Flight, fragility and furthering stability in Yemen

Erin Mooney

The existence of a large number of refugees or internally displaced persons in a country is considered a primary indicator of instability.[1] By this measure, and all others, Yemen is one of the world's most fragile states. Less well understood is how this context affects the vulnerability of refugees, IDPs and migrants themselves and what can be done to strengthen protection for them.

"When disorder threatens, seek refuge in Yemen." So counsels a hadith, or recounted saying of the prophet Mohammed. Since time immemorial, countless people have heeded this advice and come to Yemen in search of safety from violence and instability. Although by far the poorest country in the region, Yemen is the only state in the Arabian Peninsula that has signed either the 1951 Convention or its 1967 Protocol, and continues to uphold its long-standing reputation as a place of refuge.

Since 1991, most refugees to Yemen were fleeing the protracted conflict in Somalia; of the 242,000 refugees registered in Yemen at the end of March 2013, over 95% are Somalis, who are automatically recognised as *prima facie* refugees.[2] The others originate from Ethiopia, Iraq, Eritrea and other countries, including Syria, all of which also feature prominently in indexes of state fragility. As a sign of their desperation, refugees to Yemen therefore have fled one fragile state for another.

Most refugees and asylum seekers arriving in Yemen were not aware of the deterioration in the political, security and economic situation in the country. Nor have they been immune to its effects. Several hundred were uprooted anew, this time within Yemen, and some were killed in the violent clashes that rocked the capital, Sana'a, in 2011. In addition, they have faced sporadic harassment, in particular after unfounded rumours in 2011 that the government was recruiting refugees to help quell the anti-regime protests and in 2012 that "Somalis" were suspected to be behind some suicide bomb attacks on government officials. A Somali refugee woman who was arrested on her way home from work lamented: "We came here to run away from a war and now we are caught up in someone else's war."

The political crisis of 2011 also caused a worsening economic situation, resulting in particular repercussions for refugees. Many refugee women lost regular work as cleaners and domestic workers as well as ad hoc employment. Refugee men also lost job opportunities, particularly in construction, while those still working reported increased mistreatment at work. More refugee children were compelled to work to help support their families. The combination of insecurity and economic difficulties in Yemen even led several hundred refugees to make the return journey to Somalia.

The 'Gate of Grief'

For the most part, however, people – an unprecedented number, in fact – continue to come to Yemen in search of safety or economic opportunities in Yemen, or on their way further afield. In 2011, as famine ravaged the Horn of Africa while political crisis and violence engulfed Yemen, more than 103,000 persons (double the figure for 2010) arrived on Yemen's shores. Then 2012 brought the largest recorded influx to Yemen yet (107,500 persons). 2013 is set to see similar numbers, possibly even surpassing previous records. Ethiopians seeking work in the Persian Gulf, rather than asylum in Yemen, comprise the vast majority (80%) of maritime arrivals. In the first three months of 2013 alone, more than 25,000 Ethiopians travelled to Yemen by sea, either directly from Ethiopia or via Djibouti – an average of 277 people a day.

Most of this 'mixed flow' of regular and irregular migrants, refugees and asylum

seekers arrives via the Red Sea strait called *bab el-mandeb* in Arabic, meaning 'the gate of grief'. The fact that these sea crossings rely heavily on smugglers drives much of this migration into the shadows, beyond the reach of international or national monitoring efforts; the insecurity in Yemen often also impedes humanitarian patrol teams from reaching new arrivals before the smugglers. Some who set out on this journey to Yemen do not survive it. Since 2008, well over 1,000 people have not survived the hazards of the crossing. For those who do make it to Yemen, abuses are rampant and on the rise.

Considering the fragile political and security situation in Yemen, it may seem surprising that so many people continue to make this perilous journey. However, rather than deterring migrants, it appears that the insecurity in Yemen has made it easier to enter Yemen as it has constrained national and international efforts to monitor Yemen's vast coastline and to curtail trafficking.

Canaries in the coal mine
In addition to Yemen being a refugee-hosting state and a major transit hub for migrants, some half a million Yemenis have been internally displaced in recent years as a result of three distinct IDP crises.

First, since 2004, six successive wars in Sa'ada Governorate have created more than 356,000 IDPs. Although a February 2010 ceasefire remains in place, localised armed clashes in surrounding governorates caused new displacement in 2011 and 2012. Meanwhile, most IDPs thus far have been reluctant to return in the absence of a political solution to the conflict, guarantees of safety for all civilians, extensive de-mining, and reconstruction of heavily war-damaged personal property and public infrastructure.

Second, violence associated with political unrest in the country in 2011 caused internal displacement, particularly in and around the capital, Sana'a. Those uprooted by the violence include refugees, IDPs who previously had fled the conflict in Sa'ada, and civilians

displaced for the first time. Over the course of 2012, most people uprooted by the unrest managed to return, although they still need support to secure a durable solution.

Third, conflict in Abyan Governorate beginning in May 2011 displaced some 167,000 people across five southern governorates. In June 2012, after the government declared it had rooted out anti-government armed groups from Abyan, IDPs could begin to consider the possibility of returning. Initially, returns were tentative and limited due to the widespread presence of landmines and unexploded ordnance, general security concerns and extensive damage to infrastructure. Yet, by the end of April 2013, 95% of these IDPs had returned and begun to rebuild their lives in Abyan.

A recent analysis by the government of factors of instability in Yemen highlights that IDPs, returnees and the communities hosting them were among those most affected by

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the nationwide political crisis of 2011 and made more vulnerable by the humanitarian crisis. Finding durable solutions to internal displacement in Yemen is critically important not only for IDPs themselves but also for promoting stability in the country as a whole. Indeed, in Yemen, as elsewhere, IDPs can be considered the proverbial 'canaries in the coal mine' – their conditions and prospects are key barometers of whether peace will take root and development will occur, or whether conflicts will re-emerge and another spiral of violence will ensue.[3]

Key to the transitional process and thus future stability of Yemen is the National Dialogue Conference, which began in March 2013 and will run for six months. In addition to revising the Constitution, the agreed aims of the process include taking "the necessary legal and other means to enhance the protection of vulnerable groups and their rights." The extent to which the voices and views of IDPs as being among the people most affected by instability in Yemen are heard and taken into account will be critical to the inclusiveness and legitimacy of the process.

Feasibility amidst fragility?

As Yemen seeks to advance down the path from fragility to stability, the Government of Yemen's Transitional Program for Stabilization and Development, 2012-2014 (TPSD) defines four top priorities and urgent actions for promoting stability in Yemen: (i) finalising the peaceful transfer of power; (ii) restoring political and security stability; (iii) meeting urgent humanitarian needs; and (iv) achieving economic stability. Among the urgent actions to be taken towards achieving security, stability and enhancing the rule of law is to "[r]eview and further develop national legislation pertaining to addressing issues of vulnerable groups such as women, IDPs, asylum seekers, and refugees in addition to issues relating to trafficking and migration management." Stability also requires "urgent action" to "meet urgent humanitarian

Migrants arriving on the coast of Yemen from the Horn of Africa.

needs", including by assisting IDPs and other vulnerable groups and compensating individuals for private property damaged during conflict. To promote economic growth, reduce unemployment and alleviate poverty, the TPSD includes a medium-term economic recovery programme, which recognises the need to expand social protection including through specific provisions "to deal with crisis issues such as providing shelter to IDPs."

International support for these and other stabilisation efforts is essential. For refugees, UNHCR is working with the transitional government to develop national refugee legislation and to strengthen the national asylum system. Mixed migration flows from the Horn of Africa to Yemen, by contrast, must be recognised as an issue affecting not only Yemen but the region as a whole. To this end, the Government of Yemen is playing a leadership role and taking the initiative to convene, with support from UNHCR and IOM, a regional conference in Yemen in 2013 to develop a strategy for managing the flow of mixed migrants and combatting smuggling and trafficking in the region.

The IDP situation, meanwhile, has begun to see positive developments, most notably the recent mass IDP returns to Abyan. The challenge now is to support the sustainability of returns, in particular through reconstruction of infrastructure ensuring access to basic services, rebuilding livelihoods and re-establishing governance and the rule of law. Meanwhile, greater national and international attention and resources also must be devoted to facilitating similar progress towards durable solutions for the protracted and larger IDP situation from the conflict in Sa'ada.

Indeed, the breakthrough towards durable solutions for IDPs from the Abyan conflict gave new impetus to efforts to address and resolve internal displacement throughout Yemen. In November 2012, the Prime Minister commissioned the development of a national IDP policy. UNHCR is supporting

the government in this endeavour. The policy has now been finalised through a broad-based consultative process and it is to be hoped it will be adopted by the government without delay in 2013. When it does so, Yemen will be among the still relatively few albeit growing number of countries in the world to adopt a national IDP policy. Doing so is a key benchmark of national responsibility for addressing internal displacement, with the emphasis being not only on adoption but implementation.[4]

In conclusion, in addition to general instability, the current situation in Yemen engenders specific fragilities for refugees, asylum seekers, migrants and IDPs. Yet the case of Yemen also shows that even in the most fragile of states it is possible to undertake national and international efforts towards enhancing protection for these groups, and that doing so is an imperative in order to promote national stability. Stability is closely linked to effective governance, which in turn can be gauged by how well a society protects its most vulnerable. Efforts currently underway in Yemen by the transitional government to strengthen its national asylum system, address mixed migration (including efforts to tackle smuggling and trafficking) and resolve internal displacement all are important steps in this direction.

Erin Mooney mooney@unhcr.org served as Senior Protection Officer with UNHCR in Yemen from December 2011 to June 2013.

1. *The Stability Assessment Framework: Designing Integrated Responses for Security, Governance and Development,* Clingendael Institute for the Netherlands Ministry of Foreign Affairs (January 2005), available at: http://tinyurl.com/stabilityClingendael
The Failed States Index, 2012, Fund for Peace, available at: http://ffp.statesindex.org/indicators.

2. For all figures cited, see http://tinyurl.com/YemenUNHCR

3. William O'Neill, 'Internal Displacement and Peace building: Institutional Responses,' *Refugee Survey Quarterly*, Vol. 28, Issue 1.

4. See Erin Mooney, 'National Responsibility and Internal Displacement: A Framework for Action,' *Forced Migration Review* supplement October 2005
www.fmreview.org/en/FMRpdfs/FMR24/IDP%20Supplement/05.pdf
and Elizabeth Ferris, Erin Mooney and Chareen Stark, *From Responsibility to Response: Assessing National Approaches to Internal Displacement*
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