examples mentioned in the *10-Point Plan in Action*.⁴⁰

³⁶ UN High Commissioner for Refugees, *The 10-Point Plan in action*, above n 15, , Foreword by Erika Feller, Assistant High Commissioner (Protection), p.5.

³⁷ UN High Commissioner for Refugees, *The 10-Point Plan in action*, above n 15.

³⁸ The final release is currently available in English, Spanish and Russian: see <http://www.unhcr.org/refworld/docid/4d9430ea2.html> [accessed 2 September 2011]

³⁹ A specific working group on border management was convened at each of the conferences.

⁴⁰ See generally UN High Commissioner for Refugees, *Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia - Selected Conference*

Chapter 4 contains examples of reception arrangements, including measures to address the immediate needs of new arrivals travelling as part of mixed movements. Many States in different regions, particularly transit and destination countries, are reviewing their existing policies and practices with regard to reception and have looked to UNHCR for guidance and operational assistance, especially in the context of irregular secondary movements and the use of refugee camps as transit centres. In the absence of clear guidelines on reception arrangements, some States have resorted to indiscriminately detaining all arrivals. Reception arrangements featured particularly prominently in the last three regional conferences in Almaty, San Jose and Dar es Salaam. The practical examples set out in Chapter 4 of the *10-Point Plan in Action* provided a point of reference for UNHCR to advocate for protection-sensitive alternatives.

Chapter 5 on mechanisms for profiling and referral directly responds to the realities of many regions, characterized by a lack of mechanisms to identify and differentiate between groups of arrivals with varying needs and profiles and refer them to appropriate follow-up procedures. Chapter 6 similarly advocates for the establishment of differentiated processes and procedures to ensure that the asylum system is not the only available option for these various groups, regardless of their profiles. The Chapter provided examples of differentiated processes and procedures as tested in different regions. It also outlines important tools that may be used within asylum procedures themselves as part of comprehensive strategies to address a backlog in asylum claims.

The Compilation has also usefully helped to clarify terminology used in the 10-Point Plan of Action, consistent with the request by participants at the 2007 High Commissioner's Dialogue on Protection. The Compilation elaborates on each of the 10 Points of the 10-Point Plan through thematic introductions, as well as through the nearly 300 pages of practical examples. A glossary of important terms is also included. The meaning of "profiling and referral" and "differentiated procedures and processes" (points 5 and 6 of the 10-Point Plan), for example, required further development, particularly as they constitute some of the 10-Point Plan's most innovative approaches to addressing mixed movements.

In the context of the second expert roundtable on "Different people, different needs", held in Tunis in July 2009, UNHCR and IOM developed a Joint Profiling Questionnaire. The questionnaire "includes questions to establish the individual profile of asylum-seekers, refugees and migrants, migratory routes and experiences, case analysis, and indicators for referral to support services based on the category of identification."⁴¹ The questionnaire was subsequently shared and discussed in various conferences. It is now considered a good model for developing preliminary profiles of new arrivals and ensuring that they are referred to appropriate follow-up procedures. During the emergency situation involving mixed outflows of refugees and (particularly labour) migrants from Libya to Tunisia and Egypt in 2011, DIP, in consultation with the MENA bureau, developed a shortened "border screening form".. The border screening form was used in the initial phase of the emergency. Positive feedback was received from colleagues in the field.

Materials, June 2011, available at: <http://www.unhcr.org/refworld/docid/4e0d6be02.html> [accessed 2 September 2011]. For more detailed discussion on specific recommendations see Part III (1).

⁴¹ See UN High Commissioner for Refugees, *10-Point Plan in action*, above n 15, p.129.

UNHCR and IOM have further developed a number of independent tools to improve cooperation in the field. This has included the drafting of Standard Operating Procedures (SOPs) on Human Trafficking, which provide a clear framework for cross-referral between the two agencies. DIP staff working on asylum and migration issues, in consultation with the Bureaux and in cooperation with counterparts at IOM, organized a series of training workshops for UNHCR and IOM staff on the application of the SOPs. While falling outside the scope of the 10-Point Plan Project, these activities benefited from the positive dynamic between UNHCR and IOM that developed as a result of the regional conferences and expert roundtables.⁴²

4) Enhancing data analysis and information-sharing on mixed movements

Summary:

- Comprehensive analyses of magnitude, trends and protection challenges undertaken for all conference regions and expert roundtables
- 10-Point Plan matrix developed to systematically compile and analyze activities relating to mixed movements
- Mixed Migration Updates delivered on a biannual basis by the DIP Asylum/Migration Focal Point

Point 2 of the 10-Point Plan stipulates that “a key to any comprehensive strategy [on refugee protection and mixed migration] is the collection of, analysis and exchange of data about the characteristics of the movement and those groups which make it up.”⁴³ The five regional conferences and the four expert roundtables have contributed to meeting this objective and assisted to address significant knowledge gaps about the characteristics, magnitude and trends of mixed movements in different regions, as well as the humanitarian and protection needs of persons travelling within these movements. For each conference and roundtable, a concept note, a background paper - prepared by an expert - and a comprehensive report were issued, often in collaboration with partners. The background papers, in particular, constituted comprehensive analyses of mixed movements from different geographic (and thematic) perspectives.

With the exception of the background paper for the Tanzania conference, which was prepared under the supervision of the Policy Development and Evaluation Service (PDES) and the Africa bureau, the DIP Asylum/Migration Focal Point was closely involved at each stage of the drafting of all documentation for the conferences and roundtables. DIP has contributed to the gathering of data and information on mixed movements from different regions, including through the development of matrices on the regional implementation of the 10-Point Plan. The purpose of the matrices is to take

⁴² The first joint training on the SOPs took place in Bogota, Colombia, following the 2010 San José conference. Most of the same UNHCR and IOM colleagues who attended the conference and cooperated as rapporteurs also attended the joint training.

⁴³ UN High Commissioner for Refugees, *A 10-Point Plan of Action*, above n 3.

stock of existing developments at the national and regional levels, highlight the mixed movement situation in the region, and provide an overview of good practices by key actors. The DIP Asylum/Migration focal point also facilitated a comparison of practices between different regions. In the context of the 2010 Costa Rica Conference, for example, the 10-Point Plan implementation matrix was used as a strategic planning tool to develop more targeted responses in all countries affected by mixed movements in the region. The finalized matrix informed the Costa Rica conference background paper and has been used by the Americas Bureau to take stock of ongoing activities and plan for national and regional follow-up to the conference. The same format is currently being used by the Europe Bureau to compile information from country offices for a *Sub-regional Strategy Meeting on Mixed Migration and Asylum Challenges in the EU's Eastern and South Eastern Neighbourhood*, which it has scheduled for 2012.

The DIP Asylum/Migration Focal Point has sought to improve understanding, both internally in UNHCR and externally with key partners, about the intra-regional and global dimensions of refugee protection and international migration and to enhance information-sharing. For example, DIP produces Mixed Migration Updates on a bi-annual basis, requiring close consultation with the Bureaux to develop comprehensive overviews for each region. The updates have been used for internal stock-tacking, for presentations at EXCOM and Standing Committee meetings, as well as for donor briefings.

5) Setting an example of internal cooperation within UNHCR

Summary:

- Improved cooperation between DIP and the Bureaux on refugee protection and international migration
- Consistency is ensured through creation of an Asylum/Migration Focal Point
- Network of mixed movements focal points established

In addition to the objective of adapting the 10-Point Plan to different regions, the 10-Point Plan Project has acquired a strong internal component and has positively impacted on the way UNHCR colleagues perceive UNHCR's involvement in mixed movements and cooperate on these issues. The 10-Point Plan Project has involved effective DIP cooperation with UNHCR Divisions, Bureaux, regional and country offices and amongst individuals. Structurally, enhanced attention to asylum/migration issues in DIP through information received by a growing network of (regional and national) mixed movement focal points have reinforced these efforts.

The cooperation between DIP, the Bureaux, as well as field and regional offices, has been key for the overall success of the 10-Point Plan Project. The creation of a designated focal point for the 10-Point Plan has been an important step in this respect. The DIP Asylum/Migration Focal Point developed the methodology for all conferences and expert roundtables, prepared background documentation on substantive issues, and was available to provide ongoing advice to UNHCR colleagues, including for the follow up to the conferences. The emphasis on engagement with UNHCR colleagues at all levels

throughout the 10-Point Plan Project has diminished initial concerns by some UNHCR colleagues that the 10-Point Plan could signal a shift towards areas beyond the Office’s mandate and expertise.

International consultants recruited for all conferences and expert roundtables were jointly supervised by DIP and the respective field offices, in collaboration with the the Bureaux. Selection criteria for consultants included experience in and knowledge of refugee protection and international migration, and relevant regional language skills. The 10-Point Plan Project benefited from recruitment of consultants with solid knowledge of international migration policy. Several consultants had previously worked with other organizations in the migration area, including IOM.

At the initiative of DIP and the Bureaux, regular weekly conference calls between the main UNHCR partners were instituted in the leadup to each regional conference. These semi-formal networks have been a key to the overall success of the 10-Point Plan Project. DIP has over time established a network of formal and informal mixed migration focal points across the different regions and has institutionalized cooperation with the Bureaux. These partnerships also benefited the development of the Compilation, which reflects systematic efforts by DIP and the Bureaux to identify practical examples from which more general lessons may be drawn. The recent creation of two new Asylum/Migration posts in Asia will further reinforce and strengthen this network.

6) Enhancing visibility for UNHCR’s work on refugee protection and international migration

Summary:

- Visibility of donors and UNHCR ensured throughout the project
- Enhanced awareness of protection challenges among key stakeholders achieved through consistent linkage of content and visibility

One crucial component of the 10-Point Plan Project has been the development of visibility materials for the regional conferences and expert roundtables. This has included posters and banners for all conferences and expert roundtables as well as the “10-Point Plan Poster Series” consisting of posters with specific photographs illustrating each point of the 10-Point Plan. All of the items were designed by the Department of External Relations [DER], which has ensured that the 10-Point Plan Project’s visibility strategy has been of the high quality. During the course of the Project, DER, in consultation with DIP, developed clear requirements for photos that could be used for the conference posters and banners in order to achieve a consistent visual “brand”. The five conference posters have themselves been developed into a poster series: all consisting of photos which show people on the move in a manner characteristic of the respective region. Based on the positive feedback received, DIP organized a poster exhibition to illustrate the outcomes of the 10-Point Plan Project during the June 2011 Standing Committee meeting, again in cooperation with DER. At the regional level, UNHCR developed a Factsheet on Refugee Protection and Mixed Migration to increase the visibility of activities undertaken in the follow-up to the 2008 Dakar Conference. Strategic use of visibility materials has been an important element in the success of the 10-Point Plan Project.

III. The 10-Point Plan Project: Constraints, Challenges and Lessons Learned

Notwithstanding the achievements of the 10-Point Plan Project, UNHCR has also encountered a number of difficulties. This section provides an overview of some of these constraints and challenges. It also identifies lessons learned.

1) *Maintaining political momentum and following-up on conferences and expert roundtables*

Challenges and constraints:

- Organizing several major meetings within relatively short periods of time, while maintaining high standards for logistics and substance
- Knowledge gaps in the field of international migration of UNHCR colleagues

Lessons learned:

- Importance of creating sustainable follow-up processes
- Importance of ensuring adequate staffing and identifying clear focal points

While each regional conference had an immediate short-term impact on the migration and refugee protection discourse in its respective region, a major challenge has been maintaining momentum after the conferences. Organizing the meetings was time and resource intensive for DIP, the relevant Bureaux, and field offices. Preparing on average three meetings a year (including one or two conferences) has been a major challenge. The investment required by DIP to facilitate high quality discussions and ensure substantive outcomes and logistics may have been underestimated during the planning process. Country offices were, generally, inexperienced in hosting meetings of this size and on topics which were politically sensitive in some regions. This required DIP to be engaged with both substance and logistics for each conference on an almost daily basis. Following the conferences, DIP has been unable to maintain this level of engagement, not least due to staffing constraints. Some field offices also faced difficulties maintaining the immediate momentum for action created by the conferences.

There are two main lessons learned. First, despite the immense workload of organizing a conference, it is important to invest strategic thinking into mechanisms for follow-up, even before the conference takes place. Over time, DIP and the Bureaux have realized that each follow-up process requires a separate, comprehensive analysis of opportunities and challenges, as well as considerable efforts and resources to ensure these processes are sustainable. The final two conferences under the 10-Point Plan Project are evidence of UNHCR's increasing efforts in this respect: a comprehensive Action Plan has been drafted for Southern and Eastern Africa, and the *Almaty Declaration* defines priority areas

for follow-up in Central Asia.⁴⁴ These achievements were made possible, in particular, as a result of commitment by the respective Bureaux. The Africa Bureau, for example, retained the consultant that had been hired for the Tanzania conference for an additional three months to draft the Action Plan and ensure continuous outreach to country offices and external partners.

The second lesson learned is that experienced staff with specific expertise in asylum and migration issues is of crucial importance at the regional, national and Headquarters levels. One follow-up structure that has been particularly effective in the Regional Office in Dakar, Senegal, has been to designate a Senior Regional Training Officer as regional focal point on mixed movements. The Officer has, temporarily, been supported by a Surge deployee. As mentioned above, a similar structure has now been established for Southern Africa. However, to date, the lack of identified focal points in regional offices has significantly hampered follow-up activities. For the first two conferences in Sana'a and Dakar, for example, no immediate follow-up structure was established at the regional level and it took some time to revive momentum for further action. Positively, new Asylum/Migration posts in Almaty, Kazakhstan, and Bangkok, Thailand, have been created. Their terms of reference were developed jointly by the Bureaux, DIP, and DHRM. The creation of similar posts in Central America, the Middle East and North Africa, and/or in Africa would assist to further institutionalize refugee protection and international migration in the regions.

The involvement of UNHCR protection colleagues from the field in the preparation of and during the regional conferences (e.g., as rapporteurs) has been key to ensuring interest in the conference and follow-up at the country level. However, the engagement of colleagues from country offices has varied, subject to individual knowledge of refugee protection and international migration issues. The differing levels of experience between colleagues in various country offices on asylum and migration issues also goes some way to explaining the range in follow-up activities instituted after each conference. More generally, the absence of a basic global UNHCR training programme on refugee protection and international migration had consequences for the implementation of the 10-Point Plan Project. Training modules have been developed on some topics in some regions, but a comprehensive and updated training programme which could be accessed by all staff still needs to be developed.

Another significant constraint for DIP in moving more quickly has been its staffing situation. For most part of the 10-Point Plan Project, DIP dedicated one only one staff member, the Asylum/Migration Focal Point. DIP has been able to manage staffing constraints through creative approaches, informal networks and carefully-selected consultants who have substantively contributed to the work on asylum/migration. DIP has been fully accepted as the focal point for refugee protection and international migration within UNHCR. This is reflected by the fact that all Bureaux have requested DIP's Asylum/Migration Focal Point to support a range of activities on mixed movements beyond the original 10-Point Plan Project. The responsibilities of the Asylum/Migration Focal Point have increased over time and must meet growing demands, both internally and externally. Adequate staffing would ensure that the UNHCR continues to sustain its engagement on migration issues,

⁴⁴ See *Almaty Declaration*, above n 31.

building on achievements and lessons learned under the 10-Point Plan Project, including with respect to any regional follow-up activities to the 10-Point Plan.

2) Partnerships

Challenges and constraints:

- Difficulty of establishing cooperation with new partners in the field of international migration
- Ongoing concerns about UNHCR’s role in migration issues by some partners, including IOM

Lesson learned:

- Considerable efforts are still required by UNHCR to explain its involvement in international migration and to closely track the policies of its partners

As discussed above, the partnership approach developed under the 10-Point Plan Project has placed considerable demands on UNHCR. One specific challenge has been the outreach to new partners. Identifying these partners and establishing links has not always been easy, given UNHCR’s status as a relatively “new” actor in the field of international migration and/or the lack understanding among stakeholders about the interface between refugee protection and international migration. While outreach was relatively straightforward in regions like Central America, where UNHCR has long been engaged in regional consultative processes, establishing partnerships proved more difficult in other areas. For Southern and Eastern Africa, UNHCR has just recently seconded a Liaison Officer to the East African Commission (EAC) in Arusha, Tanzania, but has not had a similar level of engagement with the Migration Dialogue for Southern Africa (MIDSA) or the Southern African Development Community (SADC). Designated focal points within UNHCR could help to further improve engagement with regional mechanisms on challenges of mixed movements.

UNHCR has successfully enabled the involvement of a broad range of partners in the 10-Point Plan Project. This has also allowed UNHCR to clarify the linkage between refugee protection and migration, and to highlight its expertise and the potential role it can play. However, ongoing concerns from governments, partner agencies and internally about UNHCR’s role in international migration issues have been a key challenge for the 10-Point Plan Project. Addressing these concerns has required a high level of sensitivity and investments by all UNHCR colleagues involved in the project.

The relationship with IOM in particular has not been without challenges. From the outset, IOM colleagues expressed concern regarding the scope of the 10-Point Plan and more generally about the role of UNHCR in migration. As outlined above, UNHCR has taken these concerns seriously and developed a productive working relationship with IOM at various levels, including continuous dialogue and exchange of views at the executive level. At various stages during the 10-Point Plan Project, however, areas of potential conflict emerged between the two agencies. This has included sensitive issues such as referencing the 10-Point Plan in joint documents and more generally the use

of terminology. Ultimately, the two agencies managed to resolve all of the terminological and/or substantive controversies that emerged in the course of the project. The Asylum/Migration Focal Point in DIP has been instrumental to identifying and resolving areas of disagreement at the working level before they could become political issues.

3) Conceptual and doctrinal challenges

Challenges and constraints:

- The framework and tools the 10-Point Plan provide have not been supplemented by an overall strategy of the organization on refugee protection and international migration
- The operational focus of the 10-Point Plan has not always been embedded in simultaneous development of policy on contentious issues in the 10-Point Plan
- The “protection gaps” debate has significantly evolved since 2007, but the 10-Point Plan does not fully reflect these developments
- Demands for follow-up activities at the regional and national levels, as well as for more harmonization at global level, could not always be met within the constraints of the 10-Point Plan Project

Lessons learned:

- Aligning the development of the 10-Point Plan to the 2011 commemoration events and DIP policy paper series filled some of the policy gaps on mixed movements
- The 10-Point Plan project has had a number of “spin-off” effects, but UNHCR will need to more clearly define its follow-up priorities in light of increasingly limited resources

The 10-Point Plan has always 1) been an action-oriented tool and not a comprehensive policy or strategy document and 2) had primarily (though not exclusively) a regional focus. While the achievements resulting from this approach have been discussed above, it has also led to a number of conceptual challenges.

There has not been sufficient reflection yet on how the work that has been undertaken under the 10-Point Plan could be developed into an overall organizational strategy on refugee protection and international migration.

There are also still gaps regarding the collection and analysis of data on mixed movements, as stipulated in Point 2 of the 10-Point Plan.⁴⁵ There are two main outstanding gaps. First, awareness of protection challenges within mixed movements is often lacking and government data is almost exclusively collected and analyzed for security, rather than protection, reasons. Second, data

⁴⁵ UN High Commissioner for Refugees, *A 10-Point Plan of Action*, above n 3.

collection and analysis remain sensitive issues, given the lack of clearly established parameters, e.g., on purpose, scope and methodology for data collection exercises as well as safeguards to preserve privacy, confidentiality and security of personal information. Although the 10-Point Plan outlines basic requirements, and provides guidance on the type of data that may be relevant to developing protection-sensitive responses to mixed movements, UNHCR has not had the technical expertise and resources to develop this further.

A recurring challenge for UNHCR has also been the development of a coherent position on irregular secondary movements. This is a challenge in many regions, and was discussed during the conferences in West Africa, Central America and Eastern and Southern Africa in particular. The conference reports recommend further clarification on the legal framework and suggest that affected States enhance cooperation on this issue. The reports indicate that UNHCR will be called on to provide further policy guidance and practical assistance.

As outlined above, States acknowledged at the 2007 High Commissioner's Dialogue on Protection that gaps exist with regard to the protection of people who, while not refugees, may, nevertheless have humanitarian needs and may, temporarily or permanently, not be able to return home. The development of the 10-Point Plan has been informed by a broader discussion on "protection gaps", but it has not been consistently linked to ongoing debates and updated. The 10-Point Plan is primarily concerned with differentiating refugees and people with specific needs from migrants and ensuring that arrivals are channelled to the appropriate processes and procedures to address their needs. Conversely, UNHCR's position on persons in need of protection falling outside the 1951 Convention framework has significantly evolved in the past few years. During the 2010 High Commissioner's Dialogue on Protection Challenges which (again) focused on protection gaps and responses, participants acknowledged various groups falling outside the existing refugee protection framework, including persons fleeing natural disasters.⁴⁶ Likewise, past conferences (including the most recent in Central Asia) suggest that UNHCR's partners are increasingly interested in UNHCR's evolving stance on persons fleeing natural disasters and other scenarios falling outside the existing refugee framework. While the 10-Point Plan seems capable of responding to these questions to a certain degree, particularly its recommendations as regards "profiling and referral" and "differentiated processes and procedures", it does not include specific action points to address forced displacement falling outside the 1951 Convention. One important lesson learned from the 10-Point Plan Project is that the operational dimension of the 10-Point Plan will benefit from provision of further policy guidance.

The current Director of DIP placed a renewed emphasis on the elaboration of protection policies after he took office in 2009. Under his guidance, DIP produced a series of protection policy papers on topics such as maritime interception and extraterritorial processing, the return of persons found not to be in need of international protection, and international cooperation to share burdens and

⁴⁶ See United Nations High Commissioner for Refugees, *Breakout Session 1: Gaps in the International Protection Framework and in its Implementation - Report by the Co-Chairs*, 8 December 2010, <http://www.unhcr.org/4d09e47a9.html> [accessed 12 September 2011].

responsibilities.⁴⁷ DIP has also produced a draft policy paper and a research paper on “protection gaps”. These papers have assisted to place UNHCR’s operational involvement in asylum and migration issues on a good doctrinal and conceptual basis. For the commemoration year in 2011, UNHCR has undertaken a range of important activities, including on the theme of protection gaps. The Ministerial Meeting that UNHCR convened in December 2011 as part of its 60th Anniversary commemorations provided new opportunities to develop UNHCR’s policy in areas relevant for refugee protection and international migration.⁴⁸

The 10-Point Plan Project was deliberately designed with a strong regional focus, with its key objective being to adapt the 10-Point Plan to the particularities of different regions. However, the 10-Point Plan Project also had a global component, most visibly through the *10-Point Plan in Action* compilation of practical examples from all regions, as well as through the expert roundtables which brought together experts from across the globe. In addition, “spin-off” activities from the 10-Point Plan Project have also developed into national processes. Examples include national Mixed Migration Task Forces, as well as the national consultations format developed for the 2010 Dar es Salaam Conference and the 2011 Almaty Conference (see above).

While these results of the 10-Point Plan Project are positive, DIP has faced the challenge of harmonizing these various efforts. DIP has not yet been able to assess how the outcomes of the various regional conferences and other initiatives have changed UNHCR’s position on mixed movements. Many participants at the regional conferences requested UNHCR to further facilitate intra-regional exchanges, for example by bringing together stakeholders from different regions. However, this has been beyond scope of the 10-Point Plan Project. Looking forward, it would be valuable to consider how efforts in the various regions could be brought together, not only from an operational standpoint, but also from a policy perspective. It will also be important to consider how activities undertaken under the auspices of the 10-Point Plan are linked with other areas of policy development such as natural disasters, climate change related displacement or burden sharing.

The regional conferences have raised expectations among stakeholders that UNHCR will be a reliable partner on refugee protection and international migration at the global, regional and national levels. The challenge for UNHCR will consist in determining priorities, especially in light of limited resources. Experience from the 10-Point Plan Project suggests that dedicated focal points at field and

⁴⁷ UN High Commissioner for Refugees, *Protection Policy Paper: Maritime interception operations and the processing of international protection claims: legal standards and policy considerations with respect to extraterritorial processing*, November 2010, available at: <http://www.unhcr.org/refworld/docid/4cd12d3a2.html> [accessed 11 January 2012]; UN High Commissioner for Refugees, *Protection Policy Paper: The return of persons found not to be in need of international protection to their countries of origin: UNHCR’s role*, November 2010, available at: <http://www.unhcr.org/refworld/docid/4cea23c62.html> [accessed 11 January 2012]; UN High Commissioner for Refugees, *International Cooperation to Share Burden and Responsibilities*, June 2011, available at: <http://www.unhcr.org/refworld/docid/4e533bc02.html> [accessed 11 January 2012].

⁴⁸ Relevant documentation relating to the Ministerial Meeting is available at: <http://www.unhcr.org/pages/4d22fd496.html>.

Headquarters levels can assist to ensure that UNHCR's engagement on asylum/migration issues is most effective.

4) Fundraising

Challenges and constraints:

- Time and staffing constraints have hampered efforts to raise additional funds for follow-up activities to the 10-Point Plan Project
- A follow-up proposal was not accepted by the EC

Lesson learned:

- There is need for a comprehensive fundraising strategy, including Headquarters as well as the regional and field levels

The 10-Point Plan Project was realized thanks to generous funding received from the European Commission (EC). Further, the EC supported the different activities under the 10-Point Plan Project through its active participation. Relations with the EC have been coordinated by UNHCR's Regional Office (RO) in Brussels. The EC has expressed its appreciation for the achievements under the 10-Point Plan Project.

In addition, DIP and RO Brussels were able to identify additional funding sources for certain activities under the 10-Point Plan Project, including financial contributions by IOM for most of the regional conferences. The main donor for IOM's involvement in the regional conferences was the US State Department's Bureau of Population, Refugees and Migration (BPRM). Contributions were also received from OHCHR, on a more limited scale, as well as other parts of UNHCR: the conference in Dar es Salaam, Tanzania, for example, was financed by UNHCR's Africa Bureau which in turn negotiated a contribution from IOM.

Despite the achievements of the 10-Point Plan Project, raising additional funds for follow-up activities has been a challenge. In 2010, UNHCR submitted a follow-up project proposal to the EC. The proposal was not successful, and the EC has indicated informally its new preference for funding regional rather than Headquarters-level activities.

The 10-Point Plan Project has been work and time intensive, with five regional conferences, four expert roundtables and the development of the *10-Point Plan in Action* compilation essentially being coordinated by one staff member in DIP with the support of short-term consultants. As indicated above, DIP has not only been the focal point for the 10-Point Plan, but for all issues relating to refugee protection and international migration. The DIP Focal Point has had neither time nor the expertise to engage in fundraising activities beyond seeking financial contributions for the existing conferences and roundtables under the 10-Point Plan Project. RO Brussels has provided advice and guidance to the extent possible and ensured a transparent partnership with and continued political support from the EC. At the regional level there have been only a limited number of focal points established for mixed movements and few of the incumbents have had experience in fundraising.

The full fundraising potential following the successful conferences and other components of the 10-Point Plan Project has thus not been fully maximized.⁴⁹

IV. Conclusion: Recommendations for Next Steps and Future Project Proposals

This paper has highlighted achievements under the 10-Point Plan Project, and demonstrated that UNHCR has, in most instances, been able to learn from challenges and to manage internal and external constraints. Under the 10-Point Plan Project, UNHCR has initiated a broad range of processes on refugee protection and international migration. The Office has also developed a number of practical tools to assist governments and other stakeholders in addressing the challenges of mixed movements. The 10-Point Plan has been endorsed by governments and other stakeholders as a tool for action. The key objectives of the 10-Point Plan, as formulated by the High Commissioner in 2007, have thus been met.

Nonetheless, the 10-Point Plan Project has only been a first step in developing and defining UNHCR's interest and role in the broader field of international migration. As the Assistant High Commissioner for Protection highlighted at the fifth and final conference in Central Asia:

"The formal outcome of this Conference, the "Almaty Declaration", will provide a basis for this engagement. However, this Conference and any outcomes can only be the starting point. UNHCR is committed to work with governments on a follow up action plan, in this anniversary year and beyond."⁵⁰

The 10-Point Plan regional conferences and expert roundtables have raised UNHCR's profile in the field of international migration. However, UNHCR has also created an expectation that it will follow through with the ambitious new approach outlined in 2007. This section provides a series of recommendations to ensure that UNHCR will continue to serve as a reliable partner for governments and others stakeholder in this area. UNHCR's considerable investment in the 10-Point Plan Project provides a solid basis for future engagement, despite increasingly limited resources and heightened demands on the Office in general.

Four key steps are recommended. First, the work of the Office in this area would benefit from a strengthening of its internal expertise and capacity on refugee protection and international migration, including by continuing to build a network of designated focal points. Second, operational engagement in the management of mixed movements could be increased (following key recommendations from each regional conference). Third, continuing to harmonize operational

⁴⁹ The list of recommendations that have emanated from each regional conference, for example, provide a sound basis for project proposals in the field of refugee protection and international migration. However, a clear strategy and defined responsibilities are still lacking to ensure follow-up.

⁵⁰ UN High Commissioner for Refugees, *Statement by Ms. Erika Feller Assistant High Commissioner for Protection, UNHCR - Regional Conference on Refugee Protection and International Migration in Central Asia, Almaty, 15 March 2011, 15 March 2011*, available at: <http://www.unhcr.org/refworld/docid/4dd51d792.html> [accessed 8 September 2011].

activities with policy guidance on mixed migration issues will be important. Fourth, the development of strategies to further cooperation with key partners on migration issues and undertake additional fundraising will be essential.

(1) Building capacities in refugee protection and international migration

- Explore possibilities for additional staffing on mixed movements, both at headquarters, but particularly in the field. Given the need for advanced knowledge on both refugee protection as well international migration, including academic developments and relevant institutions, expert positions may be considered. *Action required by: DIP and Bureaux, DHRM, Executive Office.*
- Strengthen cooperation between DIP and the Bureaux to develop project proposals to implement the conference recommendations. *Action required by: DIP and Bureaux.*
- Increase exchange and coordination among UNHCR's focal points on mixed movements. In addition to the Mixed Migration Update, a global focal point meeting could be organized in 2012 to facilitate the exchange of information and identify working priorities. *Action required by: DIP and regional focal points.*
- Develop training material on refugee protection and international migration for UNHCR staff, including an e-learning module. Ensure that the project supports and harmonizes existing training activities that have, for example, been implemented in West Africa and Central America by regional mixed movement focal points. *Action required by: DIP and Global Learning Centre.*
- Given the ongoing requests by key partners for UNHCR to develop training modules on refugee protection and international migration, explore how the internal training material envisaged above could ultimately also benefit external partners. *Action required by: Asylum/Migration Focal Point and DIP.*

(2) Increasing UNHCR's operational involvement in mixed movement operations

- Continue to update the *10-Point Plan in Action* to ensure its ongoing relevance as a practical tool for UNHCR and key partners. More specifically, analyze how the profiling questionnaire can be further improved and discuss its adaptation to (mixed) emergency situations with the Bureaux and other relevant units in UNHCR (such as FICCS). *Action required by: DIP.*
- Review whether new examples could be added to the *10-Point Plan in Action* regarding processes and procedures for persons displaced due to the effects of climate change or natural disasters. *Action required by: DIP Asylum/Migration Focal Point in consultation with other units in DIP and the Bureaux.*
- Identify areas of priority for UNHCR's operational engagement in mixed movement situations following the recommendations issued by the regional conferences. This could include the following activities :

- Develop comprehensive regional approaches to mixed movements. *Action required by DIP and the Bureaux.*
- Increase UNHCR's engagement in reception arrangements, as an area of concern to UNHCR in different regions. Explore the launch of a pilot project on reception arrangements for Eastern and Southern Africa (foreseen in the Dar es Salaam Action Plan). *Action required by DIP and the Bureaux.*
- Develop a strategy to enhance cooperation between key stakeholders in critical border regions (as recommended in several conference reports as well as by participants during the 10-Point Plan expert roundtable on protection-sensitive entry systems). *Action required by DIP and the Bureaux.*

(3) Developing policy on mixed movements

- Align future activities under the 10-Point Plan to the outcomes of UNHCR's commemorations events in 2010 and 2011 and in particular to emerging strategies on protection gaps. *Action required by: DIP*
- Develop an overall UNHCR strategy on refugee protection and international migration based on the lessons learned through 10-Point Plan activities and including new areas of policy development such as climate change and displacement, UNHCR's role in natural disasters, international cooperation and burden sharing.
- Consider further development of policy on irregular secondary movements, taking into account the recommendations of the regional conferences. *Action required by: DIP in close consultations with the Bureaux.*
- Draft a summary report on the substantive outcomes of the regional conferences and expert roundtables, focusing on those issues which are of particular concern to UNHCR and its partners. *Action required by: DIP Asylum/Migration Focal Point*

(4) Improving partnerships and fundraising

- Explore opportunities to further enhance intra-regional cooperation on mixed movements. A first step could be to organize a global training workshop for UNHCR's external partners, bringing together focal points for the regional (and possibly national) platforms that have evolved under the 10-Point Plan project. *Action required by: DIP.*
- Develop a fundraising strategy, based on a thorough mapping of potential donors. A follow-up project proposal could be targeted towards building capacity on mixed movements at the global, regional and national levels for UNHCR and its key partners and could include pilot projects in selected regions. The EC could remain a first point of reference in this respect. *Action required by: DIP and DER.*
- To improve the opportunity for successful project proposals, carefully consider whether and in what circumstances, joint project proposal on mixed movements with key partners, including IOM, may be an option. *Action required by: DIP.*

- Explore ways to make better use of existing expertise and experience on refugee protection and international migration within UNHCR. *Action required by: AHC(P), DIP*
- Develop a roadmap on how to engage more closely and proactively with regional organizations, as well as with regional consultative processes, on migration. *Action required by: DIP and the Bureaux.*



The implementation of the 10-Point Plan of Action in different regions



MMTF Somalia Background paper: "Mixed Migration through Somalia and across the Gulf of Aden"

FOLLOW-UP ACTIVITIES

PROVIDING AND SHARING INFORMATION
 Monthly Regional Telefonferences including participants from Djibouti, Ethiopia, Kenya, Somalia, Yemen and UNHCR Geneva
 MMTF websites and newsletter
 Development of a database for the IOM – supported Migration Response Centres in Bossaso, Hargeisa and Obook
 Launch of information campaigns on risks and situations in third countries

WORKING TOGETHER
 Mixed Migration Task Force Yemen and Djibouti
 One day consultations on mixed migration management among MMTF Yemen on 11 June 2011
 Follow-up meeting to the 2008 Conference planned for September 2011

DETERMINING PROFILES AND NEEDS
 Establishment of one transit and one reception centre at the Yemeni coast
 Establishment of a Migration Response Centre in Bossaso, Puntland
 IOM Migration Response Centre and UNHCR field office in Obook, Djibouti
 Enhanced registration and RSD in Puntland, Somaliland and Harardh (Yemen)
 Training of immigration, police and security officers by UNHCR and the Government of Djibouti

PREVENTING CRIME AND PROTECTING VICTIMS
 Counter trafficking programme in Yemen identifying and assisting vulnerable migrants (under IOM leadership)
 Collaboration by MMTFs on regional strategy on human trafficking

ESTABLISHING SEARCH AND RESCUE FACILITIES
 Expert Roundtable on "Rescue at Sea: Protecting Refugees amid Threats of Piracy" in Sana'a, Yemen, drafting of the "Yemen Protocol on Protecting Refugee amid Threats of Piracy" and establishment of a "Rescue at Sea Working Group"

REGIONAL MIXED MIGRATION SECRETARIAT



UNHCR Background paper: "West Africa as a Migration and Protection area"

FOLLOW-UP ACTIVITIES

WORKING TOGETHER
 Regional Trainings in ECOWAS Member States on Protection of Refugees & other People on the Move in the ECOWAS space
 UNHCR/IOM joint publication "Protection of Refugees and other People on the Move in the ECOWAS space"

ENHANCING BORDER MANAGEMENT WHILE ENSURING PROTECTION
 Training for immigration and border officials
 Information pamphlets on asylum procedures
 Advocacy for legal and social counselling from early stage
 Advocacy for early identification and provision of essential services to persons with special needs

MECHANISMS FOR IDENTIFICATION AND REFERRAL
 Organization of regional workshops by IOM & UNHCR, in cooperation with ECOWAS, OHCHR & ILO, for governments and other partners
 Development of model profiling forms and referral mechanisms for new arrivals and coordination of protection response
 Organization of specific trainings for identification of different categories of persons fleeing Ivory Coast during crisis

RETURN ARRANGEMENTS AND ALTERNATIVE MIGRATION OPTIONS FOR NON-REFUGEES
 Referral by UNHCR to IOM of persons not in need of international protection for assisted voluntary return and reintegration

REGIONAL INTER-AGENCY FOLLOW-UP WORKING GROUP



UNHCR Background paper: "Bolivian Protection and International Migration in the Americas: Trends, Protection Challenges and Responses"

FOLLOW-UP ACTIVITIES

STRENGTHENING COOPERATION AMONG KEY PARTNERS
 OAS draft resolution on mixed migration flows (sponsored by Panama) currently being discussed at the OAS
 OAS workshop on "Bilateral Cooperation on migration management" in April 2011
 OAS meeting in April 2010 on extra-continental migration
 Several workshops and trainings for the Member States of the Puebla Process, with the participation of NGOs

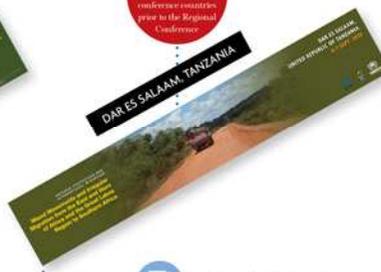
ADDRESSING THE NEEDS OF PERSONS IN EXTRA-CONTINENTAL FLOWS
 Study on extra-continental migrants and refugees in Central America and Mexico carried out by FLACSO, upon the request of UNHCR and IOM
 Internal UNHCR database on extra-continental arrivals to Central America under development

DIFFERENTIATED PROCESSES AND PROCEDURES
 Legislative reform in a number of countries to strengthen protection safeguards in immigration laws
 Introduction of humanitarian visa for trafficking victims/anti-trafficking bills adopted in a number of countries
 Joint UNHCR/IOM training of staff in the Americas in line with UNHCR/IOM Standing Operating Procedures on human trafficking
 Mexican Child Protection Officers project replicated in Central American States
 Regional workshop conducted by UNCHR in Mexico City in October 2010 (training of trainers in best interest determination)

BRASILIA DECLARATION on the Protection of Refugees and Stateless Persons in the Americas, adopted by 18 Latin American States
 Recommendations to use the Mexico Plan of Action to address new protection challenges in the region such as mixed movements

Activities under the framework of the Organization of the Regional Conference on Migration (Puebla Process)

Activities under the framework of the Organization of American States (OAS)



Joint UNHCR/IOM Background paper on mixed movements to Southern Africa "A long and winding road"

ENVISAGED FOLLOW-UP ACTIVITIES

THE DAR ES SALAAM ACTION PLAN

LEGISLATIVE AND POLICY REFORM
 Target: Implementation of comprehensive legislative review in at least four countries

CAPACITY-BUILDING
 Target: Review existing training curricula for border and immigration officials
 Target: Two joint UNHCR/IOM training for key stakeholders at national & regional levels
 Target: National training on protection and assistance needs of persons who move irregularly in all countries

OPERATIONS
 Target: Pilot project initiated for the establishment of multi-stakeholder border management teams
 Target: Reception arrangements established in at least one country, including, where appropriate, reception centres to process persons arriving in mixed movements

COMMUNICATION AND OUTREACH
 Target: Pilot awareness campaigns initiated or existing campaigns reinforced or replicated to advise potential
 Target: Sub-regional workshop convened for journalists and public information relevant stakeholders to discuss/strategize on refugee protection and mixed migration and the role of the media

DATA COLLECTION AND ANALYSIS
 Target: Mapping exercise on existing data and research conducted and made available to all stakeholders
 Target: At least two research projects implemented that address existing geographical and/or substantive gaps in data analysis

COOPERATION AND COORDINATION
 Target: Inter-ministerial task forces on mixed migration mainstreamed into the work agendas of regional organizations
 Target: Action Plan reviewed and discussed by stakeholders at the national level in all countries; national action points agreed upon
 Target: Second Regional Conference convened towards the end of 2012 to assess progress made on implementation of the Dar es Salaam Action Plan

REGIONAL INTER-AGENCY FOLLOW-UP WORKING GROUP



UNHCR Discussion paper "Regional Cooperation Agencies to address Refugees, Asylum Seekers and Irregular Movement"

FOLLOW-UP ACTIVITIES

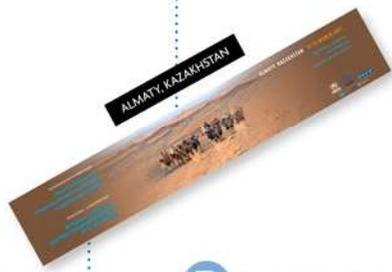
WORKING TOGETHER
 Proposal for a non-binding regional cooperative framework to respond to complex population and refugee movements in the region in a more predictable manner
 UNHCR Discussion Paper seen as a useful foundation for operationalising the Regional Cooperation Framework (RCF) agreed at the 4th Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, in March 2011 (Ministerial Conference)

PREVENTING LOSS OF LIFE AT SEA
 Acknowledgement that Preventing loss of life at sea requires strategies to combat human smuggling and trafficking in persons through building capacity, information campaigns on the dangers of irregular movement, and development assistance in source countries
 Regional participation in the UNHCR Global Workshop on irregular migration by sea scheduled for the second half of 2011

PROVIDING AND SHARING INFORMATION
 UNHCR is discussing with governments in the Asia-Pacific region a proposal by the Office for the development of a Regional Support Office to inter alia support the development of systems for information exchange and analysis

BURDEN SHARING AND RESETTLEMENT
 Regional participation in the UNHCR Global Workshop on International Cooperation to share Burdens and Responsibilities scheduled for June 2011

FOURTH REGIONAL MINISTERIAL CONFERENCE, Bali, Indonesia, 29-30 March 2011
 Final Co-Chairs Statement
 Endorsement of Proposal for a Non-binding Regional Cooperation Framework
 Support for UNHCR proposals for a Regional Support Function on resettlement and burden-sharing and a Regional Support Function to facilitate the return to countries of origin of persons found not to be in need of international protection



Joint UNHCR/IOM Background paper "Refugee Protection and Migration Dynamics in Central Asia"

ENVISAGED FOLLOW-UP ACTIVITIES

Draft a regional Action Plan based on the recommendations of the conference
 Convene national consultations for the implementation of the key recommendations

ALMATY DECLARATION
 Explore possibilities to create a regional mixed migration consultative process