



Rabat Process
Euro-African Dialogue on Migration and Development



Thematic meeting on Migrants in a crisis context

24-25 April 2014
Paris, France

Background document Session 2

Project funded by the European Union



Project implemented by ICMPD and FIIAPP



**THE MANAGEMENT OF POPULATION MOVEMENTS IN
A CRISIS CONTEXT
WITHIN THE RABAT PROCESS REGION**

**Dr. Christopher Hein,
April 2014**

Project funded by the European Union



Project implemented by ICMPD and FIIAPP



I. State of play

1.1 The Rabat Process 2006-2014 with regard to population movements in a crisis context

The Rabat Declaration of 2006 states that the partnership shall enhance the capacity of countries of origin, of transit and of destination to manage migratory flows in their entirety. The Action Plan adopted at the Rabat Conference includes conflict prevention in the framework of the promotion of development. Cooperation for “voluntary return of migrants in transit countries” as well as “re-integration of irregular migrants” are, under the heading “Illegal Immigration”, part of the plan. “Financial resources to support transit and origin countries facing emergency situations concerning illegal migration” should be made available.

The three years Action Plan adopted in 2008 in Paris addresses mixed migration flows, i.e. movements which include people with various profiles and needs, including refugees, and calls for fully respect the rights of refugees, the guarantees to which asylum seekers are entitled and the principle of *non-refoulement*.

The Dakar Strategy adopted by the Third Euro-African Ministerial Conference on Migration and Development of 23 November 2011 establishes ten priority objectives grouped under three pillars. Under pillar 2, “Fight against irregular migration” priority 5 aims at reinforcing the protection of vulnerable groups. Pillar 3 of the strategic document addresses the link between migration and development. In the current third phase of the Rabat Process, three thematic priorities have been identified, including the connection between crisis situation and population movements¹.

The term “crisis” in this paper is understood as a situation caused by conflicts or man-made catastrophes, and excludes natural as well as ecological disasters.

1.2 The impact of crisis situations on population movements

- ▶ Crisis situations may cause internal and international displacement of people belonging to the local population in the affected area (crisis with limited geographical impact).
- ▶ Crisis situations may affect the national population as a whole and may cause internal as well as international displacement from different parts of the State territory.
- ▶ Crisis situations may affect migrants as well as refugees and asylum seekers residing in the country affected. Refugees may be obliged to undergo a second flight.
- ▶ Countries neighbouring of the crisis area may be affected by mass arrivals of migrants, asylum seekers and refugees.
- ▶ Countries more distant from the crisis area may be affected by secondary movements of people from first host countries due to a variety of reasons including family and other links to that country.

¹ For details on the Rabat Process see: www.processusderabat.net



1.3 Main crisis conflict situations in the Rabat region and neighbouring areas with regard to population movements

▶ Tunisia

Following the crisis in Tunisia in spring 2011, 27.000 Tunisian citizens² left by sea to Italy and Malta. The vast majority of them declared that they were motivated by economic and employment rather than by security reasons³.

▶ Libya

Very different was the nature of the movement of people during the crisis in Libya in the same period: the crisis affected not only the Libyan population out of which 660.000 left temporarily to Tunisia, Egypt, and, to a lower extent to Algeria, Chad and Niger, but also an estimated number of 800.000 labour migrants from Egypt and many other African and Asian countries, who had been working in Libya, as well as ten thousand refugees mainly originated from the Horn of Africa. Some 550.000 Libyan citizens were registered as internally displaced persons (IDPs) within Libya.

The responses to the various components of the mass displacement from Libya during 2011 had to be diversified according to the needs of the people and the places to which they moved to: internally displaced Libyans needed first aid and shelter; more than 100.000 migrants from third countries were air- and sea- lifted back to their home countries by the humanitarian evacuation operation coordinated by the International Migration Organization (IOM). Most migrants of Egyptian origin returned home spontaneously whereas migrants from Sub-Saharan countries were assisted by international organizations to reach Niger and Chad or to return directly to their home countries. Neither Libyan authorities nor Libyan NGOs were involved in the various humanitarian operations. By the end of the conflict, most Libyan nationals returned spontaneously home from Tunisia and Egypt. A number of Libyan IDPs were assisted by the United Nations High Commissioner for Refugees (UNHCR) to return to the places of their former residence. 29.700 third-country nationals left Libya by boat to reach Malta and Italy where they applied for asylum.

▶ Egypt

The crisis in Egypt in 2011 did not cause major population movements except arrivals by boat of a small number of Egyptian asylum seekers in Greece and Italy. As from 2012, Egypt has been affected by the influx of Syrian refugees. In view of the difficulty to find any kind of protection in Egypt, a growing number of Syrian refugees are moving forward by boat to Southern Europe or are crossing the border to Libya, from where as from July 2013 till April some 15.000 persons have arrived by sea in Italy.

▶ Côte d'Ivoire

Almost simultaneously with the crisis in North Africa, the post-election conflict in Côte d'Ivoire starting in December 2010 had caused mass displacement inside the country as well as to Liberia and other neighbouring countries, involving both Ivorian nationals and refugees previously resident in Côte d'Ivoire. The re-establishment of security conditions allowed, in 2013, the voluntary repatriation of

² All statistical data in this paper are elaborated from a variety of sources indicated at the end.

³ For details on the legal treatment of Tunisian citizens who arrived in Italy by sea in 2011 see: C. Hein "Il Nord Africa a due anni di distanza", in "Immigrazione, dossier statistic 2013" pp. 78 - 84.



40.000 refugees from Liberia as well as the return of 21.000 IDPs. The number of Ivorian asylum seekers in the EU decreased by 2 % in 2013.

▶ Mali

The crisis in Mali initiated by the military coup in March 2012 had caused the displacement of more than 250.000 IDPs and the outflow of 168.000 refugees to the neighbouring countries Algeria, Burkina Faso, Mauritania and Niger. These last two countries received direct support from Economic Community of West African States (ECOWAS).

Malian refugees in southern Algeria were assisted by the Algerian Red Crescent without request for international support. The humanitarian crisis, in view of its regional impact, was addressed by ECOWAS with the support of the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), in collaboration with UNHCR and the UN mission in Mali, MINUSMA⁴. The crisis also affected almost 20.000 refugees of different nationalities registered by UNHCR in Mali. Following the military interventions of France and of AFISMA (African International Support Mission to Mali) and the restoration of security conditions, most Malian displaced persons returned spontaneously as from the second half of 2013; some 8.000 persons were assisted for return and re-integration.

▶ Central African Republic (CAR)

In the CAR – the most recent crisis in the region, initiated by the military seize of power in March 2013 - an estimated number of 400.000 people are internally displaced, while an increasing number of refugees are entering Chad and Cameroun. Only in February 2014, 30.000 new refugees from CAR have arrived in Cameroon bringing the total number to approx. 150.000 persons. More than half of them are children. 350.000 refugees from CAR were counted early 2014 in Chad, a country which is simultaneously receiving some 30.000 refugees from West–Darfur.

In addition, like the crisis in Darfur , also other long lasting conflicts occurring outside the Rabat Process region continue to have an impact on the countries of this region. The 23 year-old conflict in Somalia has produced a total of approx. 1 million Somali refugees, in the vast majority of whom are hosted in the neighbouring countries. However, over the years tens of thousands of Somali refugees have crossed Sudan, Chad and Niger in order to reach Libya and to move forward by sea to Italy and Malta. In the most industrialised countries, the number of Somali asylum seekers has risen from 18.701 in 2012 to 23.031 in 2013, a majority of them in the EU.

II. Legal framework

The management of forced displacement in crisis situations must observe the rules laid down in International law, most notably in the International Humanitarian Law as well as in the international and regional Refugee Protection Law, in particular the 1951 Geneva Refugee Convention, its 1967 New York

⁴ Multidimensional Mission Integrated by the UN for the Stabilization of Mali based on Resolution 2100 of 25 April 2013. According to this Resolution, the mission should support the political process and implement a number of activities for the stabilization regarding security. Among other tasks, the mission should protect the civilian population, supervise the respect of human rights and create conditions for the furniture of humanitarian aid and the return of displaced persons.



Protocol and the 1969 OAU Convention on Refugees in Africa. The protection of refugees residing in countries affected by armed conflict is in particular guaranteed by the First Protocol (1977) to the 1949 Geneva Conventions, namely by Art.73 and 85, which provide that attacks on refugees are regarded as a grave breach of the conventional obligations and, therefore, as war crimes. The general international and regional Human Rights Law is to be observed, in particular the 1966 Covenant on Civil and Political Rights and the Covenant of Economic, Social and Cultural Rights; the African Charter of Human and People Rights of 1981; the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. The 1990 Convention on the Right of the Child as well as the African Convention on the Rights and Welfare of the Child of 1990, in view of the impressive number of children among the displaced populations, are of particular importance. The 2009 Kampala AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in force since 6 December 2012 and ratified so far by 22 out of 54 Member States of the AU, represents the first international binding legal instrument on IDPs.

III. Good practices and lessons learned

Regarding coordination of humanitarian interventions, the “Cluster Approach” adopted by the UN Inter-Agency Standing Committee in 2006, and applied *inter alia* to address the needs of IDPs, aiming at avoiding gaps and overlaps in the action of various agencies, has proven a valid instrument for improving effectiveness, partnership and accountability. The Cluster Approach – that may comprise national and sub-national clusters – regards the whole cycle of crisis management : prevention – mitigation – preparedness – disaster response – recovery – reconstruction. This modality of coordination was successfully experimented during the crisis in Côte d’Ivoire, where, in a second stage, the designated national authority Comité de Coordination Elargie was involved and actually has taken over the responsibility by the end of 2012. International NGOs were included in the process, whereas, in general, the participation of national NGOs is still to be further developed.

The role of ECOWAS during and after the Malian crisis is particularly important, also regarding the deployment of an Emergency Response Team (EERT). Instituted by the ECOWAS Council of Ministers in 2008, the deployment of EERT to Mali has seen the participation of experts from a broad number of ECOWAS Member States who provided services in Bamako, Gao, Moptou and Timbuktu, in coordination with local UNHCR offices and with the support of UNOCHA, WFP, WHO, UNICEF and Red Cross. The ECOWAS Commissioner for Social Affairs and Gender has announced on 13 February 2014 the continuation of humanitarian assistance to Mali, including the re-integration of returnees. The EU and ECOWAS agreed in December 2012 on a Joint Initiative for Assisted Voluntary Return and Re-Integration and have further strengthened the cooperation between ECHO and the EU Development Programme on the one hand, and ECOWAS on the other.

Regarding the management of the crisis in Libya and Tunisia in 2011, the concerted action carried on by UNHCR, IOM and the EU with the support of the Tunisian authorities and international as well as national NGOs resulted in finding solutions for a broad number of people affected by the Libyan crisis in a relatively short period. UNHCR established an international burden sharing resettlement programme where thousands of refugees were resettled to many different countries. Tunisia had maintained its borders open to Libya during the whole period. Many Libyan nationals were hosted by Tunisian families. The Tunisian Red Crescent provided assistance along with UNHCR and international NGOs in camps



close to the Libyan border where also some 4.000 refugees originated from the Horn African countries were hosted and a number of them, at a later stage, resettled.

Among other good practices in receiving countries, it is worth mentioning the examples of Chad and Cameroon. Both countries, severely affected by mass forced displacement in neighbouring crisis areas, are strictly observing the “open door” policy. Not a single case of *refoulement* has been reported. In Chad, the Commission Nationale d’Accueil, de Réinsertion des Réfugiés et Rapatriés (CNARR) works closely together with UNHCR. For emergency responses, the “Détachement pour la Protection des Humanitaires et des Réfugiés » has been established. National NGOs participate in the humanitarian action. UNHCR is trying to identify resettlement places, in particular for some 650 urban refugees in N’Djamena of CAR and Sudanese origin. In early 2014, among the 2000 people evacuated from CAR and escorted by Chadian military there were not only nationals but also people from other countries.

Cameroon, hosting some 100.000 refugees from CAR in 308 different sites, has allocated land for livestock brought by refugees near the camps of Nandoungué and Minawo. With UNHCR support, refugee children have access to schools. The 2005 Law on Refugee Protection is being implemented through a decree of November 2011.

With reference to permanent settlement of former refugees the case of Nigeria may be mentioned, where, in 2007, 7000 people originated from Liberia and Sierra Leone were granted citizenship rights after cessation of their refugee status.

As far as voluntary return and re-integration in the country of origin are concerned, the conclusion of tripartite agreements between the authorities of the country of origin, the country of refugee and UNHCR which provide funds, has proven to be a useful instrument for the smooth running of the return operation in many different circumstances and different regions of the world. In December 2013, Kenya, Somalia and UNHCR have signed an agreement for the preparation of eventual voluntary return of Somali refugees hosted in Kenya.

The practice of facilitating voluntary return through tripartite agreements could be repeated in relevant scenario in the Rabat Process region.

IV. Responsibilities and policy responses

4.1 Overriding principles

Humanitarian aid shall be provided in accordance with the principle with humanity, neutrality, impartiality and independence.⁵

- ▶ Non discrimination

The management of population movements in crisis situations should avoid any discrimination by reasons of gender, nationality, ethnic group, religious belief or age⁶.

⁵ These principles are stressed by the European Commission in the Joint Communication to the European Parliament and the Council of 11 December 2013, “The EU’s Comprehensive Approach to External Conflicts and Crisis”.



Cultural and religious values of displaced people should be respected. This latter aspect was stressed by ECOWAS at the Bamako Post-Deployment Workshop on 13 February 2014.

- ▶ Particular needs of vulnerable persons

Protection and assistance for the most vulnerable groups like children, aged and sick people, victims of torture and extreme violence, pregnant women and those with young children should be guaranteed in all phases of the humanitarian intervention⁷. It should be born in mind that crisis situations do not only produce physical and economic harm to the people obliged to leave their homes but also, most frequently, severe and long lasting traumas. Re-traumatisation should be avoided.

- ▶ Family Reunification

Efforts should be made, at least in a post-emergency phase, to re-unite families dispersed during the crisis or on the flight.

- ▶ Durable solutions

Lasting solutions – voluntary assisted return and re-integration; more permanent local integration or resettlement to third countries – should be envisaged as from the outset in order to prevent unsustainable and protracted displacement scenarios. Resettlement to third countries is in practice a solution only for a minority of refugees and applicable only if no other durable solution is found.

4.2 Responsibilities and policy responses of the different actors

Countries in which a crisis situation occurs shall allow people to flee from the crisis area and eventually to cross international frontiers; they shall make all the efforts to protect IDPs; they shall readmit, as soon as possible, their own nationals as well as stateless persons, refugees and migrants who had formerly resided legally in the country, and facilitate their re-integration⁸.

Countries neighbouring the crisis area should also in light of the principle of *non-refoulement*, keep their borders open for individuals fleeing persecution or serious harm; assist in addressing immediate needs and in providing life-saving emergency assistance; allow temporary shelter in designated areas; cooperate with regional and international organizations and NGOs and participate in the coordination of humanitarian interventions. Own nationals obliged to flee from the crisis area should be assisted to re-integrate. At the end of the crisis, voluntary return to the neighbouring country should be facilitated. Policy responses should be developed according to the duration and the nature of the crisis with respect to the various phases : first, access to the territory and emergency admittance; second, provision of temporary protection; third, asylum, temporary settlement including access to self-reliance opportunities; fourth, voluntary return or, eventually, permanent integration and naturalization. Resettlement to third countries should be an option throughout the cycle, as a permanent solution, also in view of the “strategic use”⁹ of this instrument.

⁶ See art.26 of the International Covenant on Civil and Political Rights.

⁷ The Directives of the European Union on Reception of Asylum Seekers and on Procedures for the Recognition of International Protection of June 2013 both emphasize the special needs of persons belonging to vulnerable groups.

⁸ See: article 12 of the International Covenant on Civil and Political Rights of 16 December of 1966.

⁹ See: UNHCR, Position Paper on the Strategic Use of Resettlement, July 2010, where this term is defined as “The use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the



Countries more distant from the crisis area should be prepared to receive displaced people who have moved from first countries of refuge/transit countries, in the spirit of responsibility sharing. They should facilitate family reunification and, eventually, offer resettlement places to UNHCR.

International/regional organizations should be prepared for rapid humanitarian interventions and for providing relief; training of emergency teams should be foreseen prior to as well as during a crisis situation; coordination mechanisms should be promoted as well as the conclusion of agreements between sending, intermediate and destination countries; development programmes in favour of both sending and receiving countries should consider to contribute to the repair of damages caused by the crisis. The implementation of humanitarian assistance and of development programmes should include the participation of international as well as national non- governmental organizations, other actors of civil society as well, were feasible, diaspora organizations.

V. Conclusions

Crisis situations regularly provoke population movements, leading to both internal and international displacement, in a variety of scenarios, from short-term movements and relatively quick prospects for voluntary return to long lasting conflicts, where the risk of protracted refugee or IDP situations can be addressed only through asylum, local integration and resettlement.

Coordination of national, regional and international actors involved in providing protection and assistance is of paramount importance. A specific national authority should be designated/established for that purpose. The complexity of humanitarian needs can be only met by pulling together efforts, resources and specialized interventions. In the region of the Rabat Process, the involvement of and the cooperation between regional and sub-regional organizations – the EU on the one hand, the AU, ECOWAS and ECCAS on the other – along with the UN agencies, national authorities, international and national NGOs as well as diaspora organizations – require a coordination mechanism for the attribution of responsibilities and tasks, planning and monitoring that have been developed and experimented only over the past few years and that need further refining. The Cluster Approach may serve as a good example for coordination.

The validity of the relatively recent approach of viewing the inter-relation between migration and development¹⁰, defined primarily for labour migrations, needs to be explored with regard to population movement deriving from crisis. The Malian case and the position taken by ECOWAS show that humanitarian intervention does and should not necessarily finish with the end of the crisis, but requires prolonged action to be sustainable and to address the impact of displacements on the development of both the sending and the receiving countries.

refugee being resettled. Those benefits may accrue to other refugees, the hosting State, other States or the International protection regime in general”.

¹⁰ See: European Commission, Commission Staff Working Paper “Migration and Development” of 18 November 2011, accompanying the Communication on “The Global Approach on Migration and Mobility”



Notes :

The statistical data and other information provided in this paper are elaborated on the basis of a variety of web sources, in particular:

www.unhcr.org

www.unhcr.refworld.org

www.iom.int

www.reliefweb.int (20 February 2014)

www.comm.ecowas.int

www.ecowastribune.com

www.newstimeafrica.com

www.ec.europa.eu/europeaid

www.icmpd.org/rabat-process.2049.0.html

And in the following documents:

ICMPD, Background Paper, “Population Movements Resulting from Crisis Situation in the MTM Region”, in preparation of the ninth MTM/i-MAP Expert Meeting, Istanbul, 28/29 November 2013

UNHCR, Asylum Levels and Trends, 2014

UNHCR, News Story of 5 March 2014

UNHCR, Refugees Daily of 8 August 2007

See also for the whole complex:

Katherine Haver “International Dialogue on Strengthening Partnership in Disaster Response: Bridging National and International Support” in: Humanitarian Outcomes, September 2011; www.humanitarianoutcomes.org

